

# Phase II Storm Water Management Program

**TXR040041**

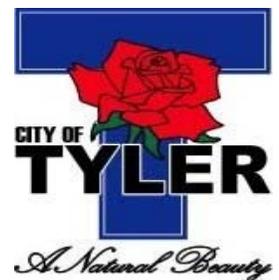
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June 2014  
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Prepared for:

## Storm Water Management Program

WFXK3501



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**List of Acronyms**

AST	Aboveground Storage Tank
BMP	Best Management Practice
C	Construction BMP
CFR	Code of Federal Regulations
CGP	Construction General Permit
CWA	Clean Water Act
EPA	Environmental Protection Agency
ETCOG	East Texas Council of Governments
ETJ	Extra-Territorial Jurisdiction
FBO	Fleet Based Operators
FOG	Fats, Oils, and Grease
GH	Good Housekeeping BMP
GIS	Geographic Information System
ID	Illicit Discharge BMP
IDDE	Illicit Discharge Detection and Elimination
ILA	Inter-Local Agreement
ISD	Independent School District
MCM	Minimum Control Measure
MS4	Municipal Separate Storm Sewer System
MEP	Maximum Extent Practicable
MSGP	Multi-Sector General Permit
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
OSSF	On-Site Sewage Facilities
PE	Public Education BMP
PI	Public Involvement BMP
PC	Post-Construction BMP
PP	Pollution Prevention
ROW	Right-of-Way
SDS	Safety Data Sheet
SOP	Standard Operating Procedures
SPCC	Spill Prevention Control and Countermeasure
SWMP	Storm Water Management Program
SWPPP	Storm Water Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TIAER	Texas Institute for Applied Environmental Research
TMDL	Total Maximum Daily Load
TPDES	Texas Pollutant Discharge Elimination System
TSWQS	Texas Surface Water Quality Standards
UA	Urbanized Area
UAA	Use Attainability Analysis
U.S.	United States
UST	Underground Storage Tank

## 1.0 PURPOSE OF PROGRAM

The objective of this Storm Water Management Program (SWMP) is to implement a program with which the City of Tyler can reduce the discharge of pollutants in stormwater to the maximum extent practicable (MEP) from its Municipal Separate Storm Sewer System (MS4). This program was originally developed in 2007, with much coordination between the City and the community, to customize a program for Tyler that not only meets state and federal program requirements but also utilizes current activities, addresses issues that are important to the community, and is economically feasible.

This revision was based on a review of the City's current program including an evaluation of the effectiveness of the Best Management Practices (BMPs) during the first permit cycle. This revised SWMP also incorporates additional BMPs required to meet new permit requirements in TXR040000, which became effective on December 13, 2013.

A copy of the City of Tyler City Council agenda for adoption of the SWMP revisions and the accompanying Interlocal Agreement (ILA) with Smith County are included in **Appendix 1 City Council Agenda and Minutes, June 11, 2014**. The City Manager has signatory authority by City code to act as the chief executive and administrative officer for the City. A copy of the City code which outlines the duties and responsibilities of the City Manager are also included in **Appendix 1**.

## 2.0 DESCRIPTION OF AREA PROPOSED FOR PERMIT COVERAGE

### 2.1 Tyler Area Description and Urbanized Area Boundaries

The United States (U.S.) Bureau of Census defines a urbanized area (UA) as "...a land area comprising one or more places – central place(s) – and the adjacent densely settled surrounding area - urban fringe – that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile". A figure depicting the regulated UA, as determined by the 2000 and 2010 Decennial Census by the U.S. Bureau of Census for Tyler, Texas, is provided in **Appendix 2 Tyler, Texas Urbanized Area**. **Figure 1** depicts a comparison of the 2000 and 2010 UA extents. The regulated portion of the small MS4 is defined as the portions located within either the 2000 or 2010 UA. Hence, the regulated UA is the farthest extent of either UA, which is depicted in **Figure 2**.

The Tyler Texas UA expanded from 37,039 acres in 2000 to 58,330 acres in 2010. The regulated UA is based on the farthest extent of both the 2000 and 2010 UA and consists of 62,623 acres and encompasses portions of the Cities of Tyler, Whitehouse, Bullard, and Smith County.

### 2.2 Tyler Population and MS4 Classification

According to the U.S. Bureau of Census, the population of Tyler, Texas was 96,900 in 2010 ([http://factfinder2.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml)). The revised Small MS4 general permit that was issued by the Texas Commission on Environmental Quality (TCEQ) on December 13, 2013, classifies MS4s based on their population served within the 2010 UA. The City of Tyler 2010 census population thus classifies the City of Tyler as a Level 3 MS4 and governs the requirements of the program.

### 2.3 Adjacent/Enclave MS4s

An MS4 is a conveyance that includes roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that is owned and operated by a jurisdiction for the collection and conveyance of storm water. Non-traditional MS4s that may also be regulated include military bases, large hospitals or prison complexes, highways, and other thoroughfares.

The following jurisdictions are MS4s that are located in Smith County:

- City of Bullard – New based on 2010 UA
- City of Tyler – TXR040041
- City of Whitehouse - TXR040402
- Smith County – TXR040040
- Texas Department of Transportation – TXR040170
- The University of Texas at Tyler – TXR040335

## 2.4 Receiving Waters

There are several water bodies that receive discharges either directly or indirectly from the City of Tyler's MS4. These receiving waters are listed below:

- Black Fork Creek
- Butler Creek
- Gilley Creek
- Harris Creek
- Henshaw Creek
- Hill Creek
- Indian Creek
- Shackleford Creek
- West Mud Creek
- Willow Creek

See **Figure 3** located in **Appendix 3**.

### 2.4.1 Pollutants of Concern

A review of federal, state, and local water quality monitoring programs was conducted to identify any water quality impairments and pollutants of concern. Three designated waterbodies of the state receive storm water runoff directly from the City of Tyler's UA. The TCEQ designated segments include West Mud Creek (unclassified segment 0611D) and Black Fork Creek (unclassified segments 0606C and 0606D). The most recent Environmental Protection Agency (EPA) approved 303(d) list, 2012 303(d) list (approved by EPA on May 9, 2013) includes water quality impairments and concerns for these designated segments. **Figure 4** located in **Appendix 3** depicts the classified and unclassified stream segments.

The upper 3.2 miles of Black Fork Creek (unclassified segment 0606C) is defined by TCEQ as an intermittent stream with perennial pools from a point 0.4 km downstream of FM 14 to a point 0.2 km upstream of SH 31 in the City of Tyler. The lower 10.1 miles of Black Fork Creek (unclassified segment 0606D) is defined by TCEQ as a perennial stream that extends from its confluence with Prairie Creek to a point 0.4 km downstream of FM 14 in Tyler. Black Fork Creek receives runoff from the northern portion of Tyler. According to TCEQ, the lower unclassified segment of Black Fork Creek (Segment 0606D) is impaired for primary contact recreational use due to elevated bacteria concentrations and is listed on the 2012 303(d) list. Black Fork Creek was first listed on the 2012 303(d) list. Black Fork Creek was designated by TCEQ as category 5c on the 303(d) list, meaning that additional data or information will be collected by TCEQ before a management strategy is selected. A Total Maximum Daily Load (TMDL) has not been developed for Segment 0606D.

West Mud Creek receives storm water runoff from the southern portion of Tyler's UA. Designated by TCEQ as an unclassified segment 0611D, West Mud Creek extends from the confluence with Mud Creek in Cherokee County to the confluence of an unnamed tributary 300 meters upstream of the most northern crossing of US 69 (approximately 2.25 km south of the intersection of Loop 323) in the City of Tyler. West Mud Creek is listed on the 2012 303(d) list as having impaired primary contact recreational use due to elevated bacteria concentrations. West Mud Creek was first listed for bacteria in 2010. West Mud Creek (Segment 0611D) was designated by TCEQ as category 5b on the 303(d) list meaning that TCEQ will conduct a review of the water quality standards before a management strategy is selected. A Use Attainability Assessment (UAA) is

underway for this segment. Texas Institute for Applied Environmental Research (TIAER) is performing the UAA. A TMDL has not been developed for Segment 0611D.

Water quality concerns were identified based on a review of the TCEQ 2012 305(b) integrated water quality assessment report and the 2012 303(d) list. Based on this review, the following water quality parameters are perceived to be a concern in the Tyler area:

Black Fork Creek

- Nutrients (Ammonia)
- Bacteria

West Mud Creek

- Bacteria
- Nutrients (Ammonia and Nitrate)

According to TCEQ, the sources of bacteria in Black Fork Creek (Segment 0606D) are unknown but the source of nutrients is thought to originate from municipal point source discharge. The source of bacteria in West Mud Creek (Segment 0611D) were identified by TCEQ as originating from nonpoint sources including wet weather discharges and wildlife sources other than waterfowl. Sources of nutrients in Segment 0611D were identified as originating from both nonpoint sources and municipal point source discharges.

“Pollutants of Concern” as defined in the Small MS4 General Permit are those pollutants that have been identified as a cause of impairment of any water body that will receive a discharge from an MS4. Based on this definition, nutrients are not considered a pollutant of concern. The only pollutant of concern is bacteria.

The City of Tyler considered the pollutant of concern (i.e., bacteria) in their selection of BMPs for Tyler’s SWMP. Although neither segment that receives permitted discharges directly from the City of Tyler’s MS4 have an approved TMDL, the Small MS4 General Permit has special requirements for discharges to impaired segments. According to Part II, Section D 4(b), any permittees that discharge to an impaired segment without an approved TMDL must perform the following activities:

1. Within the first year following the permit effective date, the permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.
2. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement to reduce the discharge of pollutant(s) of concern that contribute to the impairment of the water body.
3. In addition, no later than three years following the permit effective date, the permittee shall submit a Notice of Change (NOC) to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

Additionally, if the impairment is for bacteria, the permittee must identify potential significant sources and develop and implement focused BMPs for those sources.

According to the Small MS4 General Permit, the City may implement the following BMPs to address bacteria sources or propose alternative BMPs, as appropriate:

1. Sanitary Sewer Systems
  - a. Make improvements to sanitary sewers to reduce overflows;
  - b. Address lift station inadequacies;
  - c. Improve reporting of overflows; and
  - d. Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.
2. On-site Sewage Facilities (for entities with appropriate jurisdiction)
  - a. Identify and address failing systems; and
  - b. Address inadequate maintenance of On-Site Sewage Facilities (OSSFs).
3. Illicit Discharges and Dumping
  - a. Place additional effort to reduce waste sources of bacteria; for example, from septic systems, grease traps, and grit traps.
4. Animal Sources
  - a. Expand existing management programs to identify and target animal sources such as zoos, pet waste, and horse stables.
5. Residential Education
 

Increase focus to educate residents on:

  - a. Bacteria discharging from a residential site either during runoff events or directly;
  - b. Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
  - c. Decorative ponds; and
  - d. Pet waste.

This revised SWMP includes BMPs that address each of the five categories listed above.

#### 1. Sanitary Sewer Systems

**BMP ID-5** addresses sanitary sewer overflows through daily inspection and preventative maintenance of lift stations, TV inspection of sanitary sewer lines and cleaning of over 400,000 feet of sanitary sewer pipe per year.

The City has a Fats, Oils, and Grease (FOG) brochure that is used to educate the public regarding proper disposal. The brochure is distributed at several locations throughout the City (see **BMP PE/PI-2**).

#### 2. On-site Sewage Facilities

The City addresses failing septic systems cooperatively with Smith County through educational brochures that are distributed to septic tank owners/operators on the proper maintenance practices. The brochures are given to septic tank pumpers to distribute to homeowners. The brochures are cooperatively produced by both the City of Tyler and Smith County (see **BMP ID-8**).

#### 3. Illicit Discharges and Dumping

The City has an illicit discharge ordinance (**BMP ID-4**) and aggressively investigates and prosecutes violators of the ordinance (see **BMP ID-7**) through surveillance cameras posted at problem areas. The City also has an active program to detect (**BMP ID-2**) and investigate illicit discharges (**BMP ID-3**). The City provides City-wide collection events (**BMP ID-6**) to deter illegal dumping.

#### 4. Animal Sources

The City has expanded its program to include animal sources through the implementation of a new BMP (**BMP ID-10**) to address pet waste. The City has installed over 30 pet waste stations at 4 of its city parks to address animal waste sources. In addition, targeted brochures addressing pet waste will be developed and distributed (see **BMP PE/PI-2**).

#### 5. Residential Education

The City has an existing brochure on FOG that it distributes at several locations throughout the City and will develop and distribute a brochure on proper disposal of pet waste (see **BMP PE/PI-2**).

The City will reevaluate all known sources of bacteria within two years of the permit effective date to determine if additional targeted BMPs need to be added to the SWMP but at this point all known sources of bacteria have been addressed through this revised SWMP.

### 2.5 Other City Activities Requiring Storm Water Permit Coverage

A Storm Water Pollution Prevention Plan (SWPPP) has been prepared for industrial activities at the Oakwood Municipal Complex located at 410 W. Oakwood, Tyler, Smith County, Texas as required for compliance with the requirements of the Texas Pollutant Discharge Elimination System (TPDES) Storm Water General Permit number TXR050000 relating to storm water discharge associated with Industrial Activity. A Notice of Intent (NOI) for this facility was submitted to TCEQ for compliance with the revised multi-sector general permit issued on August 14, 2011.

A SWPPP has been prepared for industrial activities at the Southside Waste Water Treatment Plant located at 400 Cumberland Road, Tyler, Smith County, Texas as required for compliance with the requirements of the TPDES Storm Water General Permit number TXR050000 relating to storm water discharge associated with Industrial Activity. An NOI for this facility was submitted to TCEQ for compliance with the revised multi-sector general permit issued on August 14, 2011.

A SWPPP has been prepared for industrial activities at the Westside Waste Water Treatment Plant located at 14939 County Road 46, Tyler, Smith County, Texas as required for compliance with the requirements of the TPDES Storm Water General Permit number TXR050000 relating to storm water discharge associated with Industrial Activity. An NOI for this facility was submitted to TCEQ for compliance with the revised multi-sector general permit issued on August 14, 2011.

The City of Tyler will also be required to obtain a construction general permit for any city construction activity, which disturbs one or more acres of land in accordance with conditions of the Construction General Permit (CGP) No. TXR150000 for Construction Storm Water Runoff covering eligible storm water and certain types of non-storm water discharges to surface water in the State.

The location of City facilities with active stormwater permits is shown in **Exhibit 5 in Appendix 4**.

### **3.0 ACTIVITIES CONDUCTED IN SUPPORT OF PROGRAM DEVELOPMENT**

Many activities were performed to support the SWMP development for the City of Tyler, as described below:

- Reviewed existing storm water program information provided by the City;
- Reviewed the City's storm water related ordinances;
- Reviewed the City's existing storm water mapping information;
- Reviewed available water quality data in the Tyler area;
- Facilitated meetings with City departments; and
- Reviewed City facilities.

Some of the more significant activities are described in detail below.

#### **3.1 City Department Meetings**

Meetings with various City Departments were held on April 10, 2014. The meetings were conducted in twelve sessions. Each session began with a brief overview of the City's current SWMP and the purpose for departmental interviews, followed by an interview of the staff from each department that was represented. The following departments were interviewed:

- Engineering Services;
- Streets Department;
- Water Utilities Department (Wastewater Treatment);
- Service Center;
- Vehicle Equipment Services;
- Development Services;
- Water Utilities (Water Treatment);
- Airport;
- Fire Department;
- Solid Waste;
- Parks Administration; and
- Code Enforcement.

#### **3.2 City Facility Review**

A review of City facilities was conducted on April 14 -15, 2014. The following facilities were reviewed:

- Tyler Pounds Regional Airport
- Oakwood Municipal Complex
  - Solid Waste Department
  - Recycling Facility
  - Vehicle Equipment Services Maintenance Garage
  - Vehicle Equipment Services Car Wash
  - Fuel Dispensing Area
- Streets Department
  - Frankston Hwy Equipment/Material Storage Yard
  - Concrete Batch Plant
  - Loop 323 Material Storage Area (across from Water Utilities Service Center)

- Parks Department
  - Oakwood Maintenance Service Center
  - Rose Hill Cemetery Maintenance Facility
  - Rose Garden Maintenance Center
  - Faulkner Park Maintenance Facility
  - Lindsey Park Maintenance Facility
- Tyler Water Utilities Service Center
- Solid Waste Can/Truck Washing Facility
- Fire Department/Fire Stations

## 4.0 SUMMARY OF PHASE II STORM WATER REGULATIONS AND PROGRAM REQUIREMENTS

### 4.1 Regulatory Chronology

The current effort to improve the water quality in the Nation's streams started in 1972 with the passage of the Clean Water Act (CWA). The main emphasis of this legislation was to establish a system to control pollution from point sources, with the goal of reducing pollutants so that the water in our lakes and streams is both fishable and swimmable. To achieve this goal, the CWA established the National Pollutant Discharge Elimination System (NPDES). The NPDES requires that anyone discharging a pollutant from a municipal wastewater or industrial point source must obtain an NPDES permit, which specifies effluent limits, monitoring requirements, and enforcement mechanisms.

The CWA also contains regulations to address pollution from diffuse non-point sources. The EPA defines non-point source pollution as "any pollution associated with diffuse land use activities that cumulatively results in water quality degradation." Phase I of the NPDES regulations required municipalities with populations over 100,000 to classify their storm water runoff and develop programs to reduce the pollutants in their runoff.

On December 8, 1999, U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from small MS4s and required small MS4s to obtain permit coverage by March 10, 2003. Since Texas has delegation authority to administer the NPDES program in the State, the TCEQ developed and released their draft TPDES Small MS4 General Permit on September 1, 2002 to meet the March 10<sup>th</sup> deadline.

A series of lawsuits followed the permit release, which ultimately ended up in the 9<sup>th</sup> Circuit Court. A suit brought by business groups, developers and a coalition of Texas cities and counties challenged the constitutionality of the Phase II regulations. On January 14, 2003, the U.S. 9th Circuit Court issued its decision in *Environmental Defense Center et al. vs. EPA*. The ruling upheld the Phase II regulations on all but 3 of the 20 issues that were contested. On September 15, 2003, the U.S. 9th Circuit Court of Appeals issued a revised panel decision, which denied all petitions for rehearing and remanded portions of the rule affecting small MS4s to the EPA. The Court found that portions of the federal regulations were not consistent with the CWA, because the Phase II rules did not address permitting authority review and public participation and notification. The three issues that were remanded back to EPA required that the NOI and SWMP be made available to the public and undergo meaningful review by the State to determine if the MEP standard is met, and there must be a process to accommodate public hearings.

An EPA guidance memo, dated April 16, 2004, was issued to permitting authorities and the TCEQ revised and released their second draft TPDES Small MS4 General Permit on August 8, 2005. After a second public comment period, the TCEQ revised and released the final TPDES Small MS4 General Permit on August 13, 2007.

The original general permit expired August 12, 2012. An NOI to renew the general permit was published by TCEQ in the Texas Register on April 13, 2012, to allow administrative continuance of coverage to regulated Phase II MS4 entities under the 2007 MS4 general permit. The Small MS4 General Permit, TPDES Permit No. TXR040000, was reissued on December 13, 2013. All regulated entities (new and

existing) will have 180 days to apply for coverage or a waiver under the general permit. The deadline to apply is June 11, 2014. Each regulated entity must submit an NOI and a new or revised (for existing regulated entities) SWMP by June 11, 2014.

#### 4.2 Summary of TPDES Permit TXR040000 Requirements

The TCEQ adopted the TPDES Small MS4 General Permit to authorize discharges of storm water from small MS4s located in the state of Texas to Water of the U.S. This Small MS4 General Permit is briefly summarized below.

##### 4.2.1 Permit Applicability and Coverage

This section of the Small MS4 General Permit states that an MS4 that is fully or partially within urbanized areas, as determined by the 2000 or 2010 Decennial Census by the U.S. Bureau of Census, is eligible for this permit and must obtain authorization for the discharge of storm water runoff. Small MS4s seeking to obtain coverage pursuant to TPDES Small MS4 General Permit (TXR040000) are required to submit a completed NOI with a SWMP.

Operators of small MS4s that were previously covered under the TPDES general permit, must reapply for permit coverage by submitting an NOI and revised SWMP within one hundred and eighty (180) days following the effective date of the Small MS4 General Permit.

The revised TPDES Small MS4 General Permit became effective on December 13, 2013 and the deadline for submission of the NOI and SWMP is June 11, 2014. The Small MS4 General Permit requires that an application fee of \$100.00 be submitted with the NOI. A SWMP Cover Sheet must be completed and attached to the front of the SWMP. One (1) copy of the NOI and SWMP must be submitted to TCEQ. The signed NOI is provided in **Appendix 5 - Notice of Intent Form**. Documentation of the City Manager's signatory authority is included in **Appendix 1**.

Upon notification from the TCEQ Office of Chief Clerk, the City will comply with public notice requirements by publishing notice in a newspaper of general circulation in Smith County. The Tyler Morning Telegraph is the newspaper of largest circulation. The notice will include the executive director's preliminary determination on the NOI and SWMP. The notice must also include the following information:

- The legal name of the MS4 operator;
- Identify whether the NOI is for a new authorization or a renewal of an existing authorization;
- The City's address;
- A brief summary of the information included in the NOI (general location and description of classified receiving waters that receive discharges from the small MS4);
- The location and mailing address for the public to provide comments to TCEQ;
- 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

- If required by the executive director, the date, time, and location of the public meeting.

The public comment period begins on the first date that the notice is published and lasts for at least 30 days. If TCEQ determines that there is a significant public interest, the City will be instructed to publish a notice of public meeting and hold a public meeting in Smith County. The notice of public meeting must be published at least 30 days prior to the meeting. If a public meeting is held, then the public comment period ends at the closing of the public meeting. The City is required to file an affidavit of publication within 60 days of receiving written instructions from the Chief Clerk. Although TCEQ will facilitate the public meeting, the City will be required to present to the public the contents of the NOI and SWMP and provide maps, data, and a sign-in sheet for the public meeting.

#### **4.2.2 Allowable Non-Storm Water Discharges**

The Small MS4 General Permit provides that certain non-storm water sources may be discharged from the Small MS4 and are not required to be addressed in the Small MS4 operator's Illicit Discharge MCM, provided that these sources have *not* been determined by the operator or the TCEQ to be significant contributors of pollutants. These allowable non-storm water discharges are listed below:

- Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- Discharges from potable water sources that do not violate the Texas Surface Water Quality Standards (TSWQS);
- Diverted stream flows;
- Rising ground waters and springs;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Foundation and footing drains;
- Air conditioning condensation;
- Water from crawl space pumps;
- Individual residential vehicle washing;
- Flows from wetlands and riparian habitats;
- Dechlorinated swimming pool discharges that do not violate TSWQS;
- Street wash water (excluding street sweeper waste water);
- Discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- Other allowable non-storm water discharges listed in 40 CFR § 122.26 (d)(2)(iv)(B)(1);
- Non-storm water discharges specifically listed in the TPDES Multi-Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP);

- Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
- Other similar occasional incidental non-storm water discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

The City of Tyler does not consider any of these non-storm water sources to be a significant contributor of pollutants to their MS4 and will therefore adopt the TCEQ's list of allowable non-storm water discharges with no further modifications.

#### **4.2.3 Storm Water Management Program Requirements**

This section of the Small MS4 General Permit again states that the SWMP must be developed and implemented for discharges of storm water that reach "Waters of the United States." The Small MS4 General Permit also states that the SWMP must be "developed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the Texas Water Code" The "maximum extent practicable" ("MEP") standard is common in EPA's storm water regulations and permits, but it is not defined, so it is a very subjective standard for the operator of the Small MS4 to meet. EPA has stated: "Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard." 64 Fed. Reg. at 68,754. As stated in the Small MS4 General Permit, a permittee that implements best management practices (BMPs) consistent with the provisions of their permit and SWMP constitutes compliance with the standard of reducing pollutants to the MEP.

The TPDES Small MS4 General Permit (TXR040000) identified seven minimum control measures (MCMs), which are as follows:

1. Public Education, Outreach, and Involvement,
2. Illicit Discharge Detection and Elimination (IDDE),
3. Construction Site Storm Water Runoff Control,
4. Post-Construction Storm Water Management in New Development and Redevelopment,
5. Pollution Prevention/Good Housekeeping for Municipal Operations,
6. Industrial Stormwater Sources (only for Level 4 MS4s), and
7. Authorization for Municipal Construction Activities (Optional).

The first six MCMs are required components of the SWMP; however, the seventh measure is optional and is an alternative to the MS4 operator seeking separate coverage under the TPDES Construction General Permit (TXR150000). The sixth MCM is only required for Level 4 MS4 operators.

As part of the general requirements for the SWMP, the permittee must provide documentation, implementation, and evaluation of the SWMP. This information is provided in detail in section **5.0 Tyler's Program for the Required Minimum Control Measures**.

#### 4.2.4 Record Keeping and Reporting

The Small MS4 General Permit requires the operator of the Small MS4 to retain all records, a copy of the Small MS4 General Permit, and records of all data to complete the NOI and satisfy the public participation requirements, for a period of at least three years or for the remainder of the term of the Small MS4 General Permit, whichever is longer. Because the permit term is five years, it appears that the minimum period of time to maintain such information will be five years.

The Small MS4 General Permit also contains provisions regarding how records related to the SWMP are to be made available to the public. The Small MS4 General Permit requires the operator of the Small MS4 to make the records, including the NOI and the SWMP, available to the public if requested to do so in writing. The Small MS4 General Permit states:

*The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act.*

A concise annual report must be submitted by the City of Tyler to the Executive Director of TCEQ within 90 days of the end of each reporting year during the permit term. The annual report must be prepared and submitted regardless of whether the City's SWMP and NOI have been approved by TCEQ. The permit term began when the TPDES Small MS4 General Permit was reissued (December 13, 2013). The reporting years and deadlines for annual reports are specified below.

For existing MS4s, the first annual report needs to include all months since the last reporting period. The Year 1 Annual Report which will be due December 29, 2015, will include activities from August 13, 2013 through September 30, 2015. No interim annual report will be due to TCEQ in November 2014.

<b>Year</b>	<b>Reporting Cycle</b>	<b>Annual Report Due Date</b>
1	08/13/13 – 09/30/15	12/29/2015
2	10/01/15 – 09/30/16	12/29/2016
3	10/01/16 – 09/30/17	12/29/2017
4	10/01/17 – 09/30/18	12/29/2018
5	10/01/18 – 12/13/18	03/06/2019

A copy of the annual report must be readily available for review by authorized TCEQ personnel upon request. The report must contain a number of elements including:

- Status of compliance with permit conditions, assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;

- A summary of the results of the information (including monitoring data) collected and analyzed during the reporting period;
- If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;
- A summary of activities planned for the next reporting year;
- Proposed changes to the SWMP;
- Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;
- Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);
- Number of municipal construction activities authorized under the 7th optional MCM and total number of acres disturbed; and
- The number of construction activities that occurred within the jurisdictional area of the Small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

#### **4.2.5 Standard Permit Conditions**

The Small MS4 General Permit identifies ten standard permit conditions, which are summarized below:

- The permittee has a duty to comply with all permit conditions and failure to so is a violation of the permit
- The fact that compliance with the permit conditions may require the permitted activity to be halted or reduced is not a defense for a discharger in an enforcement action.
- The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment
- The executive director may revoke or suspend the authorization under this general permit for cause.
- The permittee shall at all times properly operate and maintain all facilities and system of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP.
- The TCEQ shall be allowed inspection and entry to any part of a facility or site as provided in Texas Water Code Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i).
- The discharger is subject to administrative, civil, and criminal penalties under Texas Water Code Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for certain violations.
- Signatory and authorized persons requirements set forth in 30 TAC § 305.128 must be followed for all reports and other information requested by the executive director.
- Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

- The permittee must implement its SWMP on any new areas under its jurisdiction that are located in a UA within 3 years of acquiring the new area or 5 years from the date of the initial permit coverage.

A complete copy is of the Small MS4 General Permit is located in **Appendix 6 - TPDES Small MS4 General Permit for Storm Water Discharges from Small MS4s.**

## 5.0 TYLER'S PROGRAM FOR THE REQUIRED MINIMUM CONTROL MEASURES

### 5.1 MCM #1 - Public Education, Outreach and Involvement

An effective public education program can significantly reduce other program costs, such as inspection and enforcement costs for the illicit discharge program. Informed citizens and business owners will usually take steps to reduce potential pollution from their own activities.

As specified in the Small MS4 General Permit, 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 such as Tyler 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.

At a minimum, the Public Education and Outreach program must:

1. Define goals and objectives based on high priority community wide issues;
2. Identify target audiences;
3. Utilize appropriate educational materials;
4. Determine cost effective and practical methods for distribution of materials; and
5. Materials must be made available at least annually.

All permittees must involve the public in developing and implementing the SWMP. At a minimum, the permittees shall:

1. Consider using public input in implementation of the program;
2. Create opportunities for citizens to participate in implementation of BMPs;
3. Ensure the public has easy access to information about the SWMP.

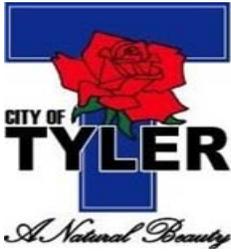
The City originally utilized a stakeholder group to select appropriate BMPs based on community-wide issues. City staff assessed the efficacy of the original BMPs based on performance during the first permit term and determined that the original BMPs with some slight modifications were still appropriate. Two new BMPs were added under this MCM to reduce the discharge of pollutants to the MEP.

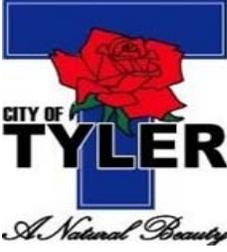
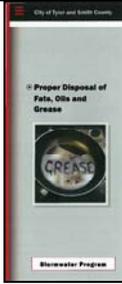
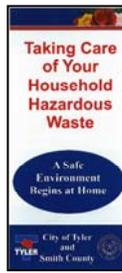
The City of Tyler will utilize nine different BMPs to meet the requirements of MCM #1:

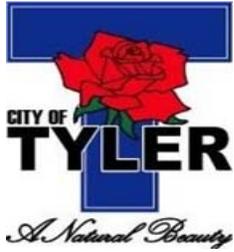
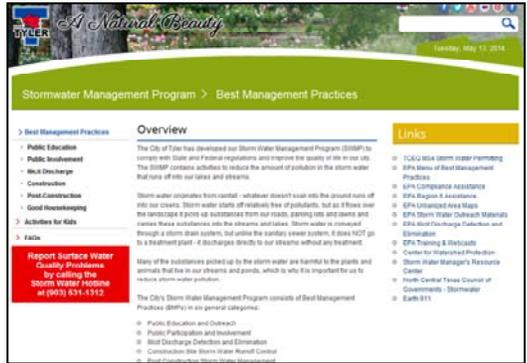
- PE/PI-1           Utility Bill Inserts
- PE/PI-2           Storm Water Brochures
- PE/PI-3           Storm Water Web Site
- PE/PI-4           Public Service Announcements / Social Media
- PE/PI-5           School Book Covers
- PE/PI-6           Storm Drain Marking by City Staff
- PE/PI-7           Stream Cleanup Projects
- PE/PI-8           Facility Tours (New)
- PE/PI-9           Adopt A Street, Park or Spot (New)

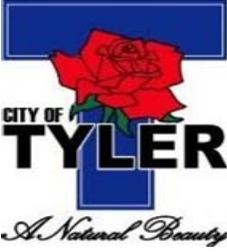
In addition to these nine BMPs, the Storm Water Hotline, which is included in MCM 3 (Construction Site Stormwater Runoff Control) allows the public to be involved in implementation of the program and to provide input and comments regarding all aspects of the City's stormwater program.

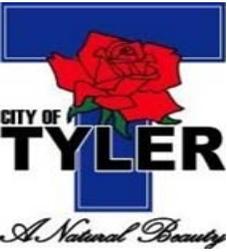
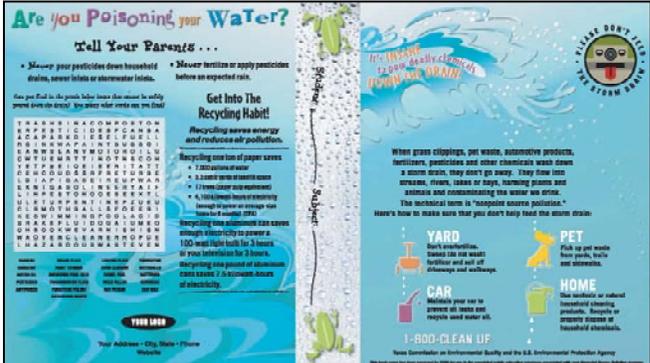
The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as unbolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Tyler's Public Education, Outreach and Involvement BMPs target all six sectors of the public including residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel.

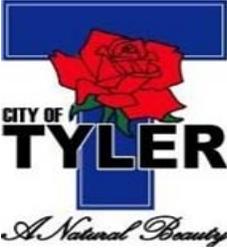
	<h2>UTILITY BILL INSERTS</h2>		<h2>PE/PI-1</h2>
<b>RESPONSIBLE AUTHORITY</b>  *Water Utilities	<b>DESCRIPTION</b>		<b>Proper Disposal of Household Chemicals</b>
<b>APPLICABILITY</b>	These are short printed inserts that are included in Tyler's water utility bill to educate the public with brief and concise information on a variety of storm water related topics. The City has several utility bill inserts that were developed during the first permit term and are still applicable for educating the public on storm water issues. The City will continue to use previously developed inserts and develop new inserts as needed.		<p>Many common household chemicals, such as household cleaners, pesticides, antifreeze, and used motor oil are dangerous to our kids, pets and the environment. These materials may pollute our waterways, if washed or dumped into storm drains. They should always be labeled, stored, and disposed of properly.</p> <p>The City of Tyler provides FREE DISPOSAL of many common household chemicals for its residents, as described below:</p> <ul style="list-style-type: none"> <li>• Quantities of one gallon or less may be placed at the curb on your normal garbage collection day.</li> <li>• Liquid chemicals should be securely sealed to prevent leaks and set out separately from household garbage.</li> <li>• Paint must be dried before being placed at the curb. Kiddy litter or oil dry can be used to dry out paint. One-gallon bags of oil dry can be obtained free of charge from the Tyler Recycling Center.</li> <li>• Car batteries may be left on the curb on your normal garbage collection day for pick up and recycling.</li> <li>• Used motor oil from non-commercial users in quantities of five gallons or less can be taken to any auto service shop in Tyler.</li> </ul> <p>For more information, contact the Solid Waste Department at (903) 833-1388.</p>
X Residents  Visitors  X Public Service Employees  X Businesses  X Commercial/Industrial  Construction	<b>RATIONALE FOR SELECTION</b>		<b>ILLCIT DISCHARGE ORDINANCE</b>
<b>REPORTING YEAR</b>		<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>
12/13/13 - 09/30/15	<ul style="list-style-type: none"> <li>• Utilize existing utility bill inserts</li> </ul>		2 inserts mailed
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Utilize existing utility bill inserts</li> </ul>		2 inserts mailed
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Utilize existing utility bill inserts</li> </ul>		2 inserts mailed
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Utilize existing utility bill inserts</li> </ul>		2 inserts mailed
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• None</li> </ul>		N/A
<b>REFERENCES</b>			
TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(a)(2):</i> pg.31.			

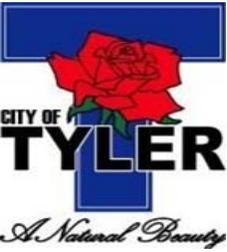
		<h2>STORM WATER BROCHURES</h2>	<h2>PE/PI-2</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Water Utilities Solid Waste</p>		<p><b>DESCRIPTION</b></p> <p>These are multi-page printed materials used to convey detailed information on specific topics related to storm water management. The City had developed several brochures during the first permit term and will continue to distribute existing brochures and develop new brochures as needed.</p> <p>Existing brochures include:</p> <ul style="list-style-type: none"> <li>• After the Storm,</li> <li>• Proper Disposal of Fat, Oils and Grease,</li> <li>• Illicit Discharge Ordinance,</li> <li>• Proper Disposal of Household Chemicals,</li> <li>• A Homeowner’s Guide to Septic Systems,</li> <li>• Don’t Feed the Storm Drain,</li> <li>• Taking Care of Your Household Hazardous Waste, and</li> <li>• How Does My Yard Affect Water Quality.</li> </ul> <p>The City will develop a brochure on proper disposal of pet waste and distribute at kiosks located at the Water Utilities administration building and at the Oakwood Municipal Complex.</p> <div style="display: flex; justify-content: space-around; align-items: center;">    </div>	
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>			
		<p><b>RATIONALE FOR SELECTION</b></p> <p>Tyler’s Water Utilities and Solid Waste departments have already developed several brochures on several storm water related topics. This BMP was highly effective during the first permit term.</p>	
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Distribute existing brochures as needed</li> <li>• Track number of brochures printed</li> </ul>	Report number of brochures printed per year	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Develop, print and distribute Pet Waste brochure</li> <li>• Distribute existing brochures as needed</li> <li>• Track number of brochures printed</li> </ul>	Report number of brochures printed per year	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Distribute existing brochures as needed</li> <li>• Track number of brochures printed</li> </ul>	Report number of brochures printed per year	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Distribute existing brochures as needed</li> <li>• Track number of brochures printed</li> </ul>	Report number of brochures printed per year	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Distribute existing brochures as needed</li> <li>• Track number of brochures printed</li> </ul>	Report number of brochures printed per year	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(a)(1)(c):</i> pg.31.</p>			

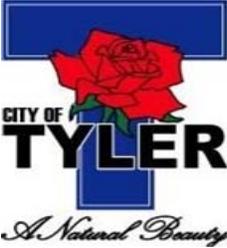
	<h2>STORM WATER WEB SITE</h2>	<p>PE/PI-3</p>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Water Utilities City Webmaster</p>	<p><b>DESCRIPTION</b></p> <p>The City will maintain their existing storm water web site that specifically addresses storm water related issues. This page provides a great deal of information including links to various state and federal related sites. The web page provides a link to Activities for Kids that specifically appeals to school aged children. The web page describes the City's Storm Water Management Program, Frequently Asked Questions, and advertises the City's Storm Water Hotline.</p> <div data-bbox="954 304 1481 667" style="border: 1px solid black; padding: 5px;">  </div>	
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• A web site is an excellent tool for relaying an unlimited amount of information, including pages for frequently asked questions, household hazardous waste, septic system maintenance, and current public involvement activity schedules.</li> <li>• The Storm Water Stakeholders Group selected this BMP as the fourth highest priority BMP for Public Education.</li> <li>• This BMP was highly effective during the first permit term.</li> <li>• This BMP allows the public easy access to the SWMP as required by the permit.</li> </ul>	
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Update web page to reflect new TCEQ permit requirements and revised SWMP</li> <li>• Maintain web site links</li> </ul>	<p>1 Screen Shot of updated web page</p>
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Revise content as necessary and maintain links</li> <li>• Provide link to annual report</li> </ul>	<p>1 Screen Shot of updated web page with link</p>
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Revise content as necessary and maintain links</li> <li>• Provide link to annual report</li> </ul>	<p>1 Screen Shot of updated web page with link</p>
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Revise content as necessary and maintain links</li> <li>• Provide link to annual report</li> </ul>	<p>1 Screen Shot of updated web page with link</p>
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Revise content as necessary and maintain links</li> <li>• Provide link to annual report</li> </ul>	<p>1 Screen Shot of updated web page with link</p>
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(a)(1)(c):</i> pg.31</p>		

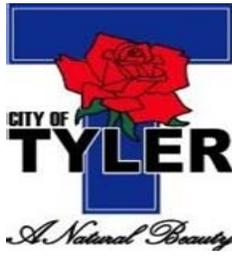
	<h2>PUBLIC SERVICE ANNOUNCEMENTS / SOCIAL MEDIA</h2>	<h2>PE/PI-4</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Water Utilities Public Relations</b></p>	<p><b>DESCRIPTION</b></p> <p>These are announcements broadcast on local media that address storm water related topics such as recycling, proper pesticide and fertilizer use, and proper household chemicals disposal. The City of Tyler will continue to utilize spots on the City's cable access channel 3.</p> <p>The City is also using social media to educate the public through Facebook and Twitter. Social media reaches a larger and younger audience than PSAs. Social media can be viewed on computers and smart phones so it is more accessible to the public.</p>	
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• This BMP is important since it has greatest potential to reach all groups that the TPDES general permit requires to be informed, including visitors to the City of Tyler.</li> <li>• PSAs were highly recommended by the Storm Water Stakeholders Group, and was tied for the highest priority BMP for public education.</li> <li>• This BMP was effective during the first permit term but has evolved to keep up with latest technology and trends.</li> </ul>	
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Continue existing PSAs on local cable access channel</li> <li>• Maintain Facebook and Twitter feeds</li> </ul>	<p>1 PSA broadcast / month 1 social media post / month</p>
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Continue existing PSAs on local cable access channel</li> <li>• Maintain Facebook and Twitter feeds</li> </ul>	<p>1 PSA broadcast / month 1 social media post / month</p>
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Continue existing PSAs on local cable access channel</li> <li>• Maintain Facebook and Twitter feeds</li> </ul>	<p>1 PSA broadcast / month 1 social media post / month</p>
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Continue existing PSAs on local cable access channel</li> <li>• Maintain Facebook and Twitter feeds</li> </ul>	<p>1 PSA broadcast / month 1 social media post / month</p>
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Continue existing PSAs on local cable access channel</li> <li>• Maintain Facebook and Twitter feeds</li> </ul>	<p>1 PSA broadcast / month 1 social media post / month</p>
<p><b>REFERENCES</b> TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(a)(1)(c):</i> pg.31</p>		

	<h2>SCHOOL BOOK COVERS</h2>		<h2>PE/PI-5</h2>
<p style="text-align: center;"><b>RESPONSIBLE AUTHORITY</b></p> <p style="text-align: center;">*Water Utilities Tyler ISD</p>	<p><b>DESCRIPTION</b></p> <p>These are paper sheets that are folded over the covers of schoolbooks to protect the books and provide educational information at the same time. These typically have limited amounts of information that is presented in an eye-catching manner that will appeal to children. The messages on these covers can be tailored to specific educational levels and subjects.</p> <div data-bbox="824 298 1474 661" style="border: 1px solid black; padding: 5px;">  </div> <p>The City currently distributes book covers to 17 different elementary schools in Tyler ISD. This BMP reaches over 14,000 school aged children in Tyler each year.</p>		
<p style="text-align: center;"><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Schoolbook covers are currently provided by Tyler Water Utilities at the start of each school year to inform school children on a number of issues.</li> <li>These covers can be easily modified to include graphic designs and messages related to storm water, and are an economical way of reaching many people since children will often share the information with their parents.</li> <li>This BMP was effective during the first permit term.</li> </ul>		
<p style="text-align: center;"><b>YEAR</b></p>	<p style="text-align: center;"><b>IMPLEMENTATION ACTIVITY</b></p>	<p style="text-align: center;"><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>Print and distribute book covers</li> </ul>	<p>1 cover per student</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>Print and distribute book covers</li> </ul>	<p>1 cover per student</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>Print and distribute book covers</li> </ul>	<p>1 cover per student</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>Print and distribute book covers</li> </ul>	<p>1 cover per student</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>Print and distribute book covers</li> </ul>	<p>1 cover per student</p>	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(a)(1)</i>: pg.31</p>			

	<h2>STORM DRAIN MARKING BY CITY STAFF</h2>		<p>PE/PI-6</p>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Engineering</p>	<p><b>DESCRIPTION</b></p> <p>This BMP consists of City staff affixing plastic buttons with a “don’t dump” message to curb inlets along city streets. City construction inspectors mark storm drains associated with new development projects. Existing storm drain inlets in highly visible areas are also marked by City staff. These drain markers serve to educate the public that storm drains convey storm water directly to streams and rivers. A common misconception is that the curb inlets drain to a treatment plant. These markers educate the public and prevent illegal dumping of oils, paints, leaves and other debris in the storm drains.</p>  <p>The City will continue to attempt to get the public involved in storm drain marking.</p> 		
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Storm drain buttons have been used by many municipalities and is generally a very effective BMP that is relatively inexpensive and easy to implement.</li> <li>The Storm Water Stakeholders Group selected this as the highest priority BMP for Public Involvement and Participation.</li> </ul>		
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>Mark curb inlets in new developments and highly visible areas of the City.</li> </ul>	<p>Mark at least 15 inlets / year Updated GIS map of marked inlets</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>Mark curb inlets in new developments and highly visible areas of the City.</li> </ul>	<p>Mark at least 15 inlets / year Updated GIS map of marked inlets</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>Mark curb inlets in new developments and highly visible areas of the City.</li> </ul>	<p>Mark at least 15 inlets / year Updated GIS map of marked inlets</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>Mark curb inlets in new developments and highly visible areas of the City.</li> </ul>	<p>Mark at least 15 inlets / year Updated GIS map of marked inlets</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>Mark curb inlets in new developments and highly visible areas of the City.</li> </ul>	<p>Mark at least 15 inlets / year Updated GIS map of marked inlets</p>	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(a)(1): pg.31</i></p>			

		<b>STREAM CLEANUP PROJECTS</b>		<b>PE/PI-7</b>
		<p><b>DESCRIPTION</b>                  The City of Tyler coordinates stream cleanup projects with various local volunteer groups and organizations. Cleanups will continue to occur at Rose Rudman Park at least once per year.</p>		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Engineering Solid wastes</p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Stream cleanup projects are a great way to improve aquatic habitat, water quality, and aesthetics while promoting storm water awareness.</li> <li>This BMP is generally inexpensive and the City of Tyler can coordinate the participation of volunteer groups and organizations through the "Keep Tyler Beautiful" committee.</li> <li>The Storm Water Stakeholders Group selected Stream Cleanup Projects as the second highest priority BMP for getting the public involved.</li> <li>Can be coordinated with Great American Cleanup and Don't Mess with Texas Trash Off</li> <li>This BMP was effective during the last permit term.</li> </ul>		
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>Commercial/ Industrial</p> <p>Construction</p>				
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>Advertise program to organizations</li> <li>Schedule and hold one cleanup event at Rose Rudman Park</li> </ul>		At least one clean up event	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>Advertise program to organizations</li> <li>Schedule and hold one cleanup event at Rose Rudman Park</li> </ul>		At least one clean up event	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>Advertise program to organizations</li> <li>Schedule and hold one cleanup event at Rose Rudman Park</li> </ul>		At least one clean up event	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>Advertise program to organizations</li> <li>Schedule and hold one cleanup event at Rose Rudman Park</li> </ul>		At least one clean up event	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>Advertise program to organizations</li> <li>Schedule and hold one cleanup event at Rose Rudman Park</li> </ul>		At least one clean up event	
<p><b>REFERENCES</b>                  TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(b)(2): pg.32</i></p>				

		<b>FACILITY TOURS</b>		<b>PE/PI-8</b>
		<p><b>DESCRIPTION</b></p> <p>The City of Tyler provides facility tours of the Palestine Water Treatment Plant and the Recycling Center. Tours are given to groups of individuals from local schools and other organizations and clubs. During the tours, the groups are educated on the importance of water conservation, drinking water quality and recycling. The tours include aspects of the treatment process and where the water originates. The tours will also stress the impacts of pollutants in stormwater and how it affects the amount of treatment required.</p> 		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Water Utilities Solid Waste</b></p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The City currently conducts 6 to 12 facility tours per year at the Palestine Water Treatment Plant.</li> <li>• The tours currently focus on the treatment process but could easily be modified to include how pollutants in stormwater affect water quality in Lake Palestine and how this affects the treatment process.</li> <li>• Hands-on tours and field trips provide excellent educational opportunities for both adults and children.</li> </ul>		
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>Public Service Employees</p> <p>X Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>				
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Conduct facility tours of Lake Palestine Water Treatment Plant</li> <li>• Conduct facility tours of Tyler Recycling Center</li> </ul>		Conduct at least 7 facility tours / year	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Conduct facility tours of Lake Palestine Water Treatment Plant</li> <li>• Conduct facility tours of Tyler Recycling Center</li> </ul>		Conduct at least 5 facility tours / year	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Conduct facility tours of Lake Palestine Water Treatment Plant</li> <li>• Conduct facility tours of Tyler Recycling Center</li> </ul>		Conduct at least 5 facility tours / year	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Conduct facility tours of Lake Palestine Water Treatment Plant</li> <li>• Conduct facility tours of Tyler Recycling Center</li> </ul>		Conduct at least 5 facility tours / year	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Conduct facility tours of Lake Palestine Water Treatment Plant</li> <li>• Conduct facility tours of Tyler Recycling Center</li> </ul>		Conduct at least 1 facility tours / year	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(b)(2): pg.32</i></p>				

		<p><b>ADOPT A STREET, PARK OR SPOT</b></p>	<p><b>PE/PI-9</b></p>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Solid Waste</b></p>		<p><b>DESCRIPTION</b></p> <p>The City of Tyler in cooperation with Keep Tyler Beautiful has an Adopt-A-Street, Park or Spot program. This BMP allows families, groups or organizations to adopt an area for litter cleanup. Keep Tyler Beautiful works with the groups to determine the specific section of the City to be adopted. Keep Tyler Beautiful erects a sign at the adopted area with the group's name or acronym. Keep Tyler Beautiful provides safety vests, trash bags, portable traffic control signs, a first aid kit and safety literature. Tyler Solid Waste removes the filled trash bags.</p> 	
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>Construction</p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The City in cooperation with Keep Tyler Beautiful administers this program</li> <li>• The program has been very successful in involving the public in control of trash and other floatables</li> </ul>	
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Continue Adopt-A-Street, Park or Spot Program</li> </ul>	Report on number of adoptions per year	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Continue Adopt-A-Street, Park or Spot Program</li> </ul>	Report on number of adoptions per year	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Continue Adopt-A-Street, Park or Spot Program</li> </ul>	Report on number of adoptions per year	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Continue Adopt-A-Street, Park or Spot Program</li> </ul>	Report on number of adoptions per year	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Continue Adopt-A-Street, Park or Spot Program</li> </ul>	Report on number of adoptions per year	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.1(b)(2): pg.32</i></p>			

## 5.2 MCM #2 - Illicit Discharge Detection and Elimination (IDDE)

This program element is designed to ensure the elimination of illegal plumbing connections and discharges to the City of Tyler's storm water system.

As specified in the Small MS4 General Permit, 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.

The IDDE program must include the following elements:

1. An up-to-date MS4 map;
2. Methods for informing and training MS4 field staff;
3. Procedures for tracing the source of an illicit discharge;
4. Procedures for removing the source of the illicit discharge;
5. For Level 2, 3 and 4 small MS4s, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4.

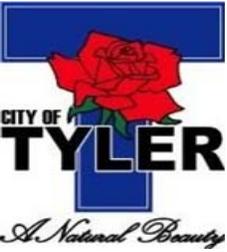
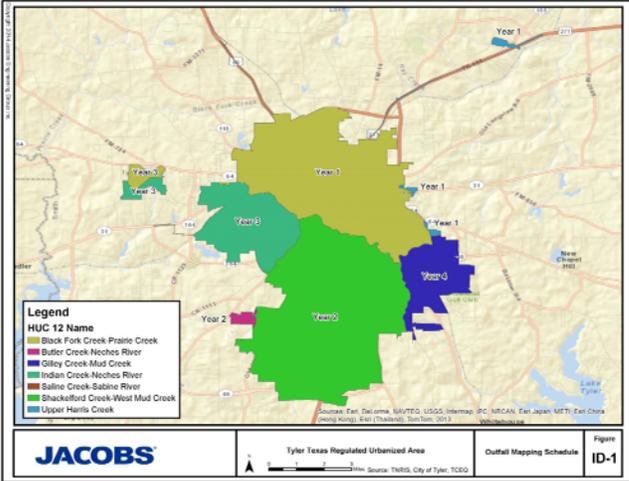
Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit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

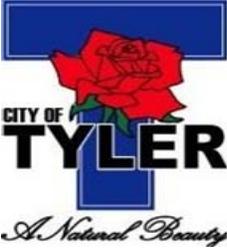
City staff assessed the efficacy of the original BMPs based on performance during the first permit term and determined that the original BMPs with some slight modifications were still appropriate. Two new BMPs were added under this MCM to reduce the discharge of pollutants to the MEP.

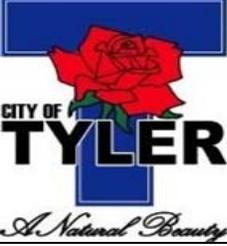
The list of BMPs below includes current and new activities that meet regulatory requirements and will aid Tyler in the elimination of illicit discharges.

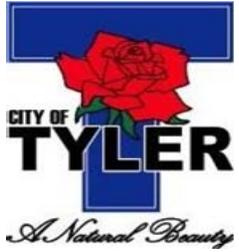
- ID-1 Storm Drain System Outfall Mapping
- ID-2 Dry Weather Screening
- ID-3 Illicit Discharge Investigations
- ID-4 Illicit Discharge Ordinance
- ID-5 Reduce Sanitary Sewer Overflows
- ID-6 Solid Waste Collection Events
- ID-7 Reduce Illegal Dumping
- ID-8 Reduce Failing Septic Systems
- ID-9 Illicit Discharge Training (New)
- ID-10 Pet Waste Management (New)

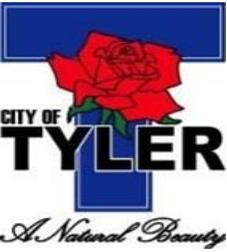
The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as unbolded font.

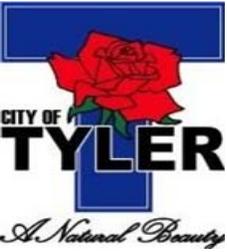
		<h2>STORM DRAIN SYSTEM OUTFALL MAPPING</h2>	<h2>ID-1</h2>
<p><b>RESPONSIBLE AUTHORITY</b> *GIS Water Utilities Engineering</p>			
<p><b>APPLICABILITY</b></p>		<p><b>DESCRIPTION</b></p> <p>The City of Tyler is currently in the process of implementing a city-wide GIS system. Precise locations of the outfalls will be recorded through the use of a Global Positioning System (GPS) during the dry weather screening (ID-2). Since there are five watersheds in Tyler, the City will work to update the outfall mapping of one watershed per year. The map must show at a minimum 1) the location of all small MS4 outfalls that are operated by Tyler and discharge to waters of the U.S. and 2) The location and name of all surface waters receiving discharges from the Small MS4 outfalls.</p>	
<p>X Residents</p>	<p>Visitors</p>		
<p>X Public Service Employees</p>			
<p>X Businesses</p>			
<p>X Commercial/Industrial</p>			
<p>X Construction</p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>A storm drain system map is a required component of this minimum control measure and must identify the locations of all outfalls from the MS4 and the names and locations of the surface waters to which they drain.</li> </ul>	
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>Input data from plans and GPS field data for Black Fork Creek &amp; Harris Creek</li> </ul>	<p>1 watershed per year-outfalls mapped</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>Input data from plans and GPS field data for West Mud Creek &amp; Butler Creek</li> </ul>	<p>1 watershed per year-outfalls mapped</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>Input data from plans and GPS field data for Indian Creek &amp; Airport Outfalls</li> </ul>	<p>1 watershed per year-outfalls mapped</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>Input data from plans and GPS field data for Gilley Creek</li> </ul>	<p>1 watershed per year-outfalls mapped</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>Consolidate GIS data for each watershed into city-wide map regulated UA</li> </ul>	<p>1 city-wide GIS map</p>	
<p><b>REFERENCES</b></p>			
<p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1)(a) &amp; Section B.2(c)(1)(a,b):</i> pg.32-33</p>			

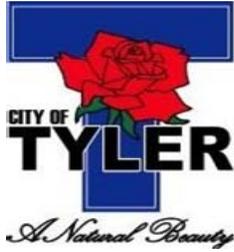
	<h2>DRY WEATHER SCREENING</h2>	<h2>ID-2</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Engineering</b> Code Enforcement Development Services</p>	<p><b>DESCRIPTION</b></p> <p>The City of Tyler staff will visually inspect each regulated outfall during dry weather periods to confirm the absence of flow. If flow is observed during dry weather, limited chemical analysis with field test kits will be performed to determine the presence of certain chemicals or pollutants. If the chemical analysis indicates a concentration of pollutant that is above the allowable threshold limits, further investigation will be required. The City's existing GPS equipment will be used to document the location of the field tests, allowing them to be related to locations on the GIS storm drain system outfall map for future reference and to document precise locations if environmental concerns are identified.</p> 	
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• Dry weather screening was recommended by the Storm Water Stakeholders Group to provide the initial level of detection for illegal connections to the MS4 from industrial or business wastewater sources.</li> <li>• This type of screening can be readily implemented by City staff and can enhance public involvement by potentially performing screening in areas identified through the storm water hotline or web site page.</li> <li>• This BMP was effective during the first permit term.</li> </ul>	
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Develop procedures to perform visual screening of outfalls during dry weather and perform screening tests on flowing outfalls to determine possible sources</li> </ul>	<p>Outfall screening procedures</p>
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Walk accessible reaches of stream, performing testing, documenting testing locations, and verifying GIS outfall map.</li> </ul>	<p>Screening outfalls in Black Fork Creek Watershed</p>
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Walk accessible reaches of stream, performing testing, documenting testing locations, and verifying GIS outfall map.</li> </ul>	<p>Screening outfalls in West Mud Creek Watershed</p>
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Walk accessible reaches of stream, performing testing, documenting testing locations, and verifying GIS outfall map.</li> </ul>	<p>Screening outfalls in Gilley and Indian Creek Watersheds</p>
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Consolidate outfall screening maps for entire regulated area.</li> </ul>	<p>Outfall Screening Map</p>
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1): pg.32</i></p>		

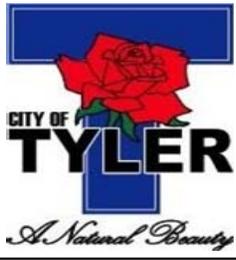
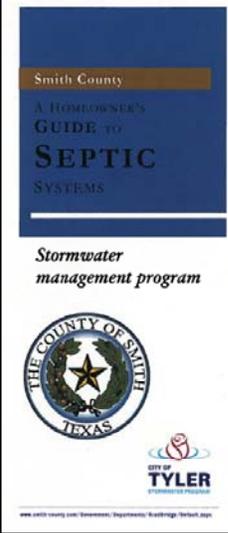
	<h2>ILLICIT DISCHARGE INVESTIGATIONS</h2>		<h3>ID-3</h3>
<p><b>RESPONSIBLE AUTHORITY</b>                  *Water Utilities                  Engineering                  Code Enforcement                  Development Services                  Building Inspection</p>	<p><b>DESCRIPTION</b></p> <p>Fluorescent dye testing is a method of detecting illegal connections through the flushing of colored or fluorescent dye into drain water in suspect pipes. The presence of this dye in storm drain discharges would confirm the presence of an illegal connection.</p> <p>Smoke testing involves the injection of non-toxic zinc chloride smoke in sewer manholes. Observations of smoke escaping through storm drain inlets indicate illegal connections.</p>		
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p>Remote TV camera inspections are used more commonly to detect illegal connections of business wastewater to the storm drain system. This method can detect improper connections such as cross-connections and also allows city employees to examine the physical condition of the manholes and storm sewer lines.</p> <p>Public reporting of illicit discharges is promoted by several of the Public Education BMPs which advertize the City's stormwater hotline. The City will develop written procedures for investigation of illicit discharges with departmental phone numbers to determine if fire hydrant flushing is occurring in the area. This will eliminate the need to investigate reports that are due to "allowable discharges" from water line flushing. A follow-up investigation will be conducted to confirm that the illicit discharge has been eliminated.</p>		
<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The City of Tyler is currently using all three of these techniques for illicit discharge detection investigations.</li> <li>• City staff has the ability to perform fluorescent dye testing and remote TV camera inspection, while smoke testing services are contracted.</li> <li>• The Storm Water Stakeholders Group recommended that the City continue to use these methods on an as needed basis to track down illegal connections to the MS4, utilizing the method that is most appropriate for each situation encountered.</li> </ul>			
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Conduct investigations as needed based on storm water hotline input and Dry Weathers Screening (DWS) results</li> <li>• Prepare written SOP for ID investigations which includes process to eliminate allowable non-storm water discharges</li> </ul>	<p>List of Investigations</p> <p>Written Procedures</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Conduct investigations as needed based on DWS and storm water hotline input</li> <li>• Conduct follow-up investigation after ID has been eliminated</li> </ul>	<p>List of Initial and Follow-up Investigations</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Conduct investigations as needed based on DWS and storm water hotline input</li> <li>• Conduct follow-up investigation after ID has been eliminated</li> </ul>	<p>List of Initial and Follow-up Investigations</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Conduct investigations as needed based on DWS and storm water hotline input</li> <li>• Conduct follow-up investigation after ID has been eliminated</li> </ul>	<p>List of Initial and Follow-up Investigations</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Conduct investigations as needed based on DWS and storm water hotline input</li> <li>• Conduct follow-up investigation after ID has been eliminated</li> </ul>	<p>List of Initial and Follow-up Investigations</p>	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1)(c) &amp; Section B.2(c)(5): pg.32, 34, Part III.B.3(d)(1)</i></p>			

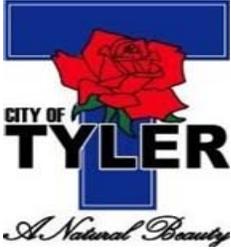
	<h2>ILLICIT DISCHARGE ORDINANCE</h2>		<h2>ID-4</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Water Utilities</b> Code Enforcement City Attorney</p>	<p><b>DESCRIPTION</b></p> <p>The City adopted an illicit discharge ordinances during the first permit term to prohibit illicit discharges and illegal connections to the MS4, as well as sanctions to ensure compliance, to the extent allowable under State and local law. The City will continue to enforce its ordinance Article XI. Illicit Discharge and Stormwater Connection Ordinance.</p>		<p style="text-align: center;"><small>CITY OF TYLER, TEXAS, CODE OF ORDINANCES</small></p> <p style="text-align: center;"><b>ARTICLE XI. Illicit Discharge and Stormwater Connection Ordinance</b></p> <p><small>Sec. 19-310. Purpose/Intent.</small></p> <p><i>The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Tyler through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process. The objectives of this ordinance are:</i></p> <ol style="list-style-type: none"> <li><i>1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.</i></li> <li><i>2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.</i></li> <li><i>3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.</i></li> </ol> <p><small>Sec. 19-311. Definitions.</small></p> <p><i>Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.</i></p> <p><i>Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.</i></p> <p><i>Construction. Any activity on the property following a building permit. These activities may be subject to requirements of TPDES General Permit No. TXR150000. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.</i></p> <p><i>Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious</i></p> <p style="text-align: center;"><small>-1-</small></p>
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The Small MS4 General Permit required the establishment of a regulatory mechanism to specifically prohibit illicit discharges and illegal connections to the MS4.</li> <li>• The ordinance was adopted (Ord. No. 0-2010-93), on 9/8/2010.</li> <li>• The City will continue to enforce the existing ordinance and will review during Year 1 to determine if any changes are needed.</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Review existing ordinance to identify any needed changes</li> <li>• Continue to enforce existing ordinance</li> </ul>	Report on number of enforcement orders	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Continue to enforce existing ordinance</li> </ul>	Report on number of enforcement orders	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Continue to enforce existing ordinance</li> </ul>	Report on number of enforcement orders	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Continue to enforce existing ordinance</li> </ul>	Report on number of enforcement orders	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Continue to enforce existing ordinance</li> </ul>	Report on number of enforcement orders	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a): pg.32</i></p>			

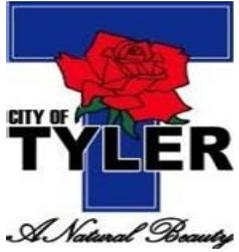
		<b>REDUCE SANITARY SEWER OVERFLOWS</b>		<b>ID-5</b>
		<p><b>DESCRIPTION</b></p> <p>The City will continue to work towards eliminating sanitary sewer overflows. These overflows can be caused by a number of factors including temporary blockages, flooding, and insufficient sewer capacity. Extensive investigations have been conducted by the City to determine the causes of the SSOs and great progress has been made in reducing these overflows.</p>		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Water Utilities</b></p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The detection and correction of sanitary sewer overflows is a mandatory requirement for all Phase II cities.</li> <li>• The City of Tyler has already been addressing this issue for dry weather sanitary sewer overflows. The City has utilized various inflow detection techniques and has been successful in locating and correcting many problems.</li> <li>• The City will continue this program.</li> <li>• The Storm Water Stakeholders Group recommended that the City continue their existing program.</li> </ul>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>				
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Cleaning of existing sanitary sewer system</li> <li>• TV inspection of sanitary sewer mains</li> <li>• Preventative maintenance of lift stations</li> </ul>		Clean 400,000 ft / year TV 40,000 ft / year Visual inspection logs	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Cleaning of existing sanitary sewer system</li> <li>• TV inspection of sanitary sewer mains</li> <li>• Preventative maintenance of lift stations</li> </ul>		Clean 400,000 ft / year TV 40,000 ft / year Visual inspection logs	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Cleaning of existing sanitary sewer system</li> <li>• TV inspection of sanitary sewer mains</li> <li>• Preventative maintenance of lift stations</li> </ul>		Clean 400,000 ft / year TV 40,000 ft / year Visual inspection logs	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Cleaning of existing sanitary sewer system</li> <li>• TV inspection of sanitary sewer mains</li> <li>• Preventative maintenance of lift stations</li> </ul>		Clean 400,000 ft / year TV 40,000 ft / year Visual inspection logs	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Preventative maintenance of lift stations</li> </ul>		Visual inspection logs	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1)(e) &amp; Section B.2(c)(5)(i): pg.32,34</i></p>				

		<h2>SOLID WASTE COLLECTION EVENTS</h2>	<p><b>ID-6</b></p>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Solid Waste Special Events Coordinator</b></p>		<p><b>DESCRIPTION</b></p> <p>The City of Tyler currently holds City-Wide Cleanup Events twice per year and a Prescription Drug Collection Event once per year. Other collection events such as “Free Paint Recycle Day” may be held throughout the year. The City promotes these collection events to make more citizens aware of this service. The City currently tracks the amount of material collected at the annual events and will report this quantity as a measurable goal. The City currently uses several forms of media to promote their Collection Events including the web site and social media.</p> <div data-bbox="784 401 1479 642" style="border: 1px solid black; padding: 5px;"> <p style="background-color: #76b82a; color: white; padding: 2px;">Solid Waste &gt; Keep Tyler Beautiful</p> <ul style="list-style-type: none"> <li>&gt; Residential Service</li> <li>&gt; Commercial Services</li> <li>&gt; Solid Waste Calendar</li> <li>&gt; Keep Tyler Beautiful</li> <li>&gt; Meetings</li> <li>&gt; Beauty and Business</li> <li>&gt; Grow Native!</li> <li>&gt; Adopt A Street, Park or Spot</li> <li>&gt; Community Cleanup</li> </ul> <div style="background-color: #4a4a8a; color: white; padding: 2px; text-align: center;"> <b>PAINT RECYCLE DAY!</b> </div> <p style="color: red; text-align: center;"><b>FREE PAINT RECYCLE DAY SATURDAY JUNE 7, 2014!</b></p> <p>Keep Tyler Beautiful and Tyler Solid Waste is hosting a free recycling day for all Tyler residents. From 8 a.m. to Noon in the Solid Waste Employee Parking Lot in the 300 block of N. Bois D'Arc Ave.</p> <p>Tyler residents can bring up to 25 gallons of latex and oil based paint, no aerosol cans or epoxy paint. No professional or commercial painters. Show proof of residency by bringing most current water bill and driver's license. Water customers who pay online must bring a printout of latest payment and driver's license.</p> </div>	
<p><b>APPLICABILITY</b></p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The City of Tyler currently performs collection events throughout the City.</li> <li>• Improper disposal of prescription drugs in the landfill or down the sanitary sewer can cause water quality problems and can pose significant risks to human health and the environment.</li> <li>• This BMP was effective during the first permit term.</li> </ul>	
X	Residents		
	Visitors		
X	Public Service Employees		
	Businesses		
	Commercial/Industrial		
	Construction		
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Promote Collection Events</li> <li>• Conduct Collection Event and document material collected</li> </ul>	At least 2 events/year	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Promote Collection Events</li> <li>• Conduct Collection Event and document material collected</li> </ul>	At least 2 events/year	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Promote Collection Events</li> <li>• Conduct Collection Event and document material collected</li> </ul>	At least 2 events/year	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Promote Collection Events</li> <li>• Conduct Collection Event and document material collected</li> </ul>	At least 2 events/year	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Promote upcoming Collection Events</li> </ul>	None	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1): pg.32</i></p>			

		<b>REDUCE ILLEGAL DUMPING</b>	<b>ID-7</b>
		<p><b>DESCRIPTION</b></p> <p>The reduction and elimination of illegal dumping in Tyler depends on the successful implementation of many of the previously discussed BMPs. Tyler relies heavily on public education to inform citizens of the environmental concerns and legal implications of illegal dumping. The City maintains a Hotline for citizens to report illegal dumping and has a link on the City's web site to the Don't Mess with Texas Report a Litterer page.</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p style="background-color: red; color: white; text-align: center; margin: 0;"><b>Report A Litterer</b></p> <p style="font-size: small; margin: 0;">Help us keep Tyler, Smith County and all of Texas litter free! You can anonymously report a litterer to the Texas Department of Transportation's Don't Mess With Texas folks and they will be happy to send litter bugs a special message about throwing trash out on our streets and highways. There are two ways to report a litterer. Click on the pictures below for more information! For Online Reporting, Click below:</p> <div style="text-align: center;">  </div> </div> <p>The City also maintains camera surveillance at problem dump site to capture and prosecute offenders.</p>	
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Code Enforcement GIS</b></p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Tyler has implemented a targeted public education program, using several of the recommended BMPs for the public education minimum control measure.</li> <li>Use of cameras for surveillance of problem dump sites has been extremely successful in prosecuting offenders and reducing illegal dumping.</li> <li>This BMP was effective during the first permit term.</li> </ul>	
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>X Construction</p>			
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>Maintain educational materials on website</li> <li>Maintain surveillance cameras at problem sites</li> <li>Investigate and track reports of illegal dumping</li> </ul>	At least 6 cameras at dump sites Update map of cameras and active dump sites 1/year	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>Maintain educational materials on website</li> <li>Maintain surveillance cameras at problem sites</li> <li>Investigate and track reports of illegal dumping</li> </ul>	At least 6 cameras at dump sites Update map of cameras and active dump sites 1/year	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>Maintain educational materials on website</li> <li>Maintain surveillance cameras at problem sites</li> <li>Investigate and track reports of illegal dumping</li> </ul>	At least 6 cameras at dump sites Update map of cameras and active dump sites 1/year	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>Maintain educational materials on website</li> <li>Maintain surveillance cameras at problem sites</li> <li>Investigate and track reports of illegal dumping</li> </ul>	At least 6 cameras at dump sites Update map of cameras and active dump sites 1/year	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>Maintain educational materials on website</li> <li>Maintain surveillance cameras at problem sites</li> <li>Investigate and track reports of illegal dumping</li> </ul>	At least 6 cameras at dump sites Update map of cameras and active dump sites 1/year	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(c)(3): pg.33</i></p>			

	<h2>REDUCE FAILING SEPTIC SYSTEMS</h2>	<h2>ID-8</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Water Utilities</b></p>	<p><b>DESCRIPTION</b></p> <p>This BMP consists of public education through the use of brochures to promote the proper operation and maintenance of septic tanks. The City and Smith County jointly produce a septic system maintenance brochure and distribute the brochures to septic haulers to disseminate to homeowners. The Interlocal Agreement between the City of Tyler and Smith County is located in Appendix 1.</p> <div data-bbox="1235 275 1463 808" style="float: right; border: 1px solid black; padding: 5px;">  </div>	
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>Visitors</p> <p>Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The Smith County Public Health District currently regulates septic systems, both inside the Tyler city limits and in the unincorporated areas, administering the TCEQ's On Site Sewage Facility (OSSF) program.</li> <li>• Since most septic systems occur out in the County, the County will continue to be the primary oversight for these systems, as described in their interlocal agreement with the City of Tyler.</li> <li>• Some septic systems are located in Tyler's regulated UA and the City will participate in public education activities to inform the public of proper maintenance.</li> <li>• The Storm Water Stakeholders Group selected this BMP as the third highest priority BMP for Illicit Discharge Detection and Elimination.</li> </ul>	
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Distribute existing brochures in coordination with Smith County</li> </ul>	<p>Number of brochures produced per year</p>
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Distribute existing brochures in coordination with Smith County</li> </ul>	<p>Number of brochures produced per year</p>
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Distribute existing brochures in coordination with Smith County</li> </ul>	<p>Number of brochures produced per year</p>
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Distribute existing brochures in coordination with Smith County</li> </ul>	<p>Number of brochures produced per year</p>
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Distribute existing brochures in coordination with Smith County</li> </ul>	<p>Number of brochures produced per year</p>
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1)(e): pg.32</i></p>		

		<b>ILLICIT DISCHARGE TRAINING</b>		<b>ID-9</b>
		<p><b>DESCRIPTION</b></p> <p>The Small MS4 General permit requires that all permittees 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.</p> <p>The City of Tyler currently conducts pollution prevention training as one of the Good Housekeeping BMPs but the training does not go into enough detail regarding illicit discharges and procedures to notify appropriate staff. The City will develop specific training for field staff on what is considered an illicit discharge, how to recognize an illicit discharge and who to notify to follow up on illicit discharges.</p> <p>During Year 1, the City will identify appropriate departments and staff who will receive training and develop the training program. Sign-in sheets of training attendees will be maintained on-site and made available for review by TCEQ.</p>		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Water Utilities</b></p>		<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>		
<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The Small MS4 General Permit requires that all permittees implement this training program.</li> <li>• Field staff who are out in the community on a daily basis are the staff that will be most likely to observe illicit discharges as they are occurring and will be instrumental in implementing the IDDE program.</li> </ul>				
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Identify appropriate departments and staff to receive training</li> <li>• Develop training curriculum</li> </ul>		Departmental List Training Outline and Materials	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Conduct Illicit Discharge training</li> </ul>		1 training/year	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Conduct Illicit Discharge training</li> </ul>		1 training/year	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Conduct Illicit Discharge training</li> </ul>		1 training/year	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Review training curriculum and update, if necessary</li> </ul>		Revised training, if needed.	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1)(b): pg.32</i></p>				

	<h2>PET WASTE MANAGEMENT</h2>		<p><b>ID-10</b></p>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p style="text-align: center;">*Parks</p>	<p><b>DESCRIPTION</b></p> <p>The City of Tyler has 27 Parks located throughout the City. All the parks except Lindsey Park are located within the UA. Pet waste in parks can be a source of fecal (E. coli) pollution in area waterways particularly if the park is located near a waterbody. The City maintains Pet Waste Stations at 4 city parks, Rose Rudman Park, Southside Park, Bergfeild Park, and Pollard Park. Parks and Recreation Department staff checks and maintains supplies on a daily basis. This is an important BMP to reduce bacterial contamination in area creeks.</p>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Woldert Park is located adjacent to Black Fork Creek. Rose Rudman Park, Southside Park and Faulkner Park are located adjacent to West Mud Creek. Both Black Fork Creek and West Mud Creek are impaired due to high levels of bacteria.</li> <li>The Small MS4 General Permit requires that permittees that discharge directly to impaired waterbodies, without an approved TMDL, ensure that their SWMP includes focused BMPs to reduce the pollutant of concern.</li> <li>This BMP was added as a focused BMP to address bacterial contamination due to pet waste.</li> </ul>		
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>Add 5 pet waste stations in city parks</li> </ul>	<p>Map of stations Number of supplies ordered</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>Add 5 pet waste stations in city parks</li> </ul>	<p>Number of supplies ordered</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>Add 5 pet waste stations in city parks</li> </ul>	<p>Number of supplies ordered</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>Add 5 pet waste stations in city parks</li> </ul>	<p>Number of supplies ordered</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>Maintain 20 pet waste stations in city parks</li> </ul>	<p>Number of supplies ordered</p>	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1)(e): pg.32</i></p>			

### 5.3 MCM #3 - Construction Site Storm Water Runoff Control

To date, control of construction site runoff has been the most publicly visible element of the storm water program. During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally during several decades. Therefore, this MCM may generate more enforcement activity than all other storm water program control elements combined.

As specified in the Small MS4 General Permit, all permittees shall develop, implement and enforce a program requiring operators of small and large construction activities to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control.

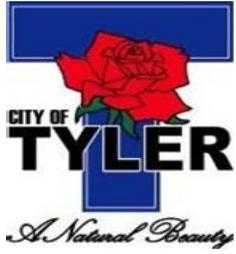
The City implemented an ordinance and enforcement mechanisms during the first permit term. The ordinance, Article VII. Environmental Regulations, Division E, Erosion and Sediment Control, Sections 10-520 through 10-536 were revised on 6/8/2011.

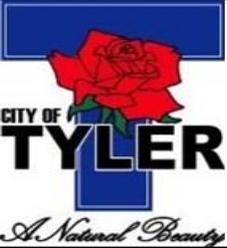
Existing permittees, such as the City of Tyler must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. The City has determined that its current program, with minor modifications, meets the new permit requirements and reduces the discharge of pollutants from the MS4 to the MEP.

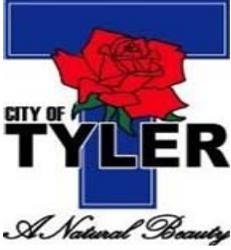
The list of BMPs below was developed to meet the regulatory requirements and will enable the City of Tyler to promote and monitor compliance with this program element.

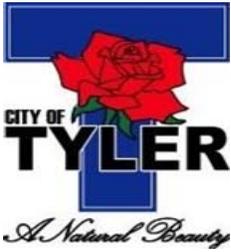
- C-1 Enforce Erosion Control Ordinance
- C-2 Erosion Control Plan Review Procedures
- C-3 Construction Inspection
- C-4 Construction General Permit Training
- C-5 Storm Water Hotline for Public Comment

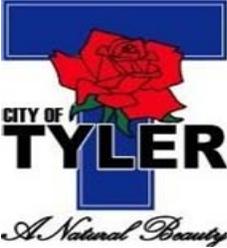
The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as unbolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Tyler's Construction BMPs target all six sectors of the public including residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel.

	<h2>ENFORCE EROSION CONTROL ORDINANCE</h2>	<h2>C-1</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Development Services</b> City Attorney Building Inspection</p>	<p><b>DESCRIPTION</b></p> <p>The City strengthened its Erosion and Sediment Control Ordinance in 2011, to require construction site operators to apply for a clearing and grading permit prior to earth disturbing activities. The ordinance requires operators to submit a copy of their Erosion Control Plan with Drainage Plans to the City Engineer for review. The ordinance requires that the Erosion and Sediment Control Plan comply with requirements of TPDES TXR15000. The ordinance includes enforcement actions and penalties to ensure compliance. The City will continue to enforce the Erosion and Sediment Control Ordinance.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="text-align: center; font-size: small;">CITY OF TYLER, TEXAS, CODE OF ORDINANCES</p> <p style="text-align: center;"><b>DIVISION E.</b> <b>Erosion and Sedimentation Control</b></p> <p><b>Sec. 10-520. Findings of Fact and Purpose</b></p> <p>When development or construction activities result in earth changes, soil erosion is likely to occur which will result in hazards to health and safety with damage to property under both normal rainfall events and/or heavy rainfall/flooding events, unless erosion and sedimentation control measures are implemented. (Ord. No. 0-99-19; 2/24/99) (Ord. No. 0-2011-45, 6/6/11)</p> <p>The purpose of this division is to promote the public health, safety, and welfare and to minimize public and private losses due to erosion and sedimentation in all areas by provisions designed to:</p> <ol style="list-style-type: none"> <li>a. Protect human life and health;</li> <li>b. Minimize expenditure of public money for costly erosion control projects;</li> <li>c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense;</li> <li>d. Minimize negative impacts to adjacent properties due to erosion and sedimentation and prevent water pollution;</li> <li>e. Minimize prolonged business interruptions;</li> <li>f. Minimize negative impact to public streets, storm sewer systems and drainage ways;</li> <li>g. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, levees and bridges; and</li> <li>h. Help maintain a stable tax base by providing for the sound use and development of property so as to minimize erosion. (Ord. No. 0-99-19; 2/24/99) (Ord. No. 0-2011-45, 6/6/11)</li> </ol> <p><b>Sec. 10-521. Reserved.</b></p> <p><b>Sec. 10-522. Methods of Reducing Erosion and Sedimentation Losses</b></p> <p>In order to accomplish its purposes, this division uses the following methods:</p> <ol style="list-style-type: none"> <li>a. Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;</li> <li>b. Controls the alteration of natural floodplains, stream channels and natural protective barriers;</li> <li>c. Controls filling, grading, dredging and other development which may increase erosion damage; and</li> <li>d. Controls earth changes which may cause erosion and/or sedimentation damage. (Ord. No. 0-99-19; 2/24/99)</li> </ol> <p><b>Sec. 10-523. Establishment of Clearing and Grading Permit</b></p> <p>A clearing and grading permit is required to ensure conformance with the requirements of this</p> </div>	
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>The Small MS4 General Permit requires that the SWMP includes 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.</li> <li>The City strengthened its Erosion and Sediment Control Ordinance in 2011 and will continue to enforce the ordinance.</li> </ul>	
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>Continue to enforce the City's Erosion and Sediment Control Ordinance</li> </ul>	<p>List of enforcement orders or fines</p>
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>Continue to enforce the City's Erosion and Sediment Control Ordinance</li> </ul>	<p>List of enforcement orders or fines</p>
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>Continue to enforce the City's Erosion and Sediment Control Ordinance</li> </ul>	<p>List of enforcement orders or fines</p>
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>Continue to enforce the City's Erosion and Sediment Control Ordinance</li> </ul>	<p>List of enforcement orders or fines</p>
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>Continue to enforce the City's Erosion and Sediment Control Ordinance</li> </ul>	<p>List of enforcement orders or fines</p>
<p><b>REFERENCES</b> TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.3(a)(1): pg.35</i></p>		

		<h2>EROSION CONTROL PLAN REVIEW PROCEDURES</h2>	<h3>C-2</h3>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Development Services</b> Engineering Services Water Utilities</p>		<p><b>DESCRIPTION</b></p> <p>As part of their development review procedures, the City of Tyler currently reviews construction plans, including erosion and sediment control plans. Per City ordinance, any earth disturbing activity must have a clearing and grading permit. A copy of the applicant's Erosion and Sediment Control Plan must accompany the drainage plans as part of the permitting process. Erosion and sediment control plans are reviewed for compliance with TXR15000.</p> <p>The site plan review procedures must incorporate consideration of potential water quality impacts. The Small MS4 Permit also requires that Level 3 MS4s maintain an inventory of all permitted active public and private construction sites. The inventory should include City CIP projects. Private construction sites may be inventoried based on TXR15000 NOIs and CSNs submitted to the City and Clearing and Grading Permits approved by the City. The inventory may be either a list or map and should be updated on a monthly basis. Sites may be removed from the inventory based on NOTs that are submitted to the City.</p>	
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The Small MS4 General Permit requires that traditional MS4s implement site plan review procedures to the extent allowable by state, federal and local law.</li> <li>• The Development Services Department currently performs review of development plans. This procedure appears to be effective and will continue during the second permit term.</li> </ul>	
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Review all applicable erosion control plans submitted to the City as required by ordinance</li> <li>• Maintain construction site inventory of all permitted sites</li> </ul>	Review 100% of plans submitted List/Map of active construction sites	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Review all applicable erosion control plans submitted to the City as required by ordinance</li> <li>• Maintain construction site inventory of all permitted sites</li> </ul>	Review 100% of plans submitted List/Map of active construction sites	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Review all applicable erosion control plans submitted to the City as required by ordinance</li> <li>• Maintain construction site inventory of all permitted sites</li> </ul>	Review 100% of plans submitted List/Map of active construction sites	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Review all applicable erosion control plans submitted to the City as required by ordinance</li> <li>• Maintain construction site inventory of all permitted sites</li> </ul>	Review 100% of plans submitted List/Map of active construction sites	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Review all applicable erosion control plans submitted to the City as required by ordinance</li> <li>• Maintain construction site inventory of all permitted sites</li> </ul>	Review 100% of plans submitted List/Map of active construction sites	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.3(b)(4)(a,b): pg.37</i></p>			

		<b>CONSTRUCTION SITE INSPECTIONS</b>	<b>C-3</b>
		<p><b>DESCRIPTION</b></p> <p>The Development Services staff performs construction site inspections. To facilitate these inspections, the City established points during the development process at which inspections must be performed before the process can continue. A code was added for erosion control inspections to the inspections that the building inspectors note in HTE.</p> 	
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Water Utilities</b> Development Services Building Inspection</p>		<p>Erosion control inspections performed on utility and grading projects and CIP projects need to also be tracked but are not entered into the HTE system. The City will develop procedures for tracking inspections of these projects during Year 1.</p>	
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>		<p>The frequency of inspections should consider factors that are a threat to water quality and inspections should be made during the active construction phase. Written procedures should be maintained on-site and made available to TCEQ. Written inspection reports or checklists need to be maintained along with findings and follow actions.</p>	
		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• Required component of the Small MS4 General Permit</li> <li>• The Development Services Department currently performs construction inspection for the erosion control plans. This procedure appears to be effective and will continue through the second permit term.</li> </ul>	
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Develop written procedures and inspection checklist</li> <li>• Develop written procedures to track inspections of utility and grading projects and CIP projects not entered into HTE</li> <li>• Conduct construction site inspections and document with inspection checklist</li> </ul>	Inspection checklist Written procedures  List of construction site inspections	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Continue existing construction inspections</li> </ul>	List of construction site inspections	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Continue existing construction inspections</li> </ul>	List of construction site inspections	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Continue existing construction inspections</li> </ul>	List of construction site inspections	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Continue existing construction inspections</li> </ul>	List of construction site inspections	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.3(b)(5)(a): pg.37</i></p>			

		<p><b>CONSTRUCTION GENERAL PERMIT TRAINING</b></p>	<p><b>C-4</b></p>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Development Services</b></p>	<p><b>DESCRIPTION</b></p>		
<p><b>APPLICABILITY</b></p>		<p>The City will advertise training programs for construction permitting and erosion control BMPs if/when they are available in the local area. Training may be provided through the East Texas Council of Governments or the local university or junior college.</p>	
<p>Residents</p>	<p>The Small MS4 General Permit requires that the City ensures 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 such activities. During Year 1, the City will document the educational background and/or training received by appropriate staff and retain that information on-site. The training may be conducted by City staff or by outside trainers.</p>	<p><b>RATIONALE FOR SELECTION</b></p>	
<p>Visitors</p>	<ul style="list-style-type: none"> <li>• Employee training is required by the Small MS4 General Permit</li> <li>• Advertising local training programs is an excellent way to keep developers and construction site operators informed about current BMPs and regulations.</li> </ul>		
<p>X Businesses</p>	<p>X Commercial/Industrial</p>		
<p>X Construction</p>			
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Advertise local training programs, when available</li> <li>• Document city staff training regarding the construction stormwater program</li> </ul>	<p>Advertisement, if available Staff training documents</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Advertise local training programs, when available</li> </ul>	<p>Advertisement, if available</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Advertise local training programs, when available</li> </ul>	<p>Advertisement, if available</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Advertise local training programs, when available</li> </ul>	<p>Advertisement, if available</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Advertise local training programs, when available</li> </ul>	<p>Advertisement, if available</p>	
<p><b>REFERENCES</b></p>			
<p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.3(b)(7): pg.38</i></p>			

	<h2>STORM WATER HOTLINE FOR RECEIPT OF PUBLIC COMMENT</h2>	<h3>C-5</h3>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Developmental Services</b></p>	<p><b>DESCRIPTION</b></p> <p>The City of Tyler utilizes a storm water hotline for reporting potential violations related to construction activities. This number is active 24 hours a day. This hotline is aggressively promoted through several of the previously mentioned public education BMPs including the City’s web site. Code Enforcement personnel respond and investigate these calls.</p>  <p>The stormwater hotline allows the public to be actively involved in the implementation of the City’s stormwater program. This hotline is used for public input regarding any aspect of stormwater including reporting of illicit discharges, illegal dumping and construction site problems.</p>	
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Storm Water Hotlines provide citizens with an avenue to voice concerns and report potential violations to the appropriate authorities regarding construction activities and other stormwater issues.</li> <li>The Storm Water Stakeholders Group selected a Storm Water Hotline as the third highest priority BMP for Public Involvement and Participation.</li> <li>This BMP was effective during the first permit term.</li> </ul>	
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>Publicize storm water hotline</li> <li>Track public comments and investigations</li> </ul>	<p>List of comments/complaints</p>
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>Publicize storm water hotline</li> <li>Track complaint investigations from hotline</li> </ul>	<p>List of comments/complaints</p>
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>Publicize storm water hotline</li> <li>Track complaint investigations from hotline</li> </ul>	<p>List of comments/complaints</p>
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>Publicize storm water hotline</li> <li>Track complaint investigations from hotline</li> </ul>	<p>List of comments/complaints</p>
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>Publicize storm water hotline</li> <li>Track complaint investigations from hotline</li> </ul>	<p>List of comments/complaints</p>
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.3(b)(6): pg.38</i></p>		

#### 5.4 MCM #4 - Post-Construction Storm Water Management in Areas of New Development and Redevelopment

Numerous studies have documented that storm water runoff from developed sites contributes significant pollutant loads to receiving waters. The increase in impervious surfaces such as rooftops, roads, and parking lots can increase urban runoff and have a detrimental impact on aquatic systems due to increased concentrations of sediment, nutrients, road salts, heavy metals, pathogenic bacteria, and petroleum hydrocarbons. The best way to mitigate storm water impacts from new development is to use practices to treat, store, and infiltrate runoff onsite before it can affect downstream waterbodies. Innovative site designs that reduce imperviousness and smaller-scale low impact development practices may be dispersed throughout a site to achieve the goals of reducing flows and improving water quality.

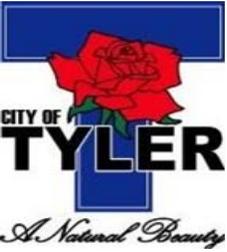
As specified in the Small MS4 General Permit, the SWMP must include controls for post-construction stormwater management for new development and redevelopment projects. All permittees must develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4. This applies to projects 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 post-construction program must apply to both public and private development sites.

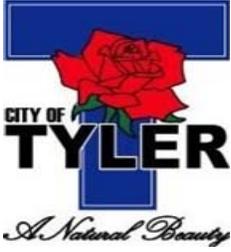
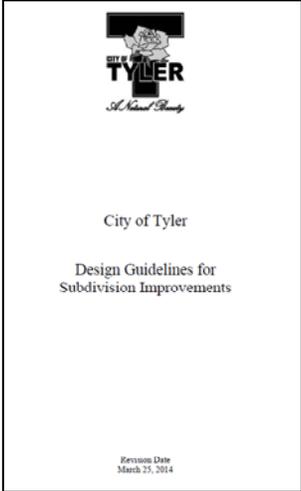
Existing permittees, such as the City of Tyler must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. The City has determined that its current program, with minor modifications, meets the new permit requirements and reduces the discharge of pollutants from the MS4 to the MEP. One new BMP was added to address post-construction runoff control from City facilities.

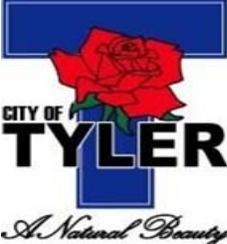
To comply with the regulatory requirements for this program element, the list of BMPs below has been selected by the City of Tyler.

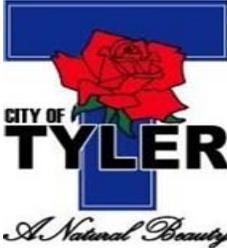
- PC-1 Post Construction Ordinance
- PC-2 Post Construction BMP Manual
- PC-3 Long Term Operation and Maintenance of BMPs
- PC-4 Sediment Control at City Facilities (New)

The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as unbolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Tyler's Post-Construction BMPs targets primarily construction site personnel, businesses, and commercial and industrial facilities.

		<h2 style="margin: 0;">POST CONSTRUCTION ORDINANCE</h2>		<h2 style="margin: 0;">PC-1</h2>
		<h3 style="margin: 0;">DESCRIPTION</h3> <p>Tyler adopted an ordinance to address post-construction runoff from new development and redevelopment projects during the first permit term. The purpose of the ordinance was to establish minimum stormwater management requirements to minimize flooding, siltation, increases in stream temperature, streambank erosion and nonpoint source pollution. The ordinance was adopted in 2011. The City will continue to enforce the existing ordinance and maintain documentation of all enforcement actions and make them available for review by TCEQ.</p>		<div style="border: 1px solid black; padding: 5px; font-size: small;"> <p style="text-align: center; margin: 0;">CITY OF TYLER, TEXAS, CODE OF ORDINANCES</p> <p style="text-align: center; margin: 0;">DIVISION F, Control of Post Construction Stormwater Runoff</p> <p>Sec. 10-537. General Provisions</p> <p>a. Findings of Fact It is hereby determined that:</p> <ol style="list-style-type: none"> <li>1. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;</li> <li>2. This stormwater runoff contributes to increased quantities of water borne pollutants, and stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.</li> <li>3. Therefore, the City of Tyler establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will help minimize threats to public health and safety.</li> </ol> <p>b. Purpose The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:</p> <ol style="list-style-type: none"> <li>1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;</li> <li>2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality</li> <li>3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.</li> <li>4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.</li> </ol> <p>c. Applicability This ordinance shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the City of Tyler under the specifications of Sec. 10-540 of this ordinance. The ordinance also applies to land development activities that are</p> <p style="text-align: center; margin: 0;">-1-</p> </div>
<h3 style="margin: 0;">RESPONSIBLE AUTHORITY</h3> <p style="margin: 0;"><b>*Development Services</b> City Attorney Building Inspection</p>		<h3 style="margin: 0;">RATIONALE FOR SELECTION</h3> <ul style="list-style-type: none"> <li>The Small MS4 General Permit requires the development of a regulatory mechanism to the extent allowable under state, federal and local law.</li> <li>The ordinance was adopted during the first permit term</li> <li>The City will continue to enforce existing ordinances</li> </ul>		
<h3 style="margin: 0;">APPLICABILITY</h3> <p style="margin: 0;">Residents</p> <p style="margin: 0;">Visitors</p> <p style="margin: 0;">Public Service Employees</p> <p style="margin: 0;">X Businesses</p> <p style="margin: 0;">X Commercial/Industrial</p> <p style="margin: 0;">X Construction</p>				
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL		
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>Enforce existing ordinance</li> </ul>	List of enforcement actions		
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>Enforce existing ordinance</li> </ul>	List of enforcement actions		
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>Enforce existing ordinance</li> </ul>	List of enforcement actions		
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>Enforce existing ordinance</li> </ul>	List of enforcement actions		
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>Enforce existing ordinance</li> </ul>	List of enforcement actions		
<h3 style="margin: 0;">REFERENCES</h3> <p style="margin: 0;">TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.4(a)(2): pg.39</i></p>				

		<b>POST-CONSTRUCTION BMP MANUAL</b>		<b>PC-2</b>
		<p><b>DESCRIPTION</b></p> <p>The City developed a Post-Construction (PC) BMP Manual during the first permit term to accompany the post-construction ordinance (PC-1), which outlines design standards for permanent BMPs. The Design Guidelines for Subdivision Improvements was recently updated on March 25, 2014. The Design Guidelines will be reviewed once per permit term to ensure it is providing adequate guidance on the proper design and maintenance of post-construction BMPs for engineers, developers and construction site operators. Additional guidance on stormwater controls are outlined in the Tyler Unified Development Code contained in Chapter 10 of the City Ordinances.</p>		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Development Services</b></p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• Design guidance is required for PC BMPs on proper design and maintenance.</li> </ul>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>				
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	• None		N/A	
10/1/15 – 9/30/16	• None		N/A	
10/1/16 – 9/30/17	• None		N/A	
10/1/17 – 9/30/18	• Review PC BMP manual and revise as needed		Revised pages, if needed	
10/1/18 – 12/13/18	• None		N/A	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.4(a)(1): pg.38</i></p>				

		<h2>LONG TERM OPERATION AND MAINTENANCE OF BMPs</h2>		<h2>PC-3</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Water Utilities</b> GIS Streets</p>		<p><b>DESCRIPTION</b></p> <p>This management practice will involve an inspection process that will be conducted by the Drainage Maintenance Department during their construction inspections. The inspections are necessary to determine the effectiveness of a BMP, which can significantly be reduced by the lack of maintenance. Additional inspections and maintenance may result from citizen reporting and complaints through the storm water hotline. The City will maintain a GIS map of permanent, public infrastructure BMPs that require inspection and maintenance by the City. A GIS map of privately maintained post-construction BMPs that are maintained through maintenance covenants recorded into the land record will also be developed and updated annually.</p>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>The Small MS4 General Permit requires the City to provide for the long-term operation and maintenance of the post-construction BMPs that are constructed in new development and redevelopment projects that disturb greater than or equal to one acre.</li> <li>Public Infrastructure BMPs are maintained by the City.</li> <li>Privately owned BMPs are maintained by the owner through a maintenance covenant.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>Maintain a GIS map of permanent, public infrastructure BMPs</li> <li>Maintain public infrastructure BMPs, as needed</li> </ul>		<p>GIS Map</p> <p>Semi-annual inspection of public infrastructure BMPs</p>	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>Maintain a GIS map of permanent, public infrastructure BMPs</li> <li>Maintain public infrastructure BMPs, as needed</li> </ul>		<p>Updated GIS Map</p> <p>Semi-annual inspection of public infrastructure BMPs</p>	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>Maintain a GIS map of permanent, public infrastructure BMPs</li> <li>Develop procedures to track permanent, privately maintained BMPs</li> <li>Maintain public infrastructure BMPs, as needed</li> </ul>		<p>Updated GIS Map</p> <p>Tracking procedures</p> <p>Semi-annual inspection of public infrastructure BMPs</p>	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>Maintain a GIS map of permanent, public infrastructure BMPs</li> <li>Maintain a GIS map of permanent, privately maintained BMPs</li> <li>Maintain public infrastructure BMPs, as needed</li> </ul>		<p>Updated GIS Maps</p> <p>Semi-annual inspection of public infrastructure BMPs</p>	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>Maintain a GIS map of permanent, public infrastructure BMPs</li> <li>Maintain a GIS map of permanent, privately maintained BMPs</li> <li>Maintain public infrastructure BMPs, as needed</li> </ul>		<p>Updated GIS Maps</p> <p>Semi-annual inspection of public infrastructure BMPs</p>	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.4(b)(3)(a,b): pg.39</i></p>				

		<p><b>SEDIMENT CONTROL AT CITY FACILITIES</b></p>	<p><b>PC-4</b></p>
<p><b>RESPONSIBLE AUTHORITY</b></p>		<p><b>DESCRIPTION</b></p>	
<p><b>*Water Utilities</b> Streets Parks</p>			
<p><b>APPLICABILITY</b></p>		<p>All stockpiled material such as aggregate, sand, soil, mulch etc. that could be transported by stormwater runoff should be surrounded on three sides with a containment berm. In most cases, the City uses concrete containment walls around permanent stockpiles. The City will install containment berms around all permanent stockpiles. Erosion control socks can be used around temporary stockpiles to control sediment transport.</p>	
<p>Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction</p>		<p><b>RATIONALE FOR SELECTION</b></p>	
<ul style="list-style-type: none"> <li>• Recommended based on a review of City facilities.</li> <li>• Permanent, post-construction BMPs will prevent the transport of sediment off-site.</li> </ul>			
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Install rock check dam at Streets Department yard</li> <li>• Ensure all stockpiled materials have containment berms</li> </ul>	<p>1 Rock Check Dam Containment Berms</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Inspect rock check dam quarterly and maintain as needed</li> <li>• Document inspection with checklist or inspection log</li> </ul>	<p>Inspection checklist/log</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Inspect rock check dam quarterly and maintain as needed</li> <li>• Document inspection with checklist or inspection log</li> </ul>	<p>Inspection checklist/log</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Inspect rock check dam quarterly and maintain as needed</li> <li>• Document inspection with checklist or inspection log</li> </ul>	<p>Inspection checklist/log</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Inspect rock check dam quarterly and maintain as needed</li> <li>• Document inspection with checklist or inspection log</li> </ul>	<p>Inspection checklist/log</p>	
<p><b>REFERENCES</b></p>			
<p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.4(a)(2): pg.39</i></p>			

### 5.5 MCM #5 - Pollution Prevention/Good Housekeeping for Municipal Operations

Storm water pollution prevention will only be effective if the municipality is “practicing what it preaches”. Therefore, the City’s storm water program must be founded on achievable pollution prevention measures for the city facilities and field operations.

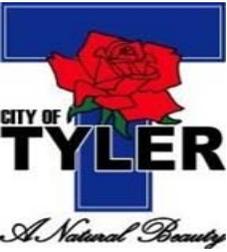
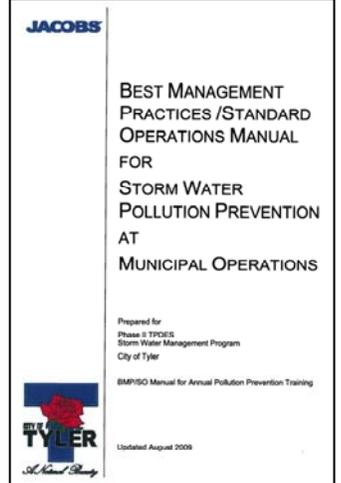
As specified in the Small MS4 General Permit, all permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including 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.

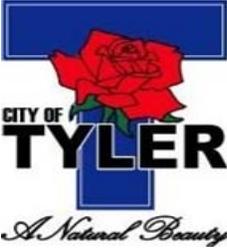
Existing permittees, such as the City of Tyler must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. The City has determined that five new good housekeeping BMPs are required due to either new permit requirements or expansion of the regulated UA with the goal of reducing the discharge of pollutants from the MS4 to the MEP.

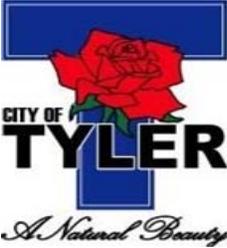
The list of currently performed and new BMPs below was developed to meet regulatory requirements for this program element.

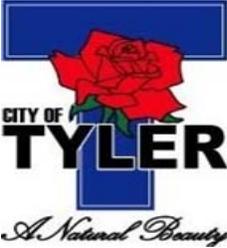
- GH-1 Storm Water Pollution Prevention Training
- GH-2 Used Tire and Battery Recycling
- GH-3 Vehicle Washing
- GH-4 Vehicle Fueling
- GH-5 Landscape and Lawn Care
- GH-6 Roadway Cleaning
- GH-7 Storm Sewer System Operation and Maintenance
- GH-8 Facility Specific SOPs
- GH-9 Used Oil Collection & Recycling
- GH-10 Airport Operations (New)
- GH-11 Facilities and Control Inventory (New)
- GH-12 Municipal Operation and Maintenance Activities (New)
- GH-13 Contractor Oversight (New)
- GH-14 Good Housekeeping Cleanup (New)

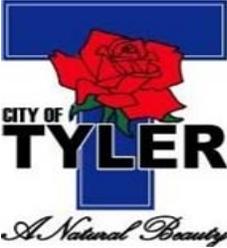
The following BMP sheets describe individual BMPs in Tyler’s SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an “\*” and any support departments are listed as unbolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Tyler’s Good Housekeeping and Pollution Prevention BMPs targets exclusively Public Service Employees.

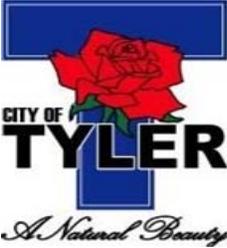
		<h2>STORM WATER POLLUTION PREVENTION TRAINING</h2>	<h3>GH-1</h3>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Engineering</p>		<p><b>DESCRIPTION</b></p> <p>In addition to the specific BMPs for Good Housekeeping and Pollution Prevention, the City of Tyler has prepared and implemented general training for City employees on storm water pollution prevention techniques. The City developed a BMP / Standard Operations (BMP/SO) manual (GH-8) for use by City staff charged with City facility and maintenance operations (both fixed facility staff and field operations). The BMP/SO manual is used during annual training. The municipal operations that have a primary role in the implementation of this SWMP attend annual training including the following departments: Engineering, Traffic Engineering, Water Utilities, Solid Waste, Code Enforcement, Development Services, Drainage Maintenance, Vehicle Equipment Services, Parks and Recreation, and Streets. The annual training is structured based on departmental needs. Some departments utilize presentations at safety meetings while others use on-line training modules. Each department is responsible for obtaining sign-in sheets for training sessions to be included in annual reports. The BMP/SO manual is reviewed annually and updated as needed. The City will ensure that all departments utilize the BMP/SO manual during annual training.</p> <div data-bbox="1161 283 1502 766" style="border: 1px solid black; padding: 5px;">  </div>	
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The permit requires that appropriate staff involved in implementing pollution prevention and good housekeeping procedures be trained.</li> <li>• The permit requires that attendance sheets be maintained.</li> </ul>	
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Conduct annual training for City facility and maintenance staff using the facility specific BMP/SO Manual</li> </ul>	Training 1/year	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Conduct annual training for City facility and maintenance staff using the facility specific BMP/SO Manual</li> </ul>	Training 1/year	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Conduct annual training for City facility and maintenance staff using the facility specific BMP/SO Manual</li> </ul>	Training 1/year	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Conduct annual training for City facility and maintenance staff using the facility specific BMP/SO Manual</li> </ul>	Training 1/year	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Conduct annual training for City facility and maintenance staff using the facility specific BMP/SO Manual</li> </ul>	Training 1/year	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(b)(2): pg.41</i></p>			

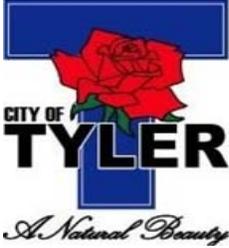
		<b>USED TIRE AND BATTERY RECYCLING</b>		<b>GH-2</b>
		<p><b>DESCRIPTION</b></p> <p>The City of Tyler will continue to perform vehicle maintenance on all City owned and operated vehicles and includes such preventative maintenance services as automotive fluid changes and tire and battery replacement. Some minor mechanical repairs are also performed, however, bodywork and painting is not conducted at the City service facilities. This BMP involves the proper storage and recycling of used tires and batteries.</p>		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Vehicle Equipment Services</b></p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• Vehicle maintenance is currently being performed for all City vehicles at the Oakwood Municipal Complex located at 410 W. Oakwood.</li> <li>• Many vehicle fluids such as hydraulic fluid and anti-freeze are already collected for recycling and refurbishing. Water-based parts cleaners that filter and reuse the cleaning solution are also used by the City, which helps eliminate waste solvent generation.</li> </ul>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>				
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Properly store and recycle used batteries</li> </ul>		Number of batteries recycled	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Extend awning to provide cover for used tire storage area</li> <li>• Properly store and recycle used tires</li> <li>• Properly store and recycle used batteries</li> </ul>		Awning over used tires Number of batteries and used tires recycled	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Properly store and recycle used tires</li> <li>• Properly store and recycle used batteries</li> </ul>		Number of batteries and used tires recycled	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Properly store and recycle used tires</li> <li>• Properly store and recycle used batteries</li> </ul>		Number of batteries and used tires recycled	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Properly store and recycle used tires</li> <li>• Properly store and recycle used batteries</li> </ul>		Number of batteries and used tires recycled	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(a)(1): pg.40</i></p>				

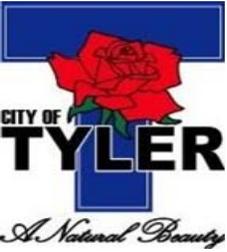
		<b>VEHICLE WASHING</b>		<b>GH-3</b>
		<p><b>DESCRIPTION</b></p> <p>Vehicle washing will continue to be performed at the Oakwood Municipal Complex for all City owned and operated vehicles. The sand trap will be maintained and cleaned at least annually.</p>		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Vehicle Equipment Services</b></p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• Vehicle washing is currently being performed for all City vehicles at the Oakwood Municipal Complex located at 410 W. Oakwood in the designated washing bay.</li> <li>• Most City vehicles are washed approximately twice a week.</li> <li>• A sand trap is utilized to filter all wash water from the car wash bay, and needs to be maintained on a regular and frequent schedule.</li> </ul>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>				
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Inspect and maintain sand trap</li> </ul>		Clean at least once/year	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Inspect and maintain sand trap</li> </ul>		Clean at least once/year	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Inspect and maintain sand trap</li> </ul>		Clean at least once/year	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Inspect and maintain sand trap</li> </ul>		Clean at least once/year	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Inspect and maintain sand trap</li> </ul>		Clean at least once/year	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(c)(6)(d): pg.44</i></p>				

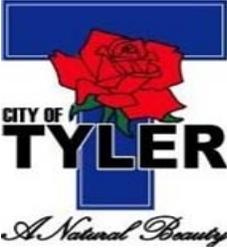
		<b>VEHICLE FUELING</b>		<b>GH-4</b>
		<p><b>DESCRIPTION</b></p> <p>Vehicle fueling will continue to be performed at each of the existing fueling stations. These systems will remain in compliance with current TCEQ regulations. The City will ensure that each fueling area has signage to discourage topping off fuel tanks and all fueling areas will have spill containment kits nearby. Training on the location and use of spill containment kits will be addressed during annual pollution prevention Training (See GH-1).</p>		
<p><b>RESPONSIBLE AUTHORITY</b>                  *Vehicle Equipment Services                  Parks                  Streets                  Fire Department</p>		<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>		
		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• Vehicle fueling is performed for City vehicles at several of the service centers. The primary fueling station is located at the Oakwood Municipal Complex and consists of a covered island with two dispenser pumps. This facility has an automated monitor and control system with alarms and leak detection for the underground storage tanks.</li> <li>• In addition to the Oakwood Municipal Complex fueling station, the Parks Department also maintains several smaller fuel tanks at the Rose Hill Cemetery, and local parks maintenance facilities.</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Maintain UST leak detection system</li> <li>• Add signage at each fueling location</li> <li>• Ensure spill kits are located at each fueling area</li> </ul>		UST system report	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Maintain UST leak detection system</li> </ul>		UST system report	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Maintain UST leak detection system</li> </ul>		UST system report	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Maintain UST leak detection system</li> </ul>		UST system report	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Maintain UST leak detection system</li> </ul>		UST system report	
<p><b>REFERENCES</b>                  TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(c)(6)(c): pg.44</i></p>				

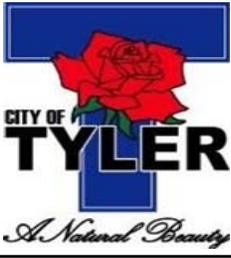
	<h2>LANDSCAPE AND LAWN CARE</h2>		<h2>GH-5</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Parks &amp; Recreation</p>	<p><b>DESCRIPTION</b></p> <p>The City of Tyler maintains numerous landscaping facilities including the Rose Garden Center. The City has established a “No Bag It” program at City facilities to reduce lawn clipping disposal. The City uses private contractors to perform right of way maintenance.</p> <p>Landscape and lawn care activities are currently documented through hard copy forms, but the City is in the process of developing an electronic work order system. The electronic documentation system will allow the City to track and coordinate landscape and lawn care activities throughout the City.</p> <p>The Tyler Parks &amp; Recreation Department employs licensed applicators that apply fertilizers and pesticides on an as needed basis. The City’s applicators are licensed through the Texas Department of Agriculture (TDA) as Noncommercial Applicators for restricted-use or state-limited-use pesticides. Noncommercial applicators must renew annually and obtain five CEU credits each year to remain licensed. The City will require their applicators to maintain their TDA licenses and attend annual training classes. The City will retain copies of applicator licenses for submittal with the annual reports.</p>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• As the “Rose Capitol of Texas”, landscaping is very important to the City of Tyler.</li> <li>• The Tyler Parks Department employs licensed applicators that apply chemicals on an as needed basis. Licensing of pesticide applicators ensures that the staff are knowledgeable in the proper application rates and methods for lawn care chemicals.</li> <li>• Annual training focuses on laws and regulations, integrated pest management and drift minimization to ensure proper use and prevent these chemicals from leaving the site of application.</li> </ul>		
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Training and certification of Parks and Recreation staff</li> </ul>	<p>At least 2 staff with Pesticide Applicator License</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Training and certification of Parks and Recreation staff</li> </ul>	<p>At least 2 staff with Pesticide Applicator License</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Training and certification of Parks and Recreation staff</li> </ul>	<p>At least 2 staff with Pesticide Applicator License</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Training and certification of Parks and Recreation staff</li> </ul>	<p>At least 2 staff with Pesticide Applicator License</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Training and certification of Parks and Recreation staff</li> </ul>	<p>At least 2 staff with Pesticide Applicator License</p>	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(b)(5)(a)(iv): pg.42</i></p>			

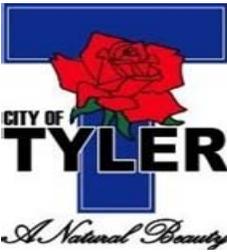
		<b>ROADWAY CLEANING</b>		<b>GH-6</b>
		<p><b>DESCRIPTION</b>                  The City of Tyler will continue to perform street sweeping and cleaning at the current frequency. Every mile of curbed City streets is swept on a 30 to 45 day cycle, and the downtown area is swept twice per week, which appears to be sufficient to maintain clean streets in Tyler. The current equipment and staff also appear to be sufficient to meet Tyler's needs. In addition, the City will sweep designated sections of the parking lot of the Oakwood Municipal Complex on a bi-weekly basis.</p>		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Street Department</p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The Street Department of the City of Tyler currently performs street cleaning utilizing Tymo regenerative street sweepers.</li> <li>• Several other City programs and procedures also help reduce the volume of debris or trash on the City streets and in waterways, including utilizing labor from the Andrews Center for litter control along right-of-ways, as well as 30 to 40 Adopt-a-Spot groups.</li> </ul>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>				
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Continue existing regenerative street sweeping</li> <li>• Track the number of lane miles swept</li> </ul>		*17,000 lane miles	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Continue existing regenerative street sweeping</li> <li>• Track the number of lane miles swept</li> </ul>		10,000 lane miles	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Continue existing regenerative street sweeping</li> <li>• Track the number of lane miles swept</li> </ul>		10,000 lane miles	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Continue existing regenerative street sweeping</li> <li>• Track the number of lane miles swept</li> </ul>		10,000 lane miles	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Continue existing regenerative street sweeping</li> <li>• Track the number of lane miles swept</li> </ul>		*2,000 lane miles	
<p>*Measurable goal prorated based on length of reporting year</p> <p><b>REFERENCES</b>                  TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(c)(2): pg.42-43</i></p>				

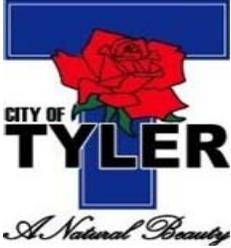
		<h2>STORM DRAIN SYSTEM OPERATION AND MAINTENANCE</h2>		<h2>GH-7</h2>	
<p style="text-align: center;"><b>RESPONSIBLE AUTHORITY</b></p> <p style="text-align: center;">*Drainage Maintenance Engineering Services Water Utilities GIS</p>		<p><b>DESCRIPTION</b></p> <p>The City of Tyler performs storm drain system cleaning on a routine basis and in response to complaints. The purpose of this practice is to reduce the amount of debris, trash and other pollutants in the storm drain system.</p> <p>The Drainage Maintenance group in the Street Department performs storm drain system cleaning. The inlets are initially cleaned by hand to remove any lodged debris. This type of cleaning is limited to several feet into the inlet. If a clog still persists, then the Tyler Water Utilities vacuum truck is used to remove the remainder of the material. The City also maintains a StormCeptor™ on the West Loop.</p>			
<p style="text-align: center;"><b>APPLICABILITY</b></p> <p style="text-align: center;">Residents</p> <p style="text-align: center;">Visitors</p> <p style="text-align: center;">X Public Service Employees</p> <p style="text-align: center;">Businesses</p> <p style="text-align: center;">Commercial/Industrial</p> <p style="text-align: center;">Construction</p>		<p>The Water Department assists the Drainage Maintenance Department with the Vac-Truck cleaning. The City uses a Sludge Judge to measure the depth of sediment buildup in the StormCeptor™. An extender allows the City to use the Vac Truck to remove accumulated sediment. Material removed from the StormCeptor™ or other BMPs is placed in a plastic-lined catch basin and allowed to air dry. The material is then sampled and sent to East Texas Laboratories to determine the appropriate disposal.</p> <p>The O&amp;M program needs to include catch basins and other surface drainage structures. The City will develop a list of potential problems areas and prioritize problem areas for increased inspection. TCEQ defines “catch basins” as storm drain inlets and curb inlets to the storm drain system.</p>		<p>The Tyler Water Utilities vacuum truck is used to remove the remainder of the material. The City also maintains a StormCeptor™ on the West Loop.</p>	
		<p style="text-align: center;"><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• The Drainage Maintenance group in the Street Department currently performs storm drain system cleaning on a routine basis and in response to complaints</li> <li>• Routine maintenance will reduce the amount of debris, trash and other pollutants in the storm drain system</li> <li>• This BMP is required for Level 3 MS4s</li> </ul>			
<p style="text-align: center;"><b>YEAR</b></p>		<p style="text-align: center;"><b>IMPLEMENTATION ACTIVITY</b></p>		<p style="text-align: center;"><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>		<ul style="list-style-type: none"> <li>• Continue routine maintenance of StormCeptor</li> </ul>		<p>Inspection/Cleaning Logs</p>	
<p>10/1/15 – 9/30/16</p>		<ul style="list-style-type: none"> <li>• Continue routine maintenance of StormCeptor</li> </ul>		<p>Inspection/Cleaning Logs</p>	
<p>10/1/16 – 9/30/17</p>		<ul style="list-style-type: none"> <li>• Continue routine maintenance of StormCeptor</li> <li>• Develop a GIS coverage of catch basins, and other surface drainage structures to be cleaned in addition to StormCeptor</li> </ul>		<p>Inspection/Cleaning Logs GIS map</p>	
<p>10/1/17 – 9/30/18</p>		<ul style="list-style-type: none"> <li>• Identify problem areas for increased inspection</li> <li>• Identify inspection schedule for routine O&amp;M and for problem and non-problem areas</li> <li>• Conduct routine inspection and cleaning of catch basins, StormCeptor and other surface drainage structures</li> <li>• Update GIS map annually</li> </ul>		<p>GIS map of problem and non-problem areas Routine Inspection Schedules Inspection/Cleaning Logs Updated GIS map</p>	
<p>10/1/18 – 12/13/18</p>		<ul style="list-style-type: none"> <li>• Update GIS map annually</li> </ul>		<p>Updated GIS map</p>	
<p><b>REFERENCES</b>                  TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(c)(1)(a,b): pg.42</i></p>					

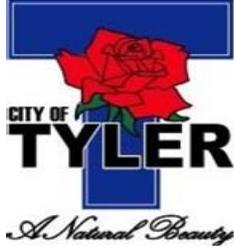
	<h2>MS4 FACILITY SPECIFIC SOPs</h2>	<h2>GH-8</h2>
<b>RESPONSIBLE AUTHORITY</b>	<b>DESCRIPTION</b>	
<p>*All Departments</p>	<p>The MS4 program has a strong educational component for City employees utilizing the Storm Water Pollution Prevention Training (GH-1) held annually on a department level. The City has a Best Management Practice/Standard Operations (BMP/SO) Manual that includes BMPs applicable to each department or facility. This facility specific SOP manual is used during the annual Pollution Prevention Training. The BMP/SO manual will be revised during Year 1 to include facilities which may not have been included in the regulated UA when the original manual was written in 2009. For instance, the City Airport (Tyler Pounds Regional Airport) was not located in the UA during the first permit term but with the expansion of the 2010 UA, the airport is now located in the regulated UA.</p>	
<b>APPLICABILITY</b>		
Residents	<p>The BMP/SO manual will be updated during Year 2 to include stormwater controls for high priority City facilities that are identified under BMP GH-11.</p>	
Visitors		
X	Public Service Employees	
	Businesses	
	Commercial/Industrial	
	Construction	
<b>RATIONALE FOR SELECTION</b>		
<ul style="list-style-type: none"> <li>This BMP is a required component of the good housekeeping MCM for Level 3 MS4s</li> <li>Facility assessments to identify high priority facilities are required for Level 3 MS4s</li> <li>This BMP will incorporate stormwater controls for high priority facilities in the BMP/SO Manual</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>Ensure the BMP/SO Manual is current and includes all City Facilities</li> <li>Distribute to all department for annual training program (GH-1)</li> </ul>	Revised SOP Manual
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>Revise BMP/SO manual to include stormwater controls for high priority facilities as identified in GH-11 and incorporate into annual training program (GH-1)</li> </ul>	Revised SOP Manual
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>Revise BMP/SO manual as needed and incorporate into annual training program (GH-1)</li> </ul>	Maintain SOPs specific for each facility
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>Revise BMP/SO manual as needed and incorporate into annual training program (GH-1)</li> </ul>	Maintain SOPs specific for each facility
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>Revise BMP/SO manual to include BMPs for high priority facilities as identified in GH-11 and incorporate into annual training program (GH-1)</li> </ul>	Maintain SOPs specific for each facility
<b>REFERENCES</b>		
<p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(c)(5): pg.44</i></p>		

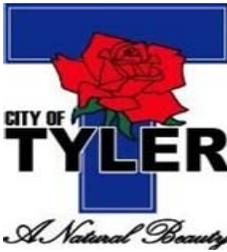
		<h2>USED OIL COLLECTION &amp; RECYCLING</h2>		<h2>GH-9</h2>	
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Vehicle Equipment Services</b></p>		<p><b>DESCRIPTION</b></p> <p>The City of Tyler currently collects and recycles used oil from vehicle maintenance at the Oakwood Municipal Complex. This greatly reduces the City's disposal costs while also ensuring that the waste oils are not discharged into the local sewer system or creeks and waterways.</p>			
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>		<p>The City encourages citizens to take their used motor oil to local auto maintenance shops in Tyler. These auto shops are conveniently located and will take the used oil free of charge.</p>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• Vehicle maintenance is currently being performed for all City vehicles at the Oakwood Municipal Complex located at 410 W. Oakwood.</li> <li>• Many vehicle fluids such as oil, hydraulic fluid and anti-freeze are collected for recycling and refurbishing. Water-based parts cleaners that filter and reuse the cleaning solution are also used by the City, which helps eliminate waste solvent generation.</li> <li>• The City of Tyler's Oakwood Municipal Complex utilizes tanks to store used oil from the City vehicles, which are recycled by a commercial contractor.</li> </ul>	
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL		
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Collect and recycle used oil from Oakwood Municipal Complex</li> </ul>		Report on volume of oil recycled		
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Collect and recycle used oil from Oakwood Municipal Complex</li> </ul>		Report on volume of oil recycled		
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Collect and recycle used oil from Oakwood Municipal Complex</li> </ul>		Report on volume of oil recycled		
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Collect and recycle used oil from Oakwood Municipal Complex</li> </ul>		Report on volume of oil recycled		
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Collect and recycle used oil from Oakwood Municipal Complex</li> </ul>		Report on volume of oil recycled		
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(c)(6)(a): pg.44</i></p>					

	<b>AIRPORT OPERATIONS</b>		<b>GH-10</b>
<b>RESPONSIBLE AUTHORITY</b>  *Airport	<p><b>DESCRIPTION</b></p> <p>With the expansion of the regulated UA based on the 2010 census, the City of Tyler Regional Airport (Pounds Regional Airport) is now located in the regulated UA. This BMP was added to include stormwater controls implemented at the Airport. The Airport has an approved Storm Water Pollution Prevention Plan (SWPPP) under the Multi-Sector General Permit (TXR050000). A SWPPP is required for any Air Transportation Sector. The Federal Aviation Administration (FAA) provides supplemental guidance on the preparation of airport oriented SWPPPs through Advisory Circular 150/5320-15A. Airport tenants and Fleet Based Operators (FBOs) also have SWPPPs that cover their operations. The Airport has 13 outfalls that are monitored under their industrial SWPPP.</p> <p>This BMP involves the maintenance of a current SWPPP and compliance with SWPPP provisions. The City will also ensure that all FBOs are in compliance with their SWPPPs.</p>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Tyler’s Pounds Regional Airport is now located in the regulated UA</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>Maintain SWPPP and ensure FBOs are in compliance with their SWPPPs</li> <li>Identify and add signage to all outfalls</li> <li>Develop drainage maps which show which FBOs drain to each outfall</li> </ul>	<p>Date of annual SWPPP comprehensive site inspection Outfall and Drainage Area Map</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>Maintain SWPPP and ensure FBOs are in compliance with their SWPPPs</li> </ul>	<p>Inspection dates Updated maps if outfalls change</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>Maintain SWPPP and ensure FBOs are in compliance with their SWPPPs</li> </ul>	<p>Inspection dates Updated maps if outfalls change</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>Maintain SWPPP and ensure FBOs are in compliance with their SWPPPs</li> </ul>	<p>Inspection dates Updated maps if outfalls change</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>Maintain SWPPP and ensure FBOs are in compliance with their SWPPPs</li> </ul>	<p>Inspection dates Updated maps if outfalls change</p>	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(c)(6): pg.44</i></p>			

		<p><b>CITY FACILITIES AND CONTROL INVENTORY</b></p>	<p><b>GH-11</b></p>	
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Water Utilities GIS</p>	<p><b>DESCRIPTION</b></p>			<p>The Small MS4 General Permit requires that all regulated MS4s develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory should 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 (if applicable):</p>
<p><b>APPLICABILITY</b></p>	<p>Residents</p>	<ul style="list-style-type: none"> <li>• Equipment storage and maintenance facilities;</li> <li>• Fuel storage facilities;</li> <li>• Materials storage yards;</li> <li>• Pesticide storage facilities;</li> <li>• Buildings, including schools, libraries, police stations, fire stations, and office buildings;</li> <li>• Parking lots;</li> <li>• Swimming pools;</li> <li>• Public works yards;</li> <li>• Recycling facilities;</li> <li>• Solid waste handling and transfer facilities;</li> <li>• Street repair and maintenance sites;</li> <li>• Vehicle storage and maintenance yards; and</li> <li>• Structural stormwater controls.</li> </ul>		
<p>Visitors</p>	<p>X Public Service Employees</p>		<p>Facility assessments must be conducted once per permit term to determine the potential to discharge pollutants. Based on these assessments, the City must identify high-priority facilities. High priority facilities must include, at a minimum, the City's maintenance yards, fuel storage locations, and any other facility at which chemicals or other materials have a high potential to be discharged in stormwater. Many of the high priority facilities in the City are governed by a MSGP SWPPP or SPCC plan, which requires annual inspections as part of those permit requirements. The City may use those inspections as part of the facility assessments and implement facility assessment protocols for other facilities during this permit term.</p>	
<p>Businesses</p>	<p>Commercial/ Industrial</p>		<p><b>RATIONALE FOR SELECTION</b></p>	<ul style="list-style-type: none"> <li>• Required by the Small MS4 General Permit</li> <li>• Facility assessments are required for Level 3 MS4s</li> </ul>
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>		<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Develop and maintain an inventory of facilities and stormwater controls within the regulated area</li> <li>• Conduct facility assessments of 25% of the City's facilities</li> </ul>		<p>GIS map and list Assessment checklist Assessment results</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Conduct facility assessments of 25% of the City's facilities</li> <li>• Update GIS map annually</li> </ul>		<p>Assessment results Updated GIS map</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Conduct facility assessments of 25% of the City's facilities</li> <li>• Update GIS map annually</li> </ul>	<p>Assessment results Updated GIS map</p>		
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Conduct facility assessments of 25% of the City's facilities</li> <li>• Identify high priority facilities</li> <li>• Update GIS map annually</li> </ul>	<p>Assessment results List of high priority facilities Updated GIS map</p>		
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Implement inspection program for high priority facilities</li> <li>• Update GIS map annually</li> </ul>	<p>Inspections forms for high priority facilities Updated GIS map</p>		
<p><b>REFERENCES</b></p>			<p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(b)(1): pg.40</i></p>	

		<b>MUNICIPAL OPERATION AND MAINTENANCE ACTIVITIES</b>		<b>GH-12</b>
		<p><b>DESCRIPTION</b>                  The Small MS4 General Permit requires that all regulated MS4s evaluate operation and maintenance (O&amp;M) activities for their potential to discharge pollutants in stormwater, including the following:</p> <ul style="list-style-type: none"> <li>• Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;</li> <li>• Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;</li> <li>• Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and</li> <li>• Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.</li> </ul> <p>The City will evaluate these O&amp;M activities and identify pollutants of concern that could be discharged from the O&amp;M activities and develop and implement specific pollution prevention measures to reduce the identified pollutants. The pollution prevention (PP) measures and/or structural controls implemented will be inspected on a regular basis to maintain the effectiveness of the BMP.</p> <p>The airport utilizes deicing as part of their cold weather procedures as dictated by FAA regulations. Airport operations are covered under a separate TPDES MSGP.</p>		
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>*Streets                  Airport</p>		<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/                  Industrial</p> <p>Construction</p>		
				<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>• Required by the Small MS4 General Permit</li> </ul>
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL		
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>• Assess O&amp;M activities for potential to discharge pollutants including road and parking lot maintenance, bridge maintenance, cold weather operations, and ROW maintenance</li> <li>• Identify pollutants of concern</li> </ul>	Assessment results List of pollutants of concern		
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>• Identify and implement PP measures and/or structural controls</li> </ul>	List of PP measures and/or structural controls		
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>• Visual inspection of PP measures and/or structural controls</li> <li>• Maintain structural controls, as necessary</li> </ul>	Inspection log Maintenance log		
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>• Visual inspection of PP measures and/or structural controls</li> <li>• Maintain structural controls, as necessary</li> </ul>	Inspection log Maintenance log		
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>• Visual inspection of PP measures and/or structural controls</li> <li>• Maintain structural controls, as necessary</li> </ul>	Inspection log Maintenance log		
<p><b>REFERENCES</b>                  TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(b)(5): pg.41- 42</i></p>				

<b>CONTRACTOR OVERSIGHT</b>		<b>GH-13</b>
		<p><b>DESCRIPTION</b></p> <p>The Small MS4 General Permit requires that any contractors that are hired by the City to perform maintenance activities on City-owned facilities must be contractually obligated to comply with all of the stormwater control measures, good housekeeping practices, and facility specific SOPs. The City is also required to provide oversight of contractor activities to ensure they are utilizing appropriate measures and SOPs. Written oversight procedures must be developed by the end of the permit term. The oversight procedures must be maintained on site and made available for review by TCEQ.</p> 
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Streets</b></p>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>		
<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Required by the Small MS4 General Permit</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>None</li> </ul>	N/A
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>Add standard contract provision to all City contracts for compliance with stormwater control measures, good housekeeping practices and facility specific SOPs</li> </ul>	Contract language
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>Develop written contractor oversight procedures</li> </ul>	Oversight procedures
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>Implement oversight procedures</li> </ul>	# of contracts issued
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>Implement oversight procedures</li> </ul>	# of contracts issued
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(b)(4): pg.41</i></p>		

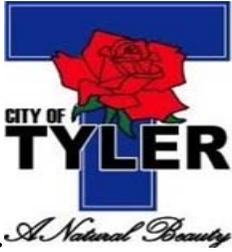
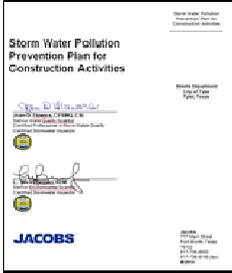
		<b>GOOD HOUSEKEEPING CLEANUP</b>		<b>GH-14</b>			
<b>RESPONSIBLE AUTHORITY</b> *Water Utilities Solid Waste Vehicle Services Parks		<b>DESCRIPTION</b> The City will implement an annual good housekeeping cleanup at all of its facilities to remove and discard any wood, pipe, fencing and other construction materials that are not intend for reuse.					
							
<b>APPLICABILITY</b>		Residents		<b>RATIONALE FOR SELECTION</b>			
		Visitors				<ul style="list-style-type: none"> <li>Recommended based on Facility Reviews</li> </ul>	
X Public Service Employees		Businesses					
Commercial/Industrial		Construction					
<b>YEAR</b>		<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>			
12/13/13 – 09/30/15		<ul style="list-style-type: none"> <li>Implement annual good housekeeping cleanups at all City facilities</li> </ul>		Date of annual cleanup			
10/1/15 – 9/30/16		<ul style="list-style-type: none"> <li>Implement annual good housekeeping cleanups at all City facilities</li> </ul>		Date of annual cleanup			
10/1/16 – 9/30/17		<ul style="list-style-type: none"> <li>Implement annual good housekeeping cleanups at all City facilities</li> </ul>		Date of annual cleanup			
10/1/17 – 9/30/18		<ul style="list-style-type: none"> <li>Implement annual good housekeeping cleanups at all City facilities</li> </ul>		Date of annual cleanup			
10/1/18 – 12/13/18		<ul style="list-style-type: none"> <li>Implement annual good housekeeping cleanups at all City facilities</li> </ul>		Date of annual cleanup			
<b>REFERENCES</b>							
TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.5(b)(5)(a): pg.41</i>							

**5.6 MCM #6- Industrial Stormwater Sources**

This MCM is only applicable to Level 4 MS4s.

**5.7 MCM #7 - Authorization for Municipal Construction Activities**

The City of Tyler has chosen to implement the optional 7<sup>th</sup> MCM for authorization of construction activities within the regulated urbanized area and will implement a BMP for this MCM.

	<h2>MASTER CONSTRUCTION SWP3</h2>	<h2>7<sup>th</sup> MCM</h2>
<b>RESPONSIBLE AUTHORITY</b>  *Streets	<p><b>DESCRIPTION</b></p> <p>The City will develop and implement a master construction SWP3 that will cover all construction activities performed by the Streets Department which utilize the City-owned concrete batch plant within the City's urbanized area. The master SWP3 will be updated for each construction site and will consider local conditions such as weather, soils, and other site-specific considerations. The City will submit an NOC to TCEQ for the 7th MCM of the MS4 permit to allow City construction activities to be permitted under the MS4 permit rather than the Construction General Permit (CGP) for activities that require the use of the concrete batch plant. Any construction activities that do not require the use of the concrete batch plant will be permitted under the CGP, TXR150000, if the disturbed area exceeds 1 acre in size.</p> <p>Streets Department road repair projects are typically less than one acre in size and are completed in a short period of time. The quantities of concrete required for final roadway surfacing associated with these projects are small, generally less than a commercial minimum load of ready mix. The City will operate a small, dry delivery system ready mix concrete batch plant located at the City's Street Department operating area.</p> <p>This MCM will only address construction activities performed by City crews supervised by the City Streets Department. Contracted construction activities will be permitted under the CGP, TXR150000 by the contractor, if the disturbed area exceeds 1 acre in size. The City will ensure that the contractors have a separate authorization for storm water discharges through enforcement of the Erosion Control Ordinance (BMP C-1) and Contractor Oversight (BMP GH-13).</p> <div data-bbox="1187 363 1419 636" style="border: 1px solid black; padding: 5px;">  </div>	
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Requested by Streets Department to permit the concrete batch plant.</li> </ul>	
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>Develop and implement master SWP3 for construction activities associated with Concrete Batch Plant</li> <li>Submit NOC for addition of 7<sup>th</sup> MCM</li> <li>Construct concrete berm around batch plant</li> </ul>	Master SWP3 NOC Photos of berm
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant</li> </ul>	Report number of construction activities permitted under 7 <sup>th</sup> MCM
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant</li> </ul>	Report number of construction activities permitted under 7 <sup>th</sup> MCM
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant</li> </ul>	Report number of construction activities permitted under 7 <sup>th</sup> MCM
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant</li> </ul>	Report number of construction activities permitted under 7 <sup>th</sup> MCM
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part V, pg.51</i></p>		

**5.8 Program Summary**

Included on the following sheet is a listing of the BMPs described above along with the year in which they are to be implemented and the measurable goal for that year.

**STORM WATER MANAGEMENT PROGRAM - PROGRAM SUMMARY**

BMP	DESCRIPTION	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
PE/PI-1	Utility Bill Inserts	2 Inserts mailed	2 Inserts mailed	2 Inserts mailed	2 Inserts mailed	None
PE/PI-2	Storm Water Brochures	Report number of brochures printed per year	Report number of brochures printed per year	Report number of brochures printed per year	Report number of brochures printed per year	Report number of brochures printed per year
PE/PI-3	Storm Water Web Site	Screen shot of updated web page with annual report link	Screen shot of updated web page with annual report link	Screen shot of updated web page with annual report link	Screen shot of updated web page with annual report link	Screen shot of updated web page with annual report link
PE/PI-4	PSAs/Social Media	12 PSA broadcasts and 12 social media posts	12 PSA broadcasts and 12 social media posts	12 PSA broadcasts and 12 social media posts	12 PSA broadcasts and 12 social media posts	12 PSA broadcasts and 12 social media posts
PE/PI-5	School Book Covers	1 cover per student	1 cover per student	1 cover per student	1 cover per student	1 cover per student
PE/PI-6	Storm Drain Marking By City Staff	At least 15 inlets marked Updated map - marked inlets	At least 15 inlets marked Updated map	At least 15 inlets marked Updated map	At least 15 inlets marked Updated map	At least 15 inlets marked Updated map
PE/PI-7	Stream Cleanup Projects	At least 1 clean up event	At least 1 clean up event	At least 1 clean up event	At least 1 clean up event	At least 1 clean up event
PE/PI-8	Facility Tours	Conduct at least 5 facility tours/year	Conduct at least 5 facility tours/year	Conduct at least 5 facility tours/year	Conduct at least 5 facility tours/year	Conduct at least 5 facility tours/year
PE/PI-9	Adopt A Street, Park Or Spot	Report on number of adoptions per year	Report on number of adoptions per year	Report on number of adoptions per year	Report on number of adoptions per year	Report on number of adoptions per year
ID-1	Storm Drain System Outfall Mapping	1 watershed per year-outfalls mapped	1 watershed per year-outfalls mapped	1 watershed per year-outfalls mapped	1 watershed per year-outfalls mapped	1 city-wide GIS map
ID-2	Dry Weather Screening	Outfall screening procedures	Screening outfalls in Black Fork Creek Watershed	Screening outfalls in Mud Creek Watershed	Screening outfalls in Gilley and Indian Creek Watershed	Outfall Screening Map
ID-3	Illicit Discharge Investigations	List of investigations, Written Procedures	List of Initial and Follow-up Investigations	List of Initial and Follow-up Investigations	List of Initial and Follow-up Investigations	List of Initial and Follow-up Investigations
ID-4	Illicit Discharge Ordinance	Report on # of enforcement orders	Report on # of enforcement orders	Report on # of enforcement orders	Report on # of enforcement orders	Report on # of enforcement orders
ID-5	Reduce Sanitary Sewer Overflows	Clean 400,000 ft/ yr, TV 40,000 ft/yr, visual inspection logs	Clean 400,000 ft/ yr, TV 40,000 ft/yr, visual inspection logs	Clean 400,000 ft/ yr, TV 40,000 ft/yr, visual inspection logs	Clean 400,000 ft/ yr, TV 40,000 ft/yr, visual inspection logs	Visual inspection logs
ID-6	Solid Waste Collection Events	At least 2 events/yr	At least 2 events/yr	At least 2 events/yr	At least 2 events/yr	None
ID-7	Reduce Illegal Dumping	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr
ID-8	Reduce Failing Septic Systems	Number of brochures produced per year	Number of brochures produced per year	Number of brochures produced per year	Number of brochures produced per year	Number of brochures produced per year
ID-9	Illicit Discharge Training	Departmental List, Training outline / materials	1 training/year	1 training/year	1 training/year	Revised training, if needed
ID-10	Pet Waste Management	Map of stations, Add 5/year Number of supplies ordered	Map of stations, Add 5/year Number of supplies ordered	Map of stations, Add 5/year Number of supplies ordered	Map of stations, Add 5/year Number of supplies ordered	Maintain 20 stations Number of supplies ordered
C-1	Enforce Erosion Control Ordinance	List of enforcement orders or fines	List of enforcement orders or fines	List of enforcement orders or fines	List of enforcement orders or fines	List of enforcement orders or fines
C-2	Erosion Control Plan Review Procedures	Review 100% of plans submitted List/Map of active construction sites	Review 100% of plans submitted List/Map of active construction sites	Review 100% of plans submitted List/Map of active construction sites	Review 100% of plans submitted List/Map of active construction sites	Review 100% of plans submitted List/Map of active construction sites
C-3	Construction Site Inspections	Inspection checklist, Written procedures, List of construction site inspections	List of construction site inspections	List of construction site inspections	List of construction site inspections	List of construction site inspections
C-4	Construction General Permit Training	Advertisement, if available, Staff training documents	Advertisement, if available	Advertisement, if available	Advertisement, if available	Advertisement, if available
C-5	Storm Water Hotline for Receipt of Public Comment	List of comments/ complaints	List of comments/ complaints	List of comments/ complaints	List of comments/ complaints	List of comments/ complaints
PC-1	Post Construction Ordinance	List of enforcement actions	List of enforcement actions	List of enforcement actions	List of enforcement actions	List of enforcement actions
PC-2	Post-Construction BMP Manual	None	None	None	Revised pages, if needed	None
PC-3	Long Term Operation and Maintenance of BMPs	GIS Map, Semi-annual inspection of public infrastructure BMPs	Updated GIS Map, Semi-annual inspection of public infrastructure BMPs	Updated GIS Map, Semi-annual inspection of public infrastructure BMPs	Updated GIS Map, Semi-annual inspection of public infrastructure BMPs	Updated GIS Map, Semi-annual inspection of public infrastructure BMPs
PC-4	Sediment Control at City Facilities	1 Rock Check Dam Containment Berms	Inspection checklist/log	Inspection checklist/log	Inspection checklist/log	Inspection checklist/log
GH-1	Storm Water Pollution Prevention Training	Training 1/year	Training 1/year	Training 1/year	Training 1/year	Training 1/year
GH-2	Used Tire and Battery Recycling	Number of batteries recycled	Awning over used tires, Number of batteries and used tires recycled	Number of batteries and used tires recycled	Number of batteries and used tires recycled	Number of batteries and used tires recycled
GH-3	Vehicle Washing	Clean at least once/year	Clean at least once/year	Clean at least once/year	Clean at least once/year	Clean at least once/year
GH-4	Vehicle Fueling	UST system report	UST system report	UST system report	UST system report	UST system report
GH-5	Landscape and Lawn Care	At least 2 staff with Pesticide Applicator License	At least 2 staff with Pesticide Applicator License	At least 2 staff with Pesticide Applicator License	At least 2 staff with Pesticide Applicator License	At least 2 staff with Pesticide Applicator License
GH-6	Roadway Cleaning	17,000 lane miles	10,000 lane miles	10,000 lane miles	10,000 lane miles	2,000 lane miles
GH-7	Storm Drain System Operation and Maintenance	Inspection/Cleaning Logs	Inspection/Cleaning Logs	Inspection/Cleaning Logs GIS map	GIS map of problem areas, Inspection Schedules Inspection/Cleaning Logs, Updated GIS map	Updated GIS map
GH-8	MS4 Facility Specific SOP	Revised SOP Manual	Revised SOP Manual	Maintain SOPs specific for each facility	Maintain SOPs specific for each facility	Maintain SOPs specific for each facility
GH-9	Used Oil Collection & Recycling	Report on volume of oil recycled	Report on volume of oil recycled	Report on volume of oil recycled	Report on volume of oil recycled	Report on volume of oil recycled
GH-10	Airport Operations	Inspection Date Outfall and Drainage Area Map	Inspection dates Updated maps if outfalls change	Inspection dates Updated maps if outfalls change	Inspection dates Updated maps if outfalls change	Inspection dates Updated maps if outfalls change
GH-11	City Facilities and Control Inventory	GIS map and list Assessment checklist Assessment results	Assessment results Updated GIS map	Assessment results Updated GIS map	Assessment results List of high priority facilities Updated GIS map	Inspections forms for high priority facilities Updated GIS map
GH-12	Municipal Operation and Maintenance Activities	Assessment results List of pollutants of concern	List of PP measures and/or structural controls	Inspection log Maintenance log	Inspection log Maintenance log	Inspection log Maintenance log
GH-13	Contractor Oversight	None	Contract language	Oversight procedures	# of contracts issued	# of contracts issued
GH-14	Good Housekeeping Cleanup	Date of annual cleanup	Date of annual cleanup	Date of annual cleanup	Date of annual cleanup	Date of annual cleanup
7 <sup>th</sup> MCM	Master Construction SWP3	Develop and implement master SWP3 Submit NOC Report on # of construction sites Construct concrete berm	Maintain and update SWP3 Report on # of construction sites	Maintain and update SWP3 Report on # of construction sites	Maintain and update SWP3 Report on # of construction sites	Maintain and update SWP3 Report on # of construction sites

**Appendix 1**

**City Council Agenda and Minutes**

**Interlocal Agreement**

**Signatory Authority**



**COUNTY OF SMITH**  
**JUDY CARNES, County Clerk**

**Mailing Address:**  
P.O. Box 1018, Tyler, Texas 75710

**Office:**  
(903) 590-4670

**Physical Address:**  
Smith County Courthouse Annex  
200 E. Ferguson, Suite 300  
Tyler, Texas 75702

**Fax:**  
(903) 590-4689

January 21, 2010

City of Tyler  
Attn: Jami Rogers  
P.O. Box 2039  
Tyler, Texas 75710

Jami,

Enclosed is a copy of the Interlocal Cooperation Agreement for Storm Water Management between City of Tyler and Smith County. This contract approved in Smith County Commissioners Court on February 4, 2008. After Bob Turner and City Clerk have signed this copy, please return the copy to me at the address below.

If you have any questions my number is 903-590-4755. Thank you for your timely assistance in this matter.

Sincerely,

Deana Miller, Commissioners Court Clerk

Smith County Clerk Office  
Attn: Deana Miller  
P.O. Box 1018  
Tyler, Texas 75710

STATE OF TEXAS           §       **INTERLOCAL COOPERATION AGREEMENT FOR**  
                                   §       **STORM WATER MANAGEMENT BETWEEN**  
                                   §       **THE CITY OF TYLER AND SMITH COUNTY**  
 COUNTY OF SMITH       §

**THIS INTERLOCAL COOPERATION AGREEMENT** (the "Agreement") is made and entered into by and between the City of Tyler ("Tyler"), a municipal corporation of Smith County, Texas, by and through its City Manager pursuant to City Council authority at a regularly scheduled City Council meeting on the 13<sup>th</sup> day of February, 2008, and Smith County, Texas ("Smith County"), a political subdivision of the State, acting by and through a County Judge pursuant to Commissioners Court authority at a regularly scheduled Commissioners Court meeting on the 24<sup>th</sup> day of January, 2008.

**WHEREAS**, the Interlocal Cooperation Act (the "Act"), codified as Chapter 791, Texas Government Code, authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

**WHEREAS**, Texas Administrative Code Title 30, Section 281.25, as adopted by the Texas Commission on Environmental Quality ("TCEQ") and applicable federal regulations require both Tyler and Smith County to obtain storm water permit coverage for their municipal separate storm sewer systems ("MS4s") because each is identified as a Regulated Small MS4; and

**WHEREAS**, TCEQ regulations require both Tyler and Smith County to take certain actions to implement the requirements of the State's Texas Pollutant Discharge Elimination System ("TPDES") General Permit for Regulated Small MS4s, TPDES General Permit No. TXR040000; and

**WHEREAS**, State law allows Regulated Small MS4s such as Tyler and Smith County to work together to implement provisions of the TPDES General Permit for Regulated Small MS4s; and

**WHEREAS**, Tyler and Smith County believe that by working together to implement the provisions of the TPDES General Permit for Regulated Small MS4s they can combine their resources to achieve lower costs, greater efficiency, and higher effectiveness in the programs; and

**WHEREAS**, Tyler and Smith County desire to enter into this Interlocal Cooperation Agreement pursuant to the provisions of Texas Government Code Chapter 791, the Act, and other applicable statutes, contracts pursuant thereto, and Charter provisions; and

**WHEREAS**, this Agreement will increase the efficiency and effectiveness of storm water management in both Tyler and Smith County; and

**WHEREAS**, this Agreement will mutually benefit the parties and serve to protect the public interest and the public health, safety, welfare, and the environment.

**NOW THEREFORE**, for and in consideration of the mutual promises and obligations hereinafter stated, and for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Tyler and Smith County agree as follows:

### **I. EFFECTIVE DATE**

The effective date of this Agreement shall be the 8th day of February, 2008.

### **II. TERM**

The initial term of this Agreement shall be for a period of five years from the effective date of this Agreement. Thereafter, upon mutual agreement of the parties hereto, this Agreement may be renewed for two additional five year terms unless terminated earlier by either party as set forth below.

### **III. DUTIES OF PARTIES**

The following outlines the duties of the parties to implement the requirements of the TPDES General Permit for Regulated Small MS4s and specifically to address the six Minimum Control Measures ("MCMs") identified in the TPDES General Permit for Regulated Small MS4s. The various Best Management Practices ("BMPs") are referenced with respect to Smith County's Storm Water Management Program ("SWMP"), and the related BMPs in Tyler's SWMP are also provided for reference.

#### **A. PUBLIC EDUCATION AND OUTREACH ON STORM WATER IMPACTS.**

1. **Smith County BMP PE-1 – Public Service Announcements:** In order to address the Public Education and Outreach MCM, Tyler plans to utilize storm water public service announcements. (See Tyler BMP PE-4.) Because the public service announcements are broadcast throughout Smith County, Tyler shall recognize Smith County's role in addressing storm water issues in all storm water public service announcements broadcast each year during the term of this Agreement.
2. **Smith County BMP PE-2 – Storm Water Web Site:** In order to address the Public Education and Outreach MCM, Tyler plans to develop and maintain a storm water web site. (See Tyler BMP PE-3.) Tyler shall work with Smith County to develop one static storm water web page for the Smith County web site. The storm water web page developed for Smith County shall have a link to Tyler's

storm water web site. For Year 1, Smith County shall provide Tyler with all reasonably necessary information for the development of the Smith County storm water web page by May 12, 2008. The initial development of the Smith County storm water web page shall be completed during the first year of the five year term of the TPDES General Permit for Regulated Small MS4s, but no later than August 12, 2008. For Year 2, the City of Tyler shall develop a storm water resource link page, and the Smith County webmaster will establish a link to the City's web page to make this information available to the public, no later than August 12, 2009. For Years 3 through 5, Smith County will provide information to Tyler to update the Smith County storm water web page as necessary.

3. **Smith County BMP PE-3 – School Book Covers:** In order to address the Public Education and Outreach MCM, Tyler plans to purchase book covers for schoolbooks that incorporate graphic designs and messages related to storm water. (See Tyler BMP PE-5.) Tyler will distribute these book covers to schools throughout the Tyler Independent School District (“ISD”). In order to address the Public Education and Outreach MCM, Smith County plans to purchase similar book covers to distribute throughout the Whitehouse ISD and the Chapel Hill ISD. Tyler and Smith County shall work together to assure that the book covers include messages related to storm water that are appropriate for both Smith County and Tyler. Tyler shall purchase an adequate number of book covers for the Tyler ISD, the Whitehouse ISD, and the Chapel Hill ISD. Smith County shall reimburse Tyler for the costs of the book covers for the Whitehouse ISD and the Chapel Hill ISD within 30 days after Tyler submits an invoice to Smith County for the purchase of such book covers. Book covers will be provided to the Tyler ISD, the Whitehouse ISD, and the Chapel Hill ISD during Years 3 through 5 of the TPDES General Permit for Regulated Small MS4s.
4. **Smith County BMP PE-4 – Storm Water Brochures:** In order to address the Public Education and Outreach MCM, Tyler will continue to develop brochures addressing such topics as pesticides and fertilizer use, household hazardous waste, and Tyler's recycling program. (See Tyler BMP PE-2.) In addition, Tyler plans to develop brochures addressing storm water topics. Tyler shall include Smith County's logo on applicable storm water brochures printed each year during the term of this Agreement as requested by Smith County. Tyler will provide to Smith County the number of brochures requested by Smith County during Years 2 through 5 of the TPDES General Permit for Regulated Small MS4s. Within 30 days after Tyler submits an invoice to Smith County for the purchase of such brochures, Smith County shall reimburse Tyler for the printing costs of those brochures provided to Smith County during Years 2 through 5 of the TPDES General Permit for Regulated Small MS4s. Smith County shall make the brochures available throughout the urbanized areas of Smith County outside Tyler's corporate limits.

**B. PUBLIC INVOLVEMENT/PARTICIPATION.**

1. **Smith County BMP PI-1 – Stream Cleanup Projects:** In order to address the Public Involvement/Participation MCM, Tyler plans to perform City-sponsored public/volunteer stream cleanup events on a regular basis through coordination with “Keep Tyler Beautiful” and participation of various volunteer groups and organizations. (See Tyler BMP PI-2.) Tyler shall advertise scheduled cleanup events both within Tyler’s corporate limits and within its extraterritorial jurisdiction (“ETJ”). In the event that a scheduled cleanup event occurs in the urbanized area outside Tyler’s corporate limits, Smith County shall provide personnel to oversee volunteers.
2. **Smith County BMP PI-2 – Storm Drain Marking:** In order to address the Public Involvement/Participation MCM, Tyler plans to utilize storm drain marking through which plastic buttons with a “Don’t Dump” type message will be affixed to storm drain inlets. (See Tyler BMP PI-1.) Such marking will be completed through coordination with various volunteer groups and community organizations. Tyler shall advertise scheduled marking events both within Tyler’s corporate limits and within its ETJ. Tyler shall purchase the required buttons for each marking event. In the event that a storm drain marking event occurs in the urbanized area outside of Tyler’s corporate limits, Smith County shall provide personnel to oversee the volunteers, and Smith County shall reimburse Tyler for the materials for that marking event within 30 days after Tyler submits an invoice to Smith County for the purchase of the materials for the marking event.

**C. ILLICIT DISCHARGE DETECTION AND ELIMINATION.**

1. **Smith County BMP ID-1 – Storm Drain System Mapping:** In order to address the Illicit Discharge Detection and Elimination MCM, Tyler is implementing a city-wide GIS storm drain system map. (See Tyler BMP ID-1.) Tyler will be developing the GIS storm drain system map on a watershed basis – one watershed per year during the five-year term of the TPDES General Permit for Regulated Small MS4s. Tyler will also develop a GIS storm drain system map for those portions of the urbanized area outside of Tyler’s corporate limits. Tyler shall provide all information developed as part of the GIS storm drain system map for those portions of the urbanized area outside of Tyler’s corporate limits to Smith County without cost to Smith County.
2. **Smith County BMP ID-2 – Dry Weather Screening:** In order to address the Illicit Discharge Detection and Elimination MCM, Tyler plans to conduct dry weather screening along creeks in four watersheds. (See Tyler BMP ID-2.). As part of the dry weather screening, Tyler will perform limited chemical analyses with field test kits both within its corporate limits and those portions of its ETJ within the urbanized area. Tyler shall perform extra field tests outside its corporate limits but within the urbanized area for each of the four watersheds. Smith County shall reimburse Tyler for the costs of the extra field tests per watershed included in the

dry weather monitoring program within 30 days after Tyler submits an invoice to Smith County for the costs associated with the extra field tests.

3. **Smith County BMP ID-3 – Illicit Discharge Investigations:** In order to address the Illicit Discharge Detection and Elimination MCM, Tyler plans to conduct illicit discharge investigations throughout the storm sewer system on an as needed basis. (See Tyler BMP ID-3.) These investigations utilize fluorescent dye testing, smoke testing, and remote TV camera inspection to track down illicit connections to the MS4. Smith County shall work with Tyler to coordinate such illicit discharge investigations within the urbanized area outside of Tyler's corporate limits when such investigations are necessary. Smith County shall reimburse Tyler on a case-by-case basis for illicit discharge investigations requested by Smith County and performed by Tyler in the urbanized area outside Tyler's corporate limits. Smith County shall reimburse Tyler for the costs associated with the requested investigations within 30 days after Tyler submits an invoice to Smith County for such investigations.
4. **Smith County BMP ID-6 – Reduce Failing Septic Systems:** In order to address the Illicit Discharge Detection and Elimination MCM, Smith County plans to continue its permitting and regulation of septic systems through the TCEQ On-site Sewage Facility Program ("OSSF"). To enhance the effectiveness of this program, Smith County plans to develop a brochure, which will address proper septic system care, for septic system pumping companies to distribute to septic system owners. Smith County shall include Tyler's logo on all septic tank brochures printed each year during the term of this Agreement. Tyler shall reimburse Smith County for the printing costs of brochures provided to Tyler during years two through five of the TPDES General Permit for Regulated Small MS4s within 30 days after Smith County submits an invoice to Tyler for such brochures. Smith County shall make the brochures available to septic system pumping companies for distribution to the owners of septic systems within Tyler's corporate limits.
5. **Smith County BMP ID-7 – Smith County Cleanup Day:** In order to address the Illicit Discharge Detection and Elimination MCM, Smith County plans to initiate a Smith County Cleanup Day. Smith County shall hold a Smith County Cleanup Day on an annual basis during the term of the TPDES General Permit for Regulated Small MS4s. Tyler shall allow Smith County to deliver acceptable materials collected as part of Smith County Cleanup Day to the Allied Greenwood Farm landfill for disposal, with Smith County paying for the cost as established by the City at the time of service.

#### **D. CONSTRUCTION SITE STORM WATER RUNOFF CONTROL**

1. **Smith County BMP C-1 – Construction General Permit Training:** In order to address the Construction Site Storm Water Runoff Control MCM, Tyler plans to

conduct training classes for contractors and developers in the Tyler urbanized area to increase compliance with the TPDES General Permit No. TXR150000, the Construction General Permit. (See Tyler BMP C-5.) Smith County shall coordinate with Tyler to co-sponsor one training class during the first year of the TPDES General Permit for Regulated Small MS4s and two training classes during the second year of the TPDES General Permit for Regulated Small MS4s. Smith County shall reimburse Tyler for 20% of the cost of each training class it co-sponsors within 30 days after Tyler submits an invoice to Smith County for the costs associated with each class.

2. **Smith County BMP C-2 – Developer’s Stakeholder Committee:** In order to address the Construction Site Storm Water Runoff Control MCM, Tyler plans to conduct a series of meetings with a Developer Stakeholder Committee to review possible structural and non-structural BMPs for the Tyler area. (See Tyler BMP C-4.) Since these same developers also develop sites throughout Smith County, Smith County shall be a member of and active participant in Tyler’s Developer Stakeholder Committee process.
3. **Smith County BMP C-3 – Plan Review Procedures:** In order to address the Construction Site Storm Water Runoff Control MCM, Tyler plans to review plans for construction projects within Tyler’s corporate limits and ETJ as allowed by State law and City ordinances. (See Tyler BMP C-2.) As allowed by State law, Smith County shall only review plans for construction projects that take place in areas inside the urbanized area within Zone 3 of Tyler’s ETJ.
4. **Smith County BMP C-4 – Construction Inspection:** In order to address the Construction Site Storm Water Runoff Control MCM, Tyler plans to continue to conduct construction inspections of residential and commercial sites within Tyler’s corporate limits as allowed by State law and City ordinances. (See Tyler BMP C-3.) Tyler is currently considering whether to extend its construction inspection program for public improvements in subdivisions outside of its corporate limits in its ETJ. If the construction inspections are extended into its ETJ, for construction inspections within Zone 2 of its ETJ, Tyler shall provide all information relative to storm water management found on such inspections to Smith County. Smith County, if it has the authority to do so pursuant to State and local law, shall conduct construction inspections within those areas of the urbanized area that are outside of Zone 2 of Tyler’s ETJ.
5. **Smith County BMP C-5 – Storm Water Hotline for Receipt of Public Comments:** Since it will be difficult for the public to know whether Tyler or Smith County has jurisdiction over a particular construction site, Smith County will publicize Tyler’s Storm Water Hotline (See Tyler BMP C-6) for receipt and consideration of public comments regarding construction sites. For those construction sites that are located outside of Tyler’s corporate limits, the Tyler Code Enforcement personnel will log the information and notify Smith County for follow up investigations.

**E. POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT**

1. **Smith County BMP PC-1 – Developer's Stakeholder Committee:** In order to address the Post-Construction Storm Water Management in New Development and Redevelopment MCM, Tyler plans to conduct a series of meetings with a Developer Stakeholder Committee to review possible post-construction BMPs for the Tyler area. (See Tyler BMP PC-1.) Smith County shall be a member of and active participant in Tyler's Developer Stakeholder Committee in order to identify the BMPs most applicable to the urbanized area outside Tyler's corporate limits.
2. **Smith County BMP PC-2 – Post Construction Ordinance:** In order to address the Post-Construction Storm Water Management in New Development and Redevelopment MCM, once the post-construction BMPs that are most appropriate for the Tyler area have been identified by the Developer Stakeholder Committee, as part of Tyler's SWMP, Tyler is required to develop and enact the necessary city ordinances to require the use of such BMPs. (See Tyler BMP PC-2.) For each post-construction BMP, Tyler shall evaluate the possibility that a City ordinance can also require use of the BMP within Tyler's ETJ. If Tyler elects not to extend applicability of the post-construction BMPs identified to areas within its ETJ, Smith County, if it has authority to do so, shall develop and enact an ordinance to require the use of post-construction BMPs in Year 5 of the TPDES General Permit for Regulated Small MS4s.
3. **Smith County BMP PC-3 – Long Term Operation and Maintenance of BMPs:** In order to address the Post-Construction Storm Water Management in New Development and Redevelopment MCM, Tyler plans to conduct inspections to determine the effectiveness of post-construction BMPs. (See Tyler BMP PC-3.) Tyler shall conduct these inspections within its ETJ inside the urbanized area at Smith County's request. Smith County shall reimburse Tyler on a case-by-case basis for those inspections within Tyler's ETJ requested by Smith County and performed by the City within 30 days after the City submits an invoice to Smith County for the costs associated with such inspection. Tyler shall notify the Smith County Road and Bridge Department if conditions are observed that require maintenance.

**F. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS.**

1. **Smith County BMP GH-10 – Roadway Cleaning:** In order to address the Pollution Prevention/Good Housekeeping for Municipal Operations MCM, Tyler plans to continue performing street sweeping operations throughout its corporate limits. (See Tyler BMP GH-6.) Tyler shall perform street sweeping operations

on those areas of the urbanized area identified by Smith County. Within Year 1 of the TPDES General Permit for Regulated Small MS4s, but no later than March 15, 2008, Smith County shall identify the length and location of streets with curbs and gutters for such street sweeping operations. Tyler shall perform street sweeping operations once per year during each of the five years of the TPDES General Permit for Regulated Small MS4s on streets identified by Smith County. Smith County shall reimburse Tyler \$150.00 per mile for the street sweeping services identified by Smith County.

2. **Smith County BMP GH-11 – Storm Drain System Cleaning.** In order to address the Pollution Prevention/Good Housekeeping for Municipal Operations MCM, Smith County plans to continue to perform maintenance on drains at the Smith County Base Facility that discharge into the adjacent creek. Such creeks shall be cleaned on an as needed basis. Depending on the extent of the maintenance required, Smith County may need to utilize Tyler's Water Utilities vacuum truck. Smith County may coordinate with Tyler for use of the vacuum truck when maintenance of the drains requires. Smith County shall reimburse Tyler for each use of the vacuum truck at a price to be negotiated at the time of each request.

#### **PAYMENT/FUNDING**

Costs payable by Tyler and Smith County pursuant to this Agreement are outlined above, and will be based on actual costs with documentation of time and materials as described in invoices provided by Tyler for reimbursement requests. Smith County and Tyler shall meet each year prior to the budgeting process to finalize the estimate of BMP activities for the upcoming fiscal year. This provision shall supercede any provision in conflict within this agreement.

#### **MISCELLANEOUS PROVISIONS**

- A. **NOTICE.** Any notice given hereunder must be in writing, and may be effective by personal delivery, facsimile transmission, or by certified mail, return receipt requested, at the address of the respective parties indicated below:

City of Tyler:           City Manager  
                                  City of Tyler  
                                  P.O. Box 2039  
                                  Tyler, Texas 75710  
                                  (903) 531-1250 (Telephone)  
                                  (903) 531-1166 (Facsimile)

Smith County:           County Judge  
                                  Smith County Commissioners Court  
                                  200 E. Ferguson, Suite 100

Tyler, Texas 75702  
(903) 590-4600 (Telephone)  
(903) 590-4615 (Facsimile)

These addresses for notice may be changed by either party by delivering written notice within ten days of the change, in accordance with the requirements of this paragraph, to the other party.

- B. **CURRENT REVENUES.** Tyler and Smith County will pay for services rendered pursuant to this Agreement from current revenues.
- C. **RENEWAL.** The renewal of this Agreement shall be contingent upon the availability of current revenue funds and annual budget allocations and appropriations by the parties.
- D. **HOLD HARMLESS.** Each party to this Agreement does hereby agree to waive all claims against, release and hold the other party and its respective officials, officers, agents, and employees, both in their official capacity and individual capacity, harmless from and against any and all liability, claims, suits, demands, losses, damages (including court costs and attorneys' fees) or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.
- E. **MUTUAL COOPERATION.** Tyler and Smith County agree to cooperate with each other, in good faith, at all times during the term hereof in order to effectuate the purpose and intent of this Agreement.
- F. **AUTHORITY TO CONTRACT.** Each party acknowledges and represents that this Agreement has been duly authorized by their respective governing body.
- G. **NO PARTNERSHIP.** Nothing contained herein shall be deemed or construed by the parties hereto or by any third party, as creating the relationship of employer-employee, principal-agent, partners, joint ventures, or any other similar such relationships, between the parties hereto.
- H. **ENTIRE AGREEMENT; AMENDMENTS.** This Agreement contains the entire Agreement of the parties respecting the subject matter and supersedes all prior negotiations, representations and/or agreements, either written or oral, between the parties. This Agreement may not be modified or amended except by written Agreement duly executed by both parties.

- I. **INTERPRETATION.** This Agreement has been entered into and under the authority granted under the Act. All terms and provisions are to be construed and interpreted consistently with that Act. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.
  
- J. **SEVERABILITY.** The provisions of this Agreement are severable. In the event that any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement shall be found to be contrary to law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this Agreement; however, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty days written notice of its intent to terminate.
  
- K. **ASSIGNMENT AND SUBLETTING.** This Agreement shall not be assigned in whole or in part without the written consent of both parties.
  
- L. **WAIVER.** The waiver by either party of a breach of this Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach of the same or a different provision.
  
- M. **REMEDIES.** No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity, but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.
  
- N. **APPLICABLE LAWS.** This Agreement will be construed in accordance with the laws and Constitution of the State of Texas. All obligations are performable in Smith County, Texas. Exclusive venue shall be in Smith County, Texas.
  
- O. **CAPTIONS.** Title and headings of Sections or Paragraphs hereof have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Agreement or any provision hereof or in ascertaining intent.

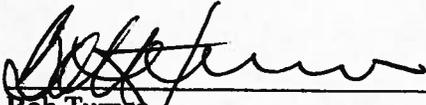
P. COUNTERPARTS. This Agreement shall be executed in duplicate originals and all shall constitute but one and the same instrument.

IN WITNESS OF WHICH this Agreement has been executed on this the 4<sup>th</sup> day of February, 2008.

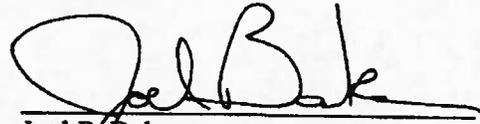
CITY OF TYLER,  
a Texas municipal corporation

SMITH COUNTY, TEXAS  
a political subdivision of Texas

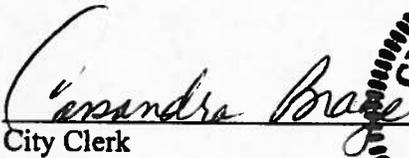
By:

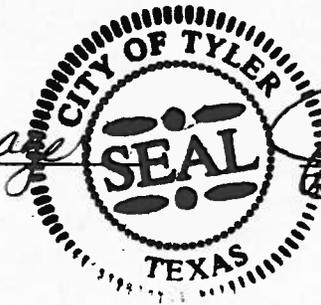
  
\_\_\_\_\_  
Bob Turner  
City Manager

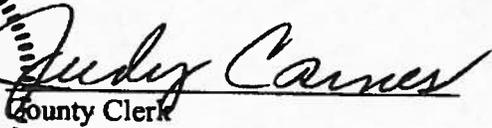
By:

  
\_\_\_\_\_  
Joel P. Baker  
County Judge

ATTEST:

  
\_\_\_\_\_  
Candace Bragg  
City Clerk



  
\_\_\_\_\_  
Judy Carnes  
County Clerk



## CITY OF TYLER, TEXAS, CODE OF ORDINANCES

- c. If the majority of the votes cast at a recall election be for the recall of the Councilmember, the Council, upon canvassing of the ballots, shall immediately declare that position vacant and order a special election to fill it as provided for any vacancies herein. (Prop. 8, 5-5-90)
- d. No recall petition shall be filed against Councilmembers during the first six months of their terms, and no Councilmember shall be subject to more than one recall election on the same grounds. (Prop. 8, 5-5-90)
- e. Should the Council fail or refuse to order an election as herein provided for the recall of a Councilmember, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this Charter, then it shall be the duty of any one of the district judges of Smith County, Texas, upon proper application being made therefor, to order such election and to enforce the carrying into effect of the provisions of this Charter. (Prop. 1, 5-5-90)

### **Sec. 19. Law governing elections.**

All elections provided for in this charter shall be conducted and the results canvassed and announced by the election authorities. The general election laws of the State of Texas governing municipal elections, Federal law, and relevant court orders shall control in all municipal elections. (See federal court order in Cause = TY-75-74-CA, a copy of which is on file in the City Clerk's office.) (Props. 1 and 8, 5-5-90) (Combined with sec. 18)

## **ARTICLE III. CITY MANAGER; ADMINISTRATIVE ORGANIZATION**

### **Sec. 20. Appointment, qualifications, compensation, removal of City Manager, designating acting City Manager.**

The Council shall appoint a City Manager who shall be the chief executive and administrative officer of the City. He shall be appointed solely on the basis of executive and administrative qualifications. No member of the Council shall be chosen as City Manager. The City Manager shall be appointed for an indefinite term, as hereinafter provided. The City Manager shall receive such compensation as may be fixed by the Council. The City Manager shall be removable at any time at the pleasure of the Council. If removed at any time after he has served six (6) months, he may demand written charges and the right to be heard thereon at a public meeting of the Council prior to the date on which his final removal shall take effect but, pending and during such hearing, the Council may suspend him from office. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of this

## CITY OF TYLER, TEXAS, CODE OF ORDINANCES

Charter to vest all authority and fix all responsibility for such suspension or removal in the Council. The Council may designate some other officer of the City to perform the duties of the City Manager during absence or disability. (Prop. 1, 5-5-90)

### **Sec. 21. Department heads; appointment, removal, qualifications.**

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City and, to that end, shall make all appointments and removals of City Department Heads, subject to approval by the Council. Such appointments or removals may be disallowed by three-fifths (3/5) vote of the Council (formerly secs. 24, 25; see sec. 74). The City Manager shall make all appointments to other positions in the City service upon recommendations of Department Heads. (Props. 1, 5, and 9, 5-5-90)

Department Heads shall in every case be chosen for their particular qualifications in the field of work assigned to them, and shall possess certain minimum requirements of training and experience, to be determined by the Council. (Props. 1 and 9, 5-5-90)

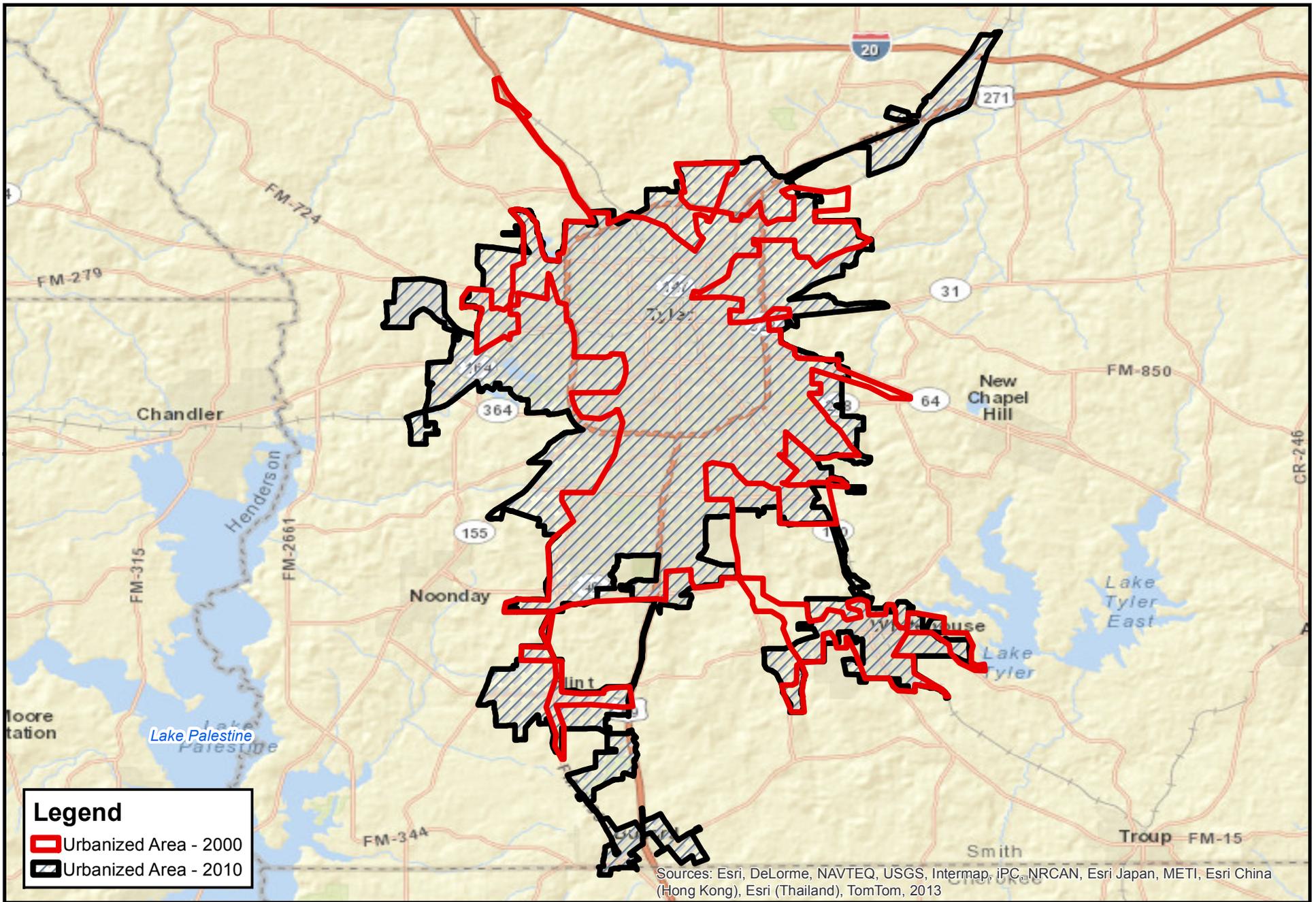
### **Sec. 22. Power and duties specifically of City Manager.**

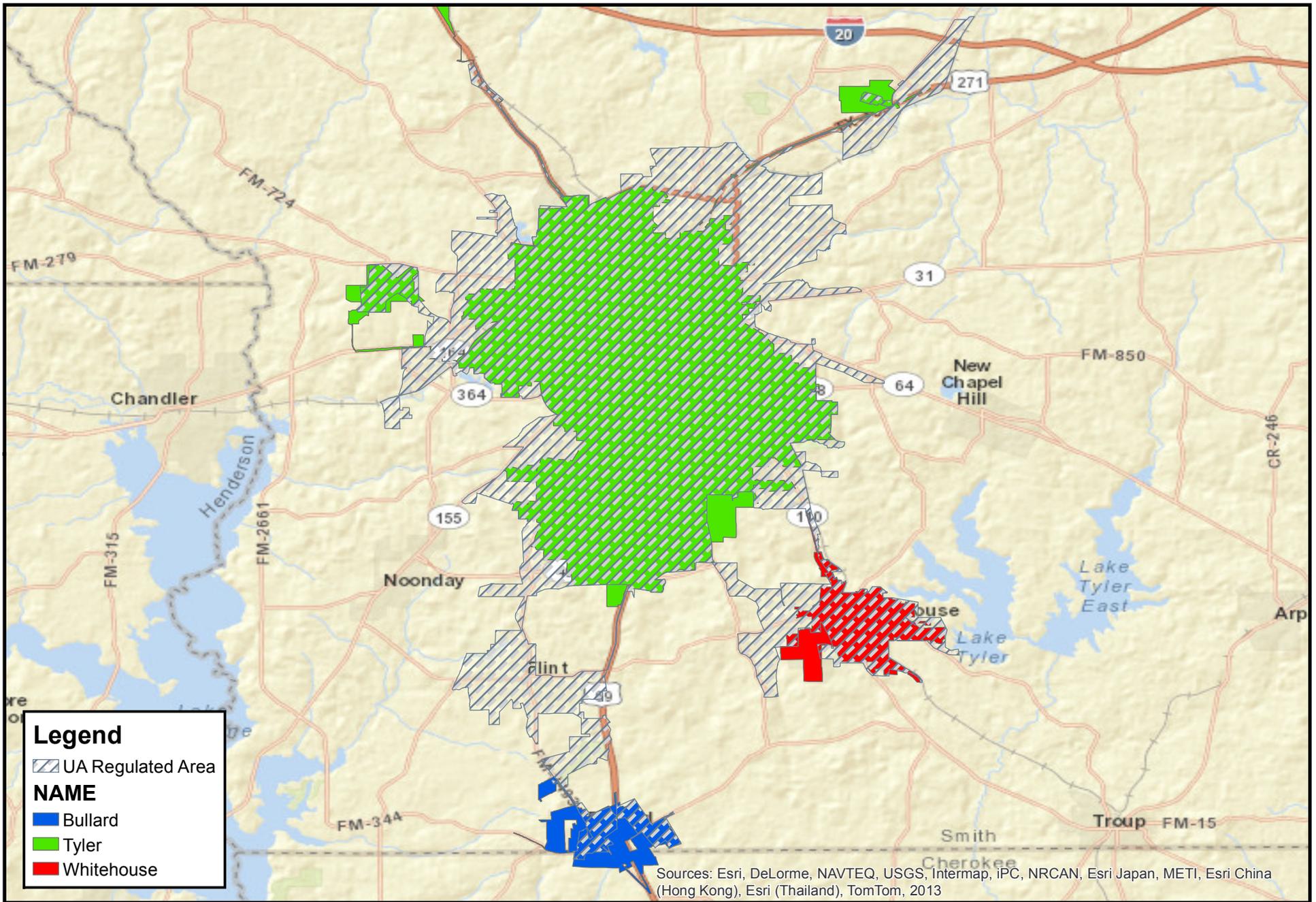
The powers and duties of the City Manager shall be:

- a. To assure that the laws and ordinances and policies are enforced;
- b. To appoint and remove all Department Heads, subject to Council approval, all such appointments to be upon merit and fitness alone; to oversee and review the appointment and removal of all subordinate officers and employees in the departments, all such persons appointed to be qualified and suitable;
- c. To exercise control over all departments and divisions created herein or that may be hereafter created;
- d. To attend all meetings of the Council with the right to take part in the discussion but having no vote;
- e. To recommend to the Council for adoption such measures as deemed necessary or expedient;
- f. To keep the Council fully advised as to the financial condition and needs of the City; and
- g. To prepare and submit the annual budget on the basis of estimates made by the departments;

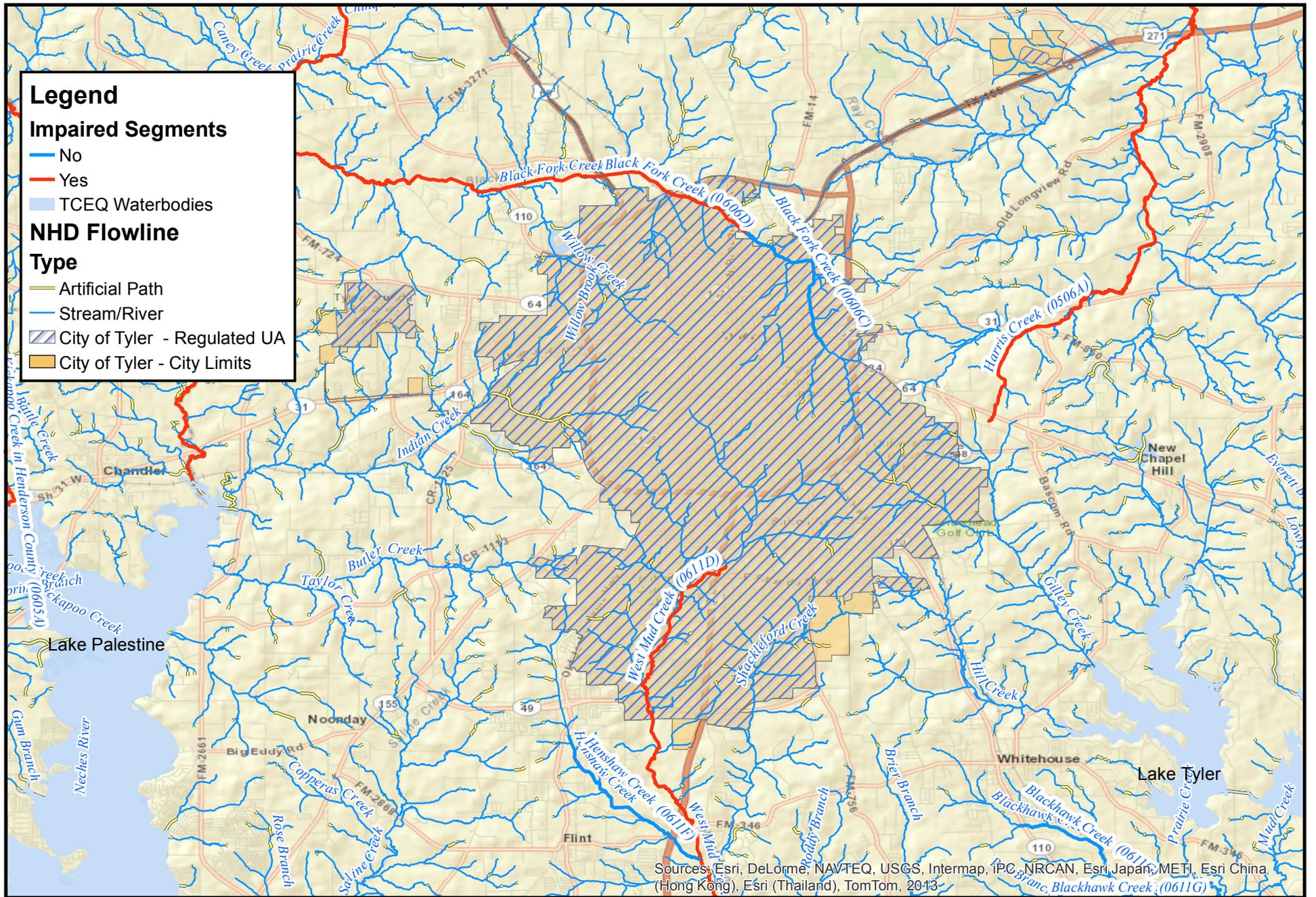
**Appendix 2**

**Tyler, Texas Urbanized Area**





**Appendix 3**  
**Receiving Waterbodies**



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

**Legend**

**Impaired Segments**

- No
- Yes

**TCEQ Waterbodies**

**NHD Flowline**

**Type**

- Artificial Path
- Stream/River
- City of Tyler - Regulated UA
- City of Tyler - City Limits



**City of Tyler - Receiving Waterbodies**

Source: TNRIS, City of Tyler, TCEQ, U.S. Census Bureau

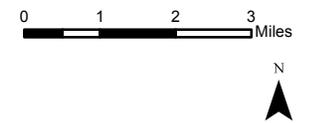
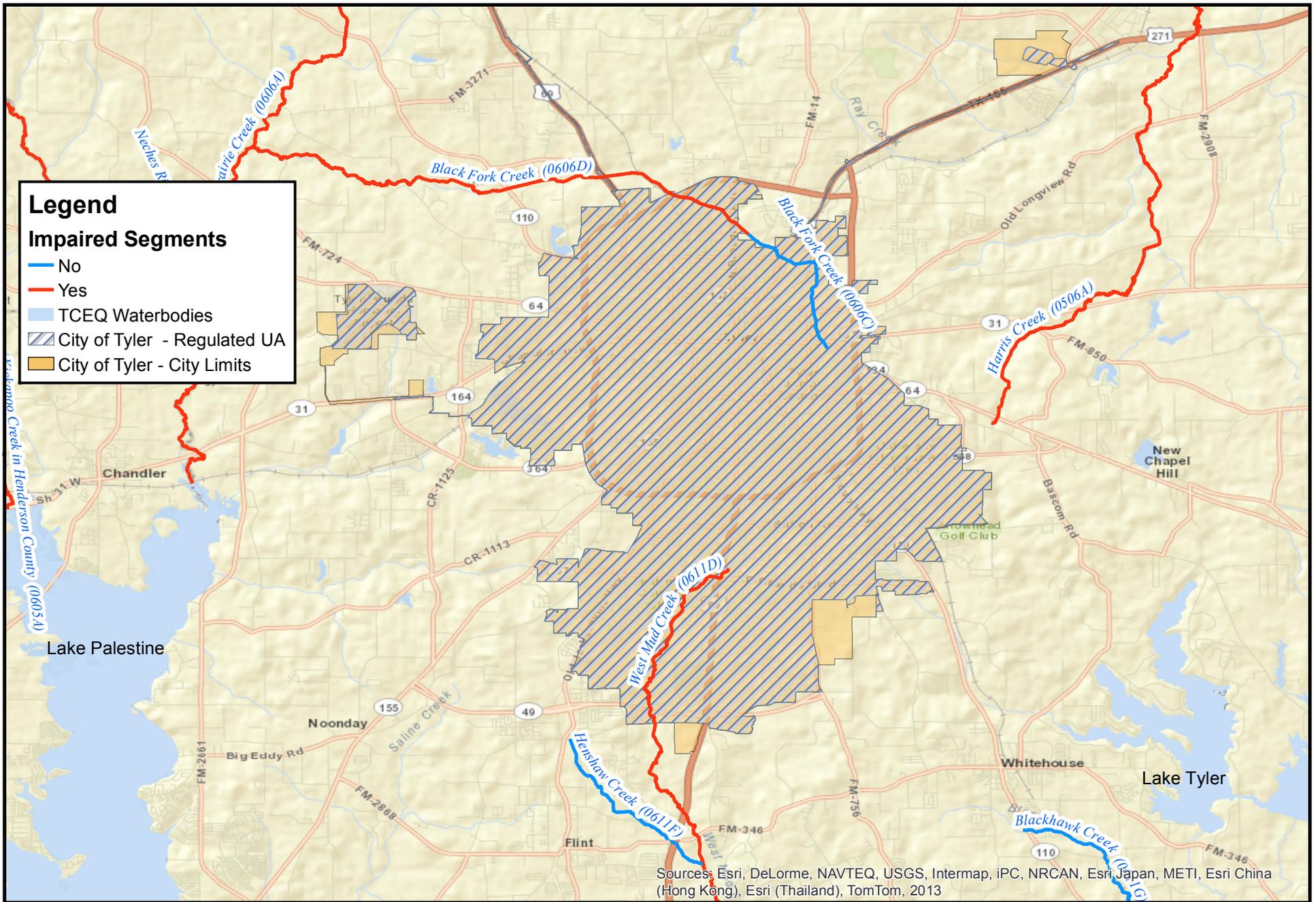
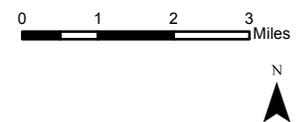


Figure  
**3**



### City of Tyler - Receiving Waterbodies (TCEQ Segments)

Source: TNRIS, City of Tyler, TCEQ, U.S. Census Bureau



Figure

4

**Appendix 4**  
**Permitted Facilities**



**Appendix 5**  
**Notice of Intent Form**



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

### IMPORTANT:

- Use the [INSTRUCTIONS](#) to fill out each question in this form.
- Use the [CHECKLIST](#) to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: [http://www2.tceq.texas.gov/wq\\_dpa/index.cfm](http://www2.tceq.texas.gov/wq_dpa/index.cfm)

### APPLICATION FEE:

- You must pay the **\$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
  - Go to <https://www3.tceq.texas.gov/epay/index.cfm>
  - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed	<input checked="" type="checkbox"/>	Check/Money Order No.: _____	
		Name Printed on Check: <u>Jacobs Engineering for City of Tyler</u>	
EPAY	<input type="checkbox"/>	Voucher No.: _____	
		Is the Payment Voucher copy attached?	<input type="checkbox"/> Yes

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

Is the copy attached?  Yes

### RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?

**(Note: An authorization cannot be renewed after June 11, 2014.)**

- Yes The existing authorization number is: TXR04 0041  
**(If an authorization number is not provided, a new number will be assigned.)**
- No

**1) OPERATOR (Applicant)**

- a. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:  
<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>  
 CN 600335657
  
- b. What is the Legal Name of the entity (applicant) applying for this permit?  
City of Tyler  
 (The exact legal name must be provided.)
  
- c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 30 TAC 305.44(a).  
 Prefix (Mr. Ms. Miss): Mr.  
 First/Last Name: Mark McDaniel Suffix: \_\_\_\_\_  
 Title: City Manager Credential: \_\_\_\_\_
  
- d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:  
<https://tools.usps.com/go/ZipLookupAction!input.action>  
 Phone Number: (903) 531-1085 Ext: \_\_\_\_\_ Fax Number: (903) 531-1259  
 E-mail: cnicolardi@tylertexas.com  
 Mailing Address: P.O. Box 2039  
 Internal Routing (Mail Code, Etc.): \_\_\_\_\_  
 City: Tyler State: Texas ZIP Code: 75710  
 If outside USA: Territory: \_\_\_\_\_ Country Code: \_\_\_\_\_ Postal Code: \_\_\_\_\_
  
- e. Indicate the type of Customer (The instructions will help determine your customer type):  
 Federal Government       State Government       County Government  
 City Government       Other Government
  
- f. Number of Employees:  
 0-20;       21-100;       101-250;       251-500; or       501 or higher

**2) BILLING ADDRESS**

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

Is the billing address the same as the Operator Address?

- Yes, go to Section 3).
- No, complete section below

Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Internal Routing (Mail Code, Etc.): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
 Mailing Information if outside USA:  
 Territory: \_\_\_\_\_ Country Code: \_\_\_\_\_ Postal Code: \_\_\_\_\_

### 3) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:

<http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=regent.RNSearch>.

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

- a. TCEQ issued RE Reference Number (RN): RN 105481279
- b. Name that is used to identify the small MS4 (Example: City of XXX MS4)  
City of Tyler MS4
- c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):  
Area within the City of Tyler corporate limits that is located within the Tyler urbanized area
- d. County where the largest residential population exists within the regulated MS4 boundaries:  
Smith County

Is the MS4 located within additional counties?

Yes – If Yes, what county (or counties)?

No

- e. Latitude: 32.3032 N Longitude: 95.2945 W

### 4) GENERAL CHARACTERISTICS

- a. Is the project/site located on Indian Country Lands?  
 Yes – If Yes, you must obtain authorization through EPA, Region 6.  
 No
- b. What is applicant's Standard Industrial Classification (SIC) code?  
SIC Code: 9111
- c. What is the category or level of the MS4 based on the population served?  
 **Level 1:** Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).  
 **Level 2:** Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.

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

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

d. Has TCEQ “designated” the small MS4 as needing coverage under this general permit?

Yes

No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e. What is your annual reporting year?

Calendar year

MS4 general permit year

Fiscal year – If Fiscal year, what is the last day of the fiscal year? 9/30/2014

f. Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.

Yes

No – If No, the application is considered incomplete and may be returned.

2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.

Yes

No – If No, the application is considered incomplete and may be returned.

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

First/Last Name: Clayton Nicolardi, P.E.

Title: Environmental Compliance Engineer Company: City of Tyler

Phone Number: (903) 531-1085 Ext: \_\_\_\_\_ Fax Number: (903) 531-1259

E-mail: cnicolardi@tylertexas.com

Mailing Address: P.O. Box 2039

Internal Routing (Mail Code, Etc.): \_\_\_\_\_

City: Tyler State: Texas ZIP Code: 75710

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?

Yes – If Yes, what are the boundaries within which those activities will occur?

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

No \_\_\_\_\_

2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).

No

**h. Discharge Information**

1. What is the name of the water body (ies) receiving stormwater from the MS4?

Black Fork Creek, Butler Creek, Gilley Creek, Harris Creek, Henshaw Creek, Hill Creek, Indian Creek, Shackelford Creek, West Mud Creek, and Willow Creek

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

Segment 0605 - Lake Palestine, Segment 0606 - Neches River Above Lake Palestine, Segment 0611 - Angelina River Above Sam Rayburn Reservoir, Segment 0613 - Lake Tyler/Lake Tyler East

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters?

Yes – If Yes:

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

Lake Palestine, Neches River above Lake Palestine, Angelina River above Sam Rayburn Reservoir

What are the pollutants of concern?

pH, bacteria, and depressed dissolved oxygen

No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?

Yes – If Yes, what is the name of the MS4 Operator?

Some areas may discharge to Smith County MS4 prior to discharge to

No surface waters of the state

**i. Edwards Aquifer**

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

Yes - If Yes, complete certification below by checking "Yes".

No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

Yes

**j. Public Participation Process**

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple

counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

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

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.

Yes

No – If No, coverage under this general permit is not obtainable.

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

First/Last Name: Clayton Nicolardi, P.E.

Title: Environmental Compliance Engineer Company: City of Tyler

Phone Number: (903) 531-1085 Ext: \_\_\_\_\_ Fax Number: (903) 531-1259

E-mail: cnicolardi@tylertexas.com

Mailing Address: P.O. Box 2039

Internal Routing (Mail Code, Etc.): \_\_\_\_\_

City: Tyler State: Texas ZIP Code: 75710

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

Name of Public Place: City of Tyler Water Utilities Administration Office

Address of Public Place: 511 W. Locust Street, Tyler, Texas 75702

County of Public Place: Smith County

## 5) CERTIFICATION

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

- a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000.  Yes
- b. I certify that the small MS4 qualifies for coverage under the general permit TXR040000.  Yes
- c. I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.  Yes
- d. I understand that authorization active on September 1<sup>st</sup> of each year will be accessed an Annual Water Quality Fee.  Yes

**Operator Certification:**

I, Mark McDaniel City Manager  
*Typed or printed name* *Title*

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

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Use blue ink)*

**Appendix 6**

**TPDES Small MS4 General Permit for Storm Water  
Discharges from Small MS4s (TXR040000)**

# Texas Commission on Environmental Quality

P.O. Box 13087, Austin, Texas 78711-3087



## GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces  
TPDES General Permit No. TXR040000, issued August 13, 2007

Small Municipal Separate Storm Sewer Systems

located in the state of Texas

may discharge directly to surface water in the state

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

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

EFFECTIVE DATE: DEC 13 2013

ISSUED DATE: DEC 13 2013

A handwritten signature in black ink that reads "Bryan W. Shaw". The signature is written in a cursive style and is positioned above a horizontal line.

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For the Commission

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

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**Part I. Definitions**

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

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

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

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

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

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

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

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

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

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

- (a) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or
- (b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution

prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Impaired Water** - A surface water body that is identified on the latest approved CWA §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

**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).

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

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

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

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

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

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

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

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

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

**Permittee** - The MS4 operator authorized under this general permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate wetlands;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;

- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (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 U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

## **Part II. Permit Applicability and Coverage**

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

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

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

#### **1. Small MS4s Located in an Urbanized Area**

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

#### **2. Designated Small MS4s**

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

#### **3. Operators of Previously Permitted Small MS4s**

Operators of small MS4s that were covered under the previous TPDES general permit for small MS4s (TXRo40000, Issued and Effective on August 13, 2007) must reapply for permit coverage, or must obtain a waiver if applicable (see Part II.B, related to Obtaining a Waiver.)

#### **4. Regulated Portion of Small MS4**

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

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

#### **5. Categories of Regulated Small MS4s**

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

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

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

#### **Section B. Available Waivers from Coverage**

The TCEQ may waive permitting requirements for small regulated MS4 operators if the criteria are met for Waiver Option 1 or 2 below. To obtain Waiver Option 1, the MS4 operator must submit the request on a waiver form provided by the executive director. To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions. A provisional waiver from permitting requirements begins 30 days after an administratively complete waiver form is postmarked for delivery to the TCEQ. Following review of the waiver form, the executive director may: (1) Determine that the waiver form is technically complete and approve the waiver by providing a notification and a waiver number; (2) Determine that the waiver form is incomplete and deny the waiver until a completed waiver form is submitted; or (3) Deny the waiver and require that permit coverage be obtained.

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

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

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

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

### **1. Waiver Option 1:**

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

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

### **2. Waiver Option 2:**

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

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

suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

### **Section C. Allowable Non-Stormwater Discharges**

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

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

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

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

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

**2. Discharges of Stormwater Mixed with Non-Stormwater**

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

**3. Compliance with Water Quality Standards**

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

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

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list, as not meeting Texas Surface Water Quality Standards.

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

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

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

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

(1) Targeted Controls

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

(2) Measurable Goals

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

(3) Identification of Benchmarks

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

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

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

(4) Annual Report

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

(5) Impairment for Bacteria

If the pollutant of concern is bacteria, the permittee shall include focused BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL Implementation Plan (I-Plan) is available, the permittee may refer to the I-Plan for appropriate BMPs. The SWMP and annual report must include the selected BMPs. Permittees may not exclude BMPs associated with the minimum control measures required under 40 CFR §122.34 from their list of proposed BMPs. Proposed BMPs will be reviewed by the executive director during the NOI and SWMP review and approval process.

The BMPs shall, as appropriate, address the following:

- a. Sanitary Sewer Systems
  - (i) Make improvements to sanitary sewers to reduce overflows;
  - (ii) Address lift station inadequacies;
  - (iii) Improve reporting of overflows; and
  - (iv) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.
- b. On-site Sewage Facilities (for entities with appropriate jurisdiction)
  - (i) Identify and address failing systems; and
  - (ii) Address inadequate maintenance of On-Site Sewage Facilities (OSSFs).
- c. Illicit Discharges and Dumping

Place additional effort to reduce waste sources of bacteria; for example, from septic systems, grease traps, and grit traps.
- d. Animal Sources

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

Increase focus to educate residents on:

  - (i) Bacteria discharging from a residential site either during runoff events or directly;
  - (ii) Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
  - (iii) Decorative ponds; and
  - (iv) Pet waste.

(6) Monitoring or Assessment of Progress

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

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

(i) Evaluating Program Implementation Measures

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

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

(ii) Assessing Improvements in Water Quality

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

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

(7) Observing no Progress Towards the Benchmark

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

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

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

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

(1) Discharging a Pollutant of Concern

- a. Within the first year following the permit effective date, the permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.
- b. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.
- c. In addition, no later than three years following the permit effective date, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

(2) Impairment of Bacteria

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

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

## 5. Discharges to the Edwards Aquifer Recharge Zone

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

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

The permittee's agency-approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional agency-approved WPAPs received after the SWMP submittal must be recorded in the annual report for each respective permit year. For discharges originating from the small MS4 permitted area, and located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the MS4 NOI to the appropriate TCEQ regional office with each WPAP application submitted to TCEQ on or after August 13, 2012.

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

*Contact:*

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

*Counties:* Williamson, Travis, and Hays

*Contact:*

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

## **6. Discharges to Specific Watersheds and Water Quality Areas**

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

## **7. Protection of Streams and Watersheds by Home Rule Municipalities**

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

## **8. Indian Country Lands**

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

## **9. Endangered Species Act**

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information prior to submittal of the NOI and SWMP. If adverse impact is determined after submittal of the NOI and SWMP or after permit issuance, the permittee shall contact TCEQ immediately to determine corrective action and potential modification to the MS4's permit.

## 10. Other

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

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

## Section E. Obtaining Authorization

### 1. Application for Coverage

When submitting a notice of intent (NOI) and SWMP, for coverage under this general permit, as described in Parts II.E.3., II.E.4, and Part III, the applicant must follow the public notice and availability requirements found in Part II.E.12 of this general permit.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI on a form approved by the executive director, and a SWMP as described in Part III. The NOI and SWMP must be submitted to the TCEQ Water Quality Division, at the address specified on the form. Following review of the NOI and SWMP, the executive director may determine that: 1) The submission is complete and confirm coverage by providing a notification and an authorization number, 2) The NOI or SWMP are incomplete and deny coverage and require that a new complete NOI and SWMP be submitted, 3) Approve the NOI and SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4) Deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Discharge authorization begins when the applicant is notified by TCEQ that the NOI and SWMP have been administratively and technically reviewed and the applicant has followed the public participation provisions in Part II.E.12. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c). Application deadlines are as follows:

(a) Small MS4s Located in a 2010 Urbanized Area (UA) (Newly regulated Small MS4s)

Operators of small MS4s described in Part II.A.1 that were not previously regulated under the TPDES General Permit TXR040000, shall submit an NOI and SWMP within 180 days following the effective date of this general permit.

(b) Small MS4s Located in a 2000 UA (Previously Regulated Small MS4s)

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

(c) Designated Small MS4s

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

(d) Individual Permit Alternative

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

**2. Late Submission of the NOI and SWMP**

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

**3. Stormwater Management Program (SWMP)**

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

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

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

Changes that are made to the SWMP before the NOI is approved by the TCEQ must be submitted in a letter providing supplemental information to the NOI. Changes to the SWMP that are made after TCEQ approval of the NOI and SWMP may be made following submittal of a notice of change (NOC) and receipt of written approval of the NOC from the TCEQ, except as follows:

- (a) The following changes may be implemented without submitting an NOC form. The changes may be made immediately following revision of the SWMP, and must be included in the annual report:
  - (1) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP. An equivalent BMP is one that is intended to address the same concern as the original BMP and is substantially similar in nature to the original BMP;
  - (2) Nonsubstantive changes, including:
    - a. A change in personnel, or a reorganization of departments responsible for implementing the SWMP;
    - b. Minor clarifications to the existing BMPs;
    - c. Correction of typographical errors;

- d. Other similar administrative or nonsubstantive comments.
- (3) Adding or subtracting area(s) during the permit term, such as by annexing land or if land is de-annexed.
- (b) The permittee may replace a less effective or infeasible BMP specifically identified in the SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP). Such a change may be implemented within 60 days following submittal of an NOC form, unless the NOC is denied in writing by TCEQ. Such requests must include the following:
  - (1) An explanation of why the BMP was eliminated;
  - (2) An explanation of the effectiveness of the replacement BMP; and
  - (3) An explanation of how the replacement BMP is expected to achieve the goals of the previous BMP.
- (c) All other changes must be submitted on an NOC form and may only be implemented following written approval by TCEQ (See Part II.E.5).

#### **4. Contents of the NOI**

The NOI must contain the following minimum information:

- (a) MS4 Operator Information
  - (1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and
  - (2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).
- (b) Site Information
  - (1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;
  - (2) County or counties where the small MS4 is located;
  - (3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;
  - (4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;
  - (5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this permit;
  - (6) A statement that the applicant will comply with the Public Participation requirements described in Part II.E.12.;
  - (7) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;

- (8) The name of any MS4 receiving the discharge prior to discharge into waters of the U.S.;
- (9) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters;
- (10) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and
- (11) Any other information deemed necessary by the executive director.

#### **5. Notice of Change (NOC)**

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

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

#### **6. Change in Operational Control of a Small MS4**

If the operational control of the regulated small MS4 changes, the previous operator must submit a Notice of Termination (NOT) and the new operator must submit an NOI and SWMP. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

#### **7. Notice of Termination (NOT)**

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

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

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

#### **9. Fees**

An application fee of \$100.00 must be submitted with each NOI. A fee is not required for submission of a waiver form, a NOT, or an NOC.

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

## 10. Permit Expiration

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

## 11. Suspension of Permit Coverage

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

## 12. Public Notice Process for NOI submittal

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

- (a) The applicant shall submit an NOI and SWMP to the executive director. The SWMP must include information about:
  - (1) BMPs the applicant will implement for each of the six MCMs, as appropriate;
  - (2) The measurable goals for each of the BMPs, including, as appropriate the months and years in which the applicant will take the required actions, including interim milestones and the frequency of the action; and

- (3) The person or persons responsible for implementing or coordinating the applicants SWMP.
- (b) After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary decision on the NOI and SWMP.
- (c) The notice will include the following information, at a minimum:
  - (1) The legal name of the MS4 operator;
  - (2) Indication of whether the NOI is for a new authorization or is a renewal of an existing authorization;
  - (3) The address of the applicant;
  - (4) A brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;
  - (5) The location and mailing address where the public may provide comments to the TCEQ;
  - (6) The public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and
  - (7) If required by the executive director, the date, time, and location of the public meeting.
- (d) This notice must be published at least once in a newspaper of general circulation in the municipality or county where the small MS4 is located. If the small MS4 is located in multiple municipalities or counties, the notice must be published at least once in a newspaper of general circulation in the municipality or county containing the largest resident population for the regulated portion of the small MS4. This notice must provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice must allow the public to request a public meeting. A public meeting will be held if the TCEQ determines that there is significant public interest.
- (e) The public comment period begins on the first date the notice is published and lasts for at least 30 days. If a public meeting is held, the comment period will end at the closing of the public meeting (see paragraph (f) below). The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.
- (f) If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant shall publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.
- (g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.
- (h) The applicant shall file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Chief Clerk.

- (i) The executive director, after considering public comment, will either approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.
- (j) Persons whose names and addresses appear legibly on the sign-in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

## **Section F. Permitting Options**

### **1. Authorization Under the General Permit**

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

#### **(a) Participants**

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

#### **(b) Responsibilities**

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

### **2. Alternative Coverage under an Individual TPDES Permit**

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

entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

### **Part III. Stormwater Management Program (SWMP)**

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

A permittee that implements best management practices consistent with the provisions of their permit and SWMP constitutes compliance with the standard of reducing pollutants to the MEP and will be deemed in compliance with Part III of this permit. This permit does not extend any compliance deadlines set forth in the previous permit effective August 13, 2007.

#### **Section A. Developing a Stormwater Management Program (SWMP)**

##### **1. SWMP Development and Schedule**

###### **(a) Existing regulated small MS4s**

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

###### **(b) New regulated small MS4s**

Operators of regulated small MS4s that were not required to obtain permit coverage under the previous TPDES general permit TXR040000, have 180 days from the effective date of the general permit to develop and submit their NOI and SWMP.

###### **(c) Implementation of the SWMP**

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

Designated small MS4s must achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation. Newly regulated small MS4s, based on the 2010 Decennial Census, must achieve full implementation of the SWMP as soon as practicable, but no later than five years from the permit effective date.

##### **2. Content of the SWMP**

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

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

### **3. Legal Authority**

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

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

#### **4. Resources**

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

#### **5. Effluent Limitations**

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

#### **6. Enforcement Measures**

Permittees with enforcement authority (i.e. traditional small MS4s) shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, the permittee shall notify either the adjacent MS4 operator with enforcement authority or TCEQ's Field Operations Support Division.

### **Section B. Minimum Control Measures**

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

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

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

## **1. Public Education, Outreach, and Involvement**

### **(a) Public Education and Outreach**

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

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

- a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);
  - b. Identify the target audience(s);
  - c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;
  - d. Determine cost effective and practical methods and procedures for distribution of materials.
- (2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.
  - (3) 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.
  - (4) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

### **(b) Public Involvement**

All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related

to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

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

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

## **2. Illicit Discharge Detection and Elimination (IDDE)**

### **(a) Program Development**

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

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

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

- a. An up-to-date MS4 map (see Part III.B.2.(c)(1));
- b. Methods for informing and training MS4 field staff (See Part III.B.2.(c)(2));
- c. Procedures for tracing the source of an illicit discharge (see Part III.B.2.(c)(5));
- d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));
- e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
- f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (See Part III.B.2.(g)(1));
- g. For Level 4 small MS4s, field screening to detect illicit discharges (See Part III.B.2.(g)(2)).

- (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.
- (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.

## (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. Construction Site Stormwater Runoff Control**

(a) Requirements and Control Measures

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

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

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

(b) Requirements for all Permittees

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

- (1) All permittees shall 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 within a period of time determined by the permittee. 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.
  - 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 (SWP<sub>3</sub>) 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; and,
- 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. Inspections must occur at a frequency determined by the permittee, 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.

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

## (a) Post-Construction Stormwater Management Program

- (1) All permittees shall develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges

from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

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

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

(b) Requirements for all Permittees

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

- (1) All permittees shall 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.

## **5. Pollution Prevention and Good Housekeeping for Municipal Operations**

(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. 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.

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

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

(1) Storm Sewer System Operation and Maintenance

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

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

Permittees who operate level 3 or 4 small MS4s shall implement an O&M program that includes, 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.

## 6. Industrial Stormwater Sources

- (a) Permittees operating a level 4 small MS4 shall include the requirements described below in Part III. B.6.(1) – this requirement is only applicable to level 4 MS4s
  - (1) Permittees who operate level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4. The program must include priorities and procedures for inspections and for implementing control measures for such discharges.

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

The development of this MCM for construction activities, where the small MS4 is the site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop this measure will be authorized to discharge stormwater and certain non-stormwater from construction activities where the MS4 operator meets the definition of a construction site operator in Part I of this general permit. When developing this measure, permittees are required to meet all requirements of, and be consistent with, applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), TPDES CGP TXR150000, and Part III.B.3 of this permit. The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the small MS4 located within a UA or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit. This MCM must be developed as a part of the SWMP that is submitted with the NOI for permit coverage. If this MCM is developed after submitting the initial NOI, a NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit. Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under an individual TPDES permit.

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

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

(a) The MCM must include:

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

### **Section C. General Requirements**

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

1. A list of any public or private entities assisting with the development or implementation of the SWMP;
2. If applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;
3. A list of all BMPs and measurable goals for each of the MCMs;
4. A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.
5. A description of how each measurable goal will be evaluated; and
6. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.

## **Part IV. Recordkeeping and Reporting**

### **Section A. Recordkeeping**

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

### **Section B. Reporting**

#### **1. General Reporting Requirements**

##### **(a) Noncompliance Notification**

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by electronic facsimile

transmission (FAX) to the TCEQ regional office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ regional office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

- (1) A description of the noncompliance and its cause;
- (2) The potential danger to human health or safety, or the environment;
- (3) The period of noncompliance, including exact dates and times;
- (4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- (5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(b) Other Information

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

## 2. Annual Report

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

The first reporting year for annual reporting purposes shall begin on the permit effective date, and shall last for a period of one (1) year (the end of the "permit year"). Alternatively, if the permittee elects to report based on its fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year. If the permittee elects to report based on the calendar year, then the first reporting year will last until December 31, 2014.

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

- (a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- (b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- (c) If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;

- (d) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;
- (e) Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- (f) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;
- (g) Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);
- (h) The number of construction activities where the small MS4 is the operator and authorized under the 7<sup>th</sup> optional MCM, including the total number of acres disturbed; and
- (i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7<sup>th</sup> MCM.

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

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

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

The annual report must be submitted to the following address:

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

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

If available, electronic submission of annual reports is encouraged. The Federal Waste Reduction Act and the Government Paperwork Elimination Act encourages governmental agencies to use electronic submission. See the TCEQ website at, [www.tceq.texas.gov](http://www.tceq.texas.gov) for additional information and instructions.

## **Part V. Standard Permit Conditions**

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

- B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.
- E. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.
- F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:
  - 1. Negligently or knowingly violating CWA, §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and
  - 2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.
- H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.

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

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

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

**Section A. Eligible Construction Sites**

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

**Section B. Discharges Eligible for Authorization**

**1. Stormwater Associated with Construction Activity**

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

**2. Discharges of Stormwater Associated with Construction Support Activities**

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

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

### **3. Non-Stormwater Discharges**

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

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

### **4. Other Permitted Discharges**

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

**Section C. Limitations on Permit Coverage**

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

**Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements**

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

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

**Section E. Stormwater Runoff from Concrete Batch Plants**

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

**1. Benchmark Sampling Requirements**

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

Table 1. Benchmark Monitoring

<b>Benchmark Parameters</b>	<b>Benchmark Value</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
Oil and Grease	15 mg/L	1/quarter (*1)(*2)	Grab (*3)

<b>Benchmark Parameters</b>	<b>Benchmark Value</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
Total Suspended Solids	100 mg/L	1/quarter (*1)(*2)	Grab (*3)
pH	6.0-9.0 S.U.	1/quarter (*1)(*2)	Grab (*3)
Total Iron	1.3 mg/L	1/quarter (*1)(*2)	Grab (*3)

(\*1) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

(\*2) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March  
April through June  
July through September  
October through December

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

(\*3) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

- (b) The permittee shall compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

- (1) Any additional potential sources of pollution, such as spills that might have occurred;
- (2) Necessary revisions to good housekeeping measures that are part of the SWP3;
- (3) Additional BMPs, including a schedule to install or implement the BMPs; and

- (4) Other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

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

## 2. BMPs and SWP3 Requirements

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

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

stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.

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

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

minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

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

### **3. Prohibition of Wastewater Discharges**

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater

discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck washout at construction sites may be authorized if conducted in accordance with the requirements of Part VI of this general permit.

#### **4. Concrete Truck Wash Out Requirements**

This general permit authorizes the wash out of concrete trucks at construction sites regulated under this section of the general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production waste water must be authorized under a separate TCEQ general permit or individual permit.

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

#### **Section F. Effective Date of Coverage**

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

#### **Section G. Deadlines for SWP3 Preparation and Compliance**

The SWP3 must:

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

**Section H. Plan Review and Making Plans Available**

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

**Section I. Keeping Plans Current**

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

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

**Section J. Contents of SWP3**

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

**1. Site Description**

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

- (a) A description of the nature of the construction activity, potential pollutants and sources;
- (b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;
- (c) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
- (d) Data describing the soil type or the quality of any discharge from the site;
- (e) A map showing the general location of the site (e.g. a portion of a city or county map);
- (f) A detailed site map indicating the following:
  - (1) Drainage patterns and approximate slopes anticipated after major grading activities;
  - (2) Areas where soil disturbance will occur;
  - (3) Locations of all major structural controls either planned or in place;
  - (4) Locations where temporary or permanent stabilization practices are expected to be used;
  - (5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;
  - (6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;

- (7) Locations where stormwater discharges from the site directly to a surface water body or a MS4; and
- (8) Vehicle wash areas.
- (g) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;
- (h) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and
- (i) A copy of Part VI of this TPDES general permit.

## **2. Structural and non-structural controls**

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

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

## **3. Stabilization Practices**

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

- (a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation and other similar measures.
- (b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VI.H. of this general permit:
  - (1) The dates when major grading activities occur;
  - (2) The dates when construction activities temporarily or permanently cease on a portion of the site; and

- (3) The dates when stabilization measures are initiated.
- (c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.
  - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
  - (2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

#### **4. Structural Control Practices**

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

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

fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

- (2) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

## **5. Permanent Stormwater Controls**

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

## **6. Other Controls**

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

## **7. Effluent Limits**

The federal Effluent Limitations Guidelines at 40 CFR Part 450.21(a) apply to all regulated construction activities under this 7<sup>th</sup> optional MCM, where the small MS4 is the operator.

## **8. Approved State and Local Plans**

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

## **9. Maintenance**

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

storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

## 10. Inspections of Controls

- (a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

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

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

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

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be

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

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

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

- (f) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

## **11. Pollution Prevention Measures**

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

## **Section K. Additional Retention of Records**

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

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

**Appendix 7**  
**Notice of Change Forms**



# Notice of Change (NOC) to an Authorization or Waiver for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRo40000)

**IMPORTANT** – Please read the following information and [INSTRUCTIONS](#) before filling out this form.

This form will be returned for any of the following reasons:

- 1) The authorization number is not provided, is invalid, or is no longer active,
- 2) Wet ink signature of person meeting signatory requirements is not provided,
- 3) The current permittee is not the applicant, and;
- 4) A requested change in operator name is not a legal name change.

**This form cannot be used for a change in Operator. Refer to the general permit for information.**

What is the authorization or waiver to be changed? TXRo4\_\_\_\_\_ or TXRMW\_\_\_\_\_

## 1) OPERATOR (PERMITTEE):

a) What is the full Legal Name of the current Operator as on the authorization?

\_\_\_\_\_

b) What is the Customer Number (CN) assigned to this operator? You may search for your CN at: <http://www12.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN \_\_\_\_\_

c) What is the Regulated Entity Reference Number (RN) assigned to this site?

RN \_\_\_\_\_

d) What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in TAC §305.44.

Prefix (Mr. Ms Miss): \_\_\_\_\_

First/Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

Title: \_\_\_\_\_ Credential: \_\_\_\_\_

## 2) APPLICATION CONTACT

If TCEQ needs additional information regarding this application, who should be contacted?

Prefix (Mr. Ms. Miss): \_\_\_\_\_

First/Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

Title: \_\_\_\_\_ Credential: \_\_\_\_\_

Organization Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Extension: \_\_\_\_\_ Fax Number: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Internal Routing (Mail Code, Etc.): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Mailing Information if outside USA  
Territory: \_\_\_\_\_ Country Code: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**3) REQUESTED CHANGE TO PERMITTED INFORMATION**

What information has changed or needs to be corrected? Check one or more of the following options and enter the new information below.

Operator legal name change with Texas Secretary of State (TX SOS)

Note: Authorizations are not transferable. If a change in entity has occurred, this NOC is not attainable.

Address and contact information for operator or billing for annual fee

Site Information (Regulated Entity).

Note: Authorizations under a general permit are site specific. If a change in site location has occurred, this NOC is not attainable.

Change to the approved Stormwater Management Program (SWMP)

**a) Operator Legal Name Change**

1. What is the NEW active Legal Name with TX SOS or on other legal document?

New Legal Name: \_\_\_\_\_

2. What is the TX SOS Filing Number for us to confirm this official name change?  
(This is only applicable to Limited Partnerships or Corporations.)

TX SOS Filing number: \_\_\_\_\_

**b) Address and Contact Information Change**

1. What information has changed? Check one or more as applicable.

Operator mailing address for permit correspondence

Billing address/contact for receiving Annual Fee Statement

2. Is the updated information the same for each selection?

Yes - Provide the updated information in the fields below.

No - Use Attachment 1 of the NOC to provide the updated address.

Prefix (Mr. Ms. Miss): \_\_\_\_\_

First/Last Name: \_\_\_\_\_ Suffix: \_\_\_\_\_

Title: \_\_\_\_\_ Credential: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Extension: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Internal Routing (Mail Code, Etc.): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_  
Mailing Information if outside USA:  
Territory: \_\_\_\_\_ Country Code: \_\_\_\_\_ Postal Code: \_\_\_\_\_

**c) Regulated Entity (RE) Site Information Correction or Update**

1. Updated or corrected description of the regulated MS4 boundaries:
  
  
  
  
  
  
  
  
  
  
2. Other update to regulated entity information. Please explain.

**d) Change to the Approved SWMP**

Check the applicable item(s) to be changed or updated and complete the section for each item. Reference the attachment for each item.

Add the 7<sup>th</sup> Minimum Control Measure (MCM) to the approved SWMP.

Complete Attachment 2 of the NOC and the following question:

Are you seeking to use the 7<sup>th</sup> MCM only in the regulated (urbanized) area?

Yes – Attach the MCM with Attachment 2 of the NOC.

No – Attach the MCM with Attachment 2 of the NOC and indicate Yes to the following certification\*:

I certify that the MS4 is in compliance with all of the MCMs listed in this general permit, in the MS4's additional area where the 7<sup>th</sup> MCM will be utilized.

Yes

\*Failure to indicate YES to this certification will result in denial.

Request to update the approved SWMP, replacing a less effective or infeasible Best Management Practice (BMP) specifically identified in the SWMP with an alternate BMP. The request must include the following:

An explanation of why the BMP was eliminated.

An explanation of the effectiveness of the replacement BMP.

An explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

Are the revisions to the approved SWMP attached?

Yes, enclosed as \_\_\_\_\_

Other requested changes to the approved SWMP requiring TCEQ approval.

Are the revisions to the approved SWMP attached?

Yes, enclosed as \_\_\_\_\_

**4) OPERATOR CERTIFICATION**

I, \_\_\_\_\_  
*Typed or printed name* *Title*

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

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*(Use blue ink)*

**Attachment 2 to a NOC Form for adding the Optional 7<sup>th</sup> Minimum Control Measure Related to a Specific Authorization or Waiver under the Phase II MS4 General Permit TXR040000**

**7<sup>th</sup> Minimum Control Measure Cover Sheet**

This cover sheet MUST be completed by indicating the page number where the requested item will be found in the MCM. Provide the page number in the left column for each item. The questions relating to the Edwards Aquifer must also be answered.

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

Operator Name on NOI: \_\_\_\_\_

**Optional 7<sup>th</sup> MCM:** Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)

If this MCM is utilized applicable, SWMP must include the following information:

**Page # (s)**

Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations

Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)

If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.

Description provided for one of the following:

- How contractor activities will be supervised or overseen to ensure that the 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 storm water discharges if needed.

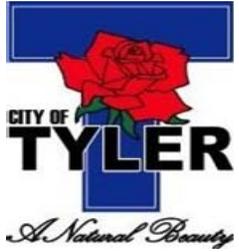
General description of how a construction SWP3 will be developed for each construction site.

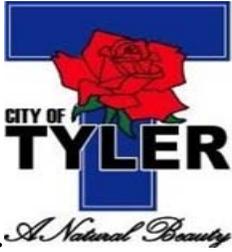
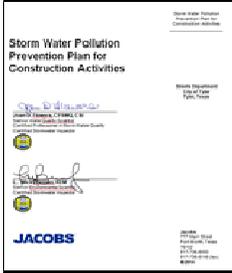
**Edwards Aquifer Rule**

Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing zone within the Transition zone of the Edwards Aquifer?

Yes - If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction SWP3(s).

No

	<h2>PET WASTE MANAGEMENT</h2>		<p><b>ID-10</b></p>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p><b>*Parks</b></p>	<p><b>DESCRIPTION</b></p> <p>The City of Tyler has 27 Parks located throughout the City. All the parks except Lindsey Park are located within the UA. Pet waste in parks can be a source of fecal (E. coli) pollution in area waterways particularly if the park is located near a waterbody. The City maintains Pet Waste Stations at 4 city parks, Rose Rudman Park, Southside Park, Bergfeild Park, and Pollard Park. Parks and Recreation Department staff checks and maintains supplies on a daily basis. This is an important BMP to reduce bacterial contamination in area creeks.</p>		
<p><b>APPLICABILITY</b></p> <p>Residents</p> <p>Visitors</p> <p>X Public Service Employees</p> <p>Businesses</p> <p>Commercial/Industrial</p> <p>Construction</p>			
<p><b>YEAR</b></p>	<p><b>IMPLEMENTATION ACTIVITY</b></p>	<p><b>MEASURABLE GOAL</b></p>	
<p>12/13/13 – 09/30/15</p>	<ul style="list-style-type: none"> <li>• Add 5 pet waste stations in city parks</li> </ul>	<p>Map of stations Number of supplies ordered</p>	
<p>10/1/15 – 9/30/16</p>	<ul style="list-style-type: none"> <li>• Add 5 pet waste stations in city parks</li> </ul>	<p>Number of supplies ordered</p>	
<p>10/1/16 – 9/30/17</p>	<ul style="list-style-type: none"> <li>• Add 5 pet waste stations in city parks</li> </ul>	<p>Number of supplies ordered</p>	
<p>10/1/17 – 9/30/18</p>	<ul style="list-style-type: none"> <li>• Add 5 pet waste stations in city parks</li> </ul>	<p>Number of supplies ordered</p>	
<p>10/1/18 – 12/13/18</p>	<ul style="list-style-type: none"> <li>• Maintain 20 pet waste stations in city parks</li> </ul>	<p>Number of supplies ordered</p>	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part III, Section B.2(a)(1)(e): pg.32</i></p>			

		<b>MASTER CONSTRUCTION SWP3</b>	<b>7<sup>th</sup> MCM</b>
		<p><b>DESCRIPTION</b></p> <p>The City will develop and implement a master construction SWP3 that will cover all construction activities performed by the Streets Department which utilize the City-owned concrete batch plant within the City's urbanized area. The master SWP3 will be updated for each construction site and will consider local conditions such as weather, soils, and other site-specific considerations. The City will submit an NOC to TCEQ for the 7th MCM of the MS4 permit to allow City construction activities to be permitted under the MS4 permit rather than the Construction General Permit (CGP) for activities that require the use of the concrete batch plant. Any construction activities that do not require the use of the concrete batch plant will be permitted under the CGP, TXR150000, if the disturbed area exceeds 1 acre in size.</p> <div style="float: right; border: 1px solid black; padding: 5px; width: 150px;">  </div>	
<b>RESPONSIBLE AUTHORITY</b>		<p>Streets Department road repair projects are typically less than one acre in size and are completed in a short period of time. The quantities of concrete required for final roadway surfacing associated with these projects are small, generally less than a commercial minimum load of ready mix. The City will operate a small, dry delivery system ready mix concrete batch plant located at the City's Street Department operating area.</p> <p>This MCM will only address construction activities performed by City crews supervised by the City Streets Department. Contracted construction activities will be permitted under the CGP, TXR150000 by the contractor, if the disturbed area exceeds 1 acre in size. The City will ensure that the contractors have a separate authorization for storm water discharges through enforcement of the Erosion Control Ordinance (BMP C-1) and Contractor Oversight (BMP GH-13).</p>	
*Streets			
<b>APPLICABILITY</b>		<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Requested by Streets Department to permit the concrete batch plant.</li> </ul>	
Residents	Visitors		
X Public Service Employees	Businesses		
Commercial/Industrial	Construction		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
12/13/13 – 09/30/15	<ul style="list-style-type: none"> <li>Develop and implement master SWP3 for construction activities associated with Concrete Batch Plant</li> <li>Submit NOC for addition of 7<sup>th</sup> MCM</li> <li>Construct concrete berm around batch plant</li> </ul>	Master SWP3 NOC Photos of berm	
10/1/15 – 9/30/16	<ul style="list-style-type: none"> <li>Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant</li> </ul>	Report number of construction activities permitted under 7 <sup>th</sup> MCM	
10/1/16 – 9/30/17	<ul style="list-style-type: none"> <li>Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant</li> </ul>	Report number of construction activities permitted under 7 <sup>th</sup> MCM	
10/1/17 – 9/30/18	<ul style="list-style-type: none"> <li>Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant</li> </ul>	Report number of construction activities permitted under 7 <sup>th</sup> MCM	
10/1/18 – 12/13/18	<ul style="list-style-type: none"> <li>Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant</li> </ul>	Report number of construction activities permitted under 7 <sup>th</sup> MCM	
<p><b>REFERENCES</b></p> <p>TPDES General Permit TXR040000. <i>Small MS4 General Permit, Part V, pg.51</i></p>			

**STORM WATER MANAGEMENT PROGRAM - PROGRAM SUMMARY**

BMP	DESCRIPTION	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
PE/PI-1	Utility Bill Inserts	2 Inserts mailed	2 Inserts mailed	2 Inserts mailed	2 Inserts mailed	None
PE/PI-2	Storm Water Brochures	Report number of brochures printed per year	Report number of brochures printed per year	Report number of brochures printed per year	Report number of brochures printed per year	Report number of brochures printed per year
PE/PI-3	Storm Water Web Site	Screen shot of updated web page with annual report link	Screen shot of updated web page with annual report link	Screen shot of updated web page with annual report link	Screen shot of updated web page with annual report link	Screen shot of updated web page with annual report link
PE/PI-4	PSAs/Social Media	12 PSA broadcasts and 12 social media posts	12 PSA broadcasts and 12 social media posts	12 PSA broadcasts and 12 social media posts	12 PSA broadcasts and 12 social media posts	12 PSA broadcasts and 12 social media posts
PE/PI-5	School Book Covers	1 cover per student	1 cover per student	1 cover per student	1 cover per student	1 cover per student
PE/PI-6	Storm Drain Marking By City Staff	At least 15 inlets marked Updated map - marked inlets	At least 15 inlets marked Updated map	At least 15 inlets marked Updated map	At least 15 inlets marked Updated map	At least 15 inlets marked Updated map
PE/PI-7	Stream Cleanup Projects	At least 1 clean up event	At least 1 clean up event	At least 1 clean up event	At least 1 clean up event	At least 1 clean up event
PE/PI-8	Facility Tours	Conduct at least 5 facility tours/year	Conduct at least 5 facility tours/year	Conduct at least 5 facility tours/year	Conduct at least 5 facility tours/year	Conduct at least 5 facility tours/year
PE/PI-9	Adopt A Street, Park Or Spot	Report on number of adoptions per year	Report on number of adoptions per year	Report on number of adoptions per year	Report on number of adoptions per year	Report on number of adoptions per year
ID-1	Storm Drain System Outfall Mapping	1 watershed per year-outfalls mapped	1 watershed per year-outfalls mapped	1 watershed per year-outfalls mapped	1 watershed per year-outfalls mapped	1 city-wide GIS map
ID-2	Dry Weather Screening	Outfall screening procedures	Screening outfalls in Black Fork Creek Watershed	Screening outfalls in Mud Creek Watershed	Screening outfalls in Gilley and Indian Creek Watershed	Outfall Screening Map
ID-3	Illicit Discharge Investigations	List of investigations, Written Procedures	List of Initial and Follow-up Investigations	List of Initial and Follow-up Investigations	List of Initial and Follow-up Investigations	List of Initial and Follow-up Investigations
ID-4	Illicit Discharge Ordinance	Report on # of enforcement orders	Report on # of enforcement orders	Report on # of enforcement orders	Report on # of enforcement orders	Report on # of enforcement orders
ID-5	Reduce Sanitary Sewer Overflows	Clean 400,000 ft/ yr, TV 40,000 ft/yr, visual inspection logs	Clean 400,000 ft/ yr, TV 40,000 ft/yr, visual inspection logs	Clean 400,000 ft/ yr, TV 40,000 ft/yr, visual inspection logs	Clean 400,000 ft/ yr, TV 40,000 ft/yr, visual inspection logs	Visual inspection logs
ID-6	Solid Waste Collection Events	At least 2 events/yr	At least 2 events/yr	At least 2 events/yr	At least 2 events/yr	None
ID-7	Reduce Illegal Dumping	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr	At least 6 cameras at dump sites. Update map of cameras and active dump sites 1/yr
ID-8	Reduce Failing Septic Systems	Number of brochures produced per year	Number of brochures produced per year	Number of brochures produced per year	Number of brochures produced per year	Number of brochures produced per year
ID-9	Illicit Discharge Training	Departmental List, Training outline / materials	1 training/year	1 training/year	1 training/year	Revised training, if needed
ID-10	Pet Waste Management	Map of stations, Add 5/year Number of supplies ordered	Map of stations, Add 5/year Number of supplies ordered	Map of stations, Add 5/year Number of supplies ordered	Map of stations, Add 5/year Number of supplies ordered	Maintain 20 stations Number of supplies ordered
C-1	Enforce Erosion Control Ordinance	List of enforcement orders or fines	List of enforcement orders or fines	List of enforcement orders or fines	List of enforcement orders or fines	List of enforcement orders or fines
C-2	Erosion Control Plan Review Procedures	Review 100% of plans submitted List/Map of active construction sites	Review 100% of plans submitted List/Map of active construction sites	Review 100% of plans submitted List/Map of active construction sites	Review 100% of plans submitted List/Map of active construction sites	Review 100% of plans submitted List/Map of active construction sites
C-3	Construction Site Inspections	Inspection checklist, Written procedures, List of construction site inspections	List of construction site inspections	List of construction site inspections	List of construction site inspections	List of construction site inspections
C-4	Construction General Permit Training	Advertisement, if available, Staff training documents	Advertisement, if available	Advertisement, if available	Advertisement, if available	Advertisement, if available
C-5	Storm Water Hotline for Receipt of Public Comment	List of comments/ complaints	List of comments/ complaints	List of comments/ complaints	List of comments/ complaints	List of comments/ complaints
PC-1	Post Construction Ordinance	List of enforcement actions	List of enforcement actions	List of enforcement actions	List of enforcement actions	List of enforcement actions
PC-2	Post-Construction BMP Manual	None	None	None	Revised pages, if needed	None
PC-3	Long Term Operation and Maintenance of BMPs	GIS Map, Semi-annual inspection of public infrastructure BMPs	Updated GIS Map, Semi-annual inspection of public infrastructure BMPs	Updated GIS Map, Semi-annual inspection of public infrastructure BMPs	Updated GIS Map, Semi-annual inspection of public infrastructure BMPs	Updated GIS Map, Semi-annual inspection of public infrastructure BMPs
PC-4	Sediment Control at City Facilities	1 Rock Check Dam Containment Berms	Inspection checklist/log	Inspection checklist/log	Inspection checklist/log	Inspection checklist/log
GH-1	Storm Water Pollution Prevention Training	Training 1/year	Training 1/year	Training 1/year	Training 1/year	Training 1/year
GH-2	Used Tire and Battery Recycling	Number of batteries recycled	Awning over used tires, Number of batteries and used tires recycled	Number of batteries and used tires recycled	Number of batteries and used tires recycled	Number of batteries and used tires recycled
GH-3	Vehicle Washing	Clean at least once/year	Clean at least once/year	Clean at least once/year	Clean at least once/year	Clean at least once/year
GH-4	Vehicle Fueling	UST system report	UST system report	UST system report	UST system report	UST system report
GH-5	Landscape and Lawn Care	At least 2 staff with Pesticide Applicator License	At least 2 staff with Pesticide Applicator License	At least 2 staff with Pesticide Applicator License	At least 2 staff with Pesticide Applicator License	At least 2 staff with Pesticide Applicator License
GH-6	Roadway Cleaning	17,000 lane miles	10,000 lane miles	10,000 lane miles	10,000 lane miles	2,000 lane miles
GH-7	Storm Drain System Operation and Maintenance	Inspection/Cleaning Logs	Inspection/Cleaning Logs	Inspection/Cleaning Logs GIS map	GIS map of problem areas, Inspection Schedules Inspection/Cleaning Logs, Updated GIS map	Updated GIS map
GH-8	MS4 Facility Specific SOP	Revised SOP Manual	Revised SOP Manual	Maintain SOPs specific for each facility	Maintain SOPs specific for each facility	Maintain SOPs specific for each facility
GH-9	Used Oil Collection & Recycling	Report on volume of oil recycled	Report on volume of oil recycled	Report on volume of oil recycled	Report on volume of oil recycled	Report on volume of oil recycled
GH-10	Airport Operations	Inspection Date Outfall and Drainage Area Map	Inspection dates Updated maps if outfalls change	Inspection dates Updated maps if outfalls change	Inspection dates Updated maps if outfalls change	Inspection dates Updated maps if outfalls change
GH-11	City Facilities and Control Inventory	GIS map and list Assessment checklist Assessment results	Assessment results Updated GIS map	Assessment results Updated GIS map	Assessment results List of high priority facilities Updated GIS map	Inspections forms for high priority facilities Updated GIS map
GH-12	Municipal Operation and Maintenance Activities	Assessment results List of pollutants of concern	List of PP measures and/or structural controls	Inspection log Maintenance log	Inspection log Maintenance log	Inspection log Maintenance log
GH-13	Contractor Oversight	None	Contract language	Oversight procedures	# of contracts issued	# of contracts issued
GH-14	Good Housekeeping Cleanup	Date of annual cleanup	Date of annual cleanup	Date of annual cleanup	Date of annual cleanup	Date of annual cleanup
7 <sup>th</sup> MCM	Master Construction SWP3	Develop and implement master SWP3 Submit NOC Report on # of construction sites Construct concrete berm	Maintain and update SWP3 Report on # of construction sites	Maintain and update SWP3 Report on # of construction sites	Maintain and update SWP3 Report on # of construction sites	Maintain and update SWP3 Report on # of construction sites