

Texas Commission on Environmental Quality



NOTICE OF APPLICATION FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) General Permit Authorization No. TXR040010

APPLICATION. The City of Killeen, 101 North College Boulevard, Killeen, Texas 76540-1329, has applied to the Texas Commission on Environmental Quality (TCEQ) under the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 for authorization to discharge from the City of Killeen municipal separate storm sewer system (MS4). The notice of intent (NOI) was received by TCEQ on February 1, 2008.

The MS4 is located approximately within an area inside the City of Killeen limits, in the Killeen urbanized area, in the City of Killeen, Bell County, Texas. The MS4 will discharge to the drainage area of the Brazos River Basin.

A copy of the NOI, storm water management program, general permit, and fact sheet is available for viewing and copying at City of Killeen Public Works Office, 200 East Avenue D, in the City of Killeen, Bell County, Texas.

The Executive Director of the TCEQ has made a preliminary decision to approve coverage of this MS4 under TPDES General Permit No. TXR040000.

PUBLIC COMMENT. Written public comments may be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of this notice. In addition, the public may request a public meeting. If significant interest exists, the Executive Director will direct the applicant to publish a notice of the public meeting and hold the public meeting. The applicant must publish notice of a public meeting at least 30 days prior to the meeting in a newspaper of general circulation in the county in which the MS4 is located. If the MS4 is located in more than one county, the applicant must publish notice in a newspaper of general circulation in the county containing the largest residential population. The Executive Director will consider all relevant information pertaining to whether the applicant meets the requirements of the general permit and will issue a written determination as to any final action on the NOI for coverage under the general permit.

INFORMATION. Written public comments should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For additional information, about the application or the procedure for public participation in the general permit process, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us.

Issued:

OCT 14 2008

TCEQ-OFFICE OF THE CHIEF CLERK
MC-105 Attn: Notice Team
PO BOX 13087
AUSTIN TX 78711-3087

APPLICANT NAME: CITY OF KILLEEN
PERMIT NO.: TXR040010 CCO #: 65486
Notice of Application for Small Municipal
Separate Storm Sewer System (MS4)

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, who being by me duly
(name of newspaper representative)

sworn, deposes and says that (s)he is the _____
(title of newspaper representative)

of the _____; that this newspaper is
(name of newspaper)

regularly published in _____ County, Texas, and is generally circulated

within the following county or counties _____,

Texas; that the attached notice was published in said newspaper on the following date:

_____.

Newspaper Representative's Signature

Subscribed and sworn to before me this the _____ day of _____,
20_____, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

My Commission Expires _____

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



INSTRUCTIONS FOR PUBLIC NOTICE For MS4 Notice of Intent

NOTICE OF SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) APPLICATION

We have completed technical review of your notice of intent and issued a preliminary decision. You must comply with the following instructions:

Please Review Notice

We have included in the notice all of the information which we believe is necessary. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text of the notice without prior approval from the TCEQ.

Newspaper Notice

- You must publish the enclosed Notice within **30 calendar days** of the date these instructions are mailed to you.
- You must publish the enclosed notice at your expense, in a newspaper regularly published and generally circulated within the county (or counties) and area (or areas) wherein the facility is located, and within any adjoining county (or counties) wherein any potential affected person may reside.
- The ENTIRE notice must be published once, and must include all of the text from the Notice of Application for Small Municipal Separate Storm Sewer System (MS4), through the issued date.
- You must notify the Office of the Chief Clerk of the date of newspaper publication, either verbally (voice telephone 512/239-3300) or by facsimile (512/239-3311), within 24 hours of the first available working day after publication of the notice.

Proof of Publication

- You must submit an **original newspaper clipping** of the published notice which shows the date of publication and the name of the newspaper to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions.

- You must submit an **original publisher's affidavit** to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions. **You must use the enclosed affidavit form.** The affidavit must clearly identify the applicant's name and permit number.
- The enclosed affidavit form must be filled out completely by the newspaper. The county or counties of circulation listed on the affidavit form must reflect the county or counties wherein the MS4 is located and any adjoining county or counties, as set forth above.
- The original publisher's affidavit and an original newspaper clipping of the published notice must be mailed to:

TCEQ
Office of the Chief Clerk, MC 105
Attn: Notice Team
P.O. Box 13087
Austin, Texas 78711-3087

- Please ensure that the affidavit and newspaper clipping you send to the Chief Clerk are originals and that all blanks on the affidavit are filled in correctly. Photocopies of newspaper clippings and affidavits will not be accepted. Improperly completed affidavit forms will not be accepted.

Failure to Publish and Submit Proof of Publication

If you fail to publish the notice or submit proof of publication on time, then the TCEQ may suspend further processing on your notice of intent or take other actions, including denial of the notice of intent.

Application in a Public Place

- You must provide a copy of the complete notice of intent and technical report (including any subsequent revisions), the executive director's preliminary decision, a copy of the Small MS4 General Permit TXR040000, and a copy of the Fact Sheet for General Permit Number TXR040000, at a public place for review and copying by the public. This place must be in the county in which the MS4 is located.
- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).
- This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the notice of intent.
- If the notice of intent is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the notice of intent are not being made available to the public. These portions of the notice of intent must be accompanied with the following statement: "Any request for portions of this notice of intent that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087".
- You must submit verification of notice of intent availability to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions.

General Information

When contacting the Commission regarding this notice of intent, please refer to the General Permit Authorization Number at the top of the Notice of Application for Small Municipal Separate Storm Sewer System (MS4).

If you have questions or need assistance regarding this notice, please contact the Office of the Chief Clerk at (512) 239-3300.

APPLICATION AVAILABILITY VERIFICATION FORM

Applicant Name: CITY OF KILLEEN

Permit No.: TXR040010

APPLICATION AVAILABILITY:

- I certify that a copy of the complete notice of intent application and storm water management program (including any subsequent revisions to the application), the Executive Director's Preliminary Decision, and a copy of General Permit Number TXR040000 and the Fact Sheet, were made available for review and copying at a public place in the county where the municipal separate storm sewer system (MS4) is located, as required by the Small MS4 General Permit TXR040000, Part II Section D.12.(6).

Location where documents were made available:

Signed by: _____

Title: _____

Company: _____

Date: _____

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



OCT 17 2008
CITY OF KILLEEN
PUBLIC WORKS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 14, 2008

91 7108 2133 3935 1952 1719

MR JOHN NETT
CITY OF KILLEEN
200 E AVENUE D
KILLEEN, TX 76541-5239

RE: Applicant Name: CITY OF KILLEEN
MS4 Location: BELL County
Permit Number: TXR040010
Customer Reference Number: CN600674683
Regulated Entity Number: RN105477020
Type of Authorization: NEW

Dear MR NETT :

We have completed the technical review of the above referenced notice of intent and have prepared a notice of application and Executive Director's Preliminary Decision.

You are now required to publish notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- Notice for Newspaper Publication
- Instructions for Public Notice
- Affidavit of Publication.
- Application Availability Verification Form

Please note that it is VERY IMPORTANT that you follow ALL directions in the ENCLOSED INSTRUCTIONS. If you do not, you may be required to republish the notice. One of the most common mistakes we see is the unauthorized changing of notice wording or font. If you have any questions, please contact us before you proceed with publication.

The following items and time limitations are also described in the enclosed instructions. However, due to their importance, we want to highlight them for you.

1. Publish the enclosed notice within **30 calendar days** of the date these instructions are mailed to you.

MR JOHN NETT
October 14, 2008
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2. Place a copy of your complete Notice of Intent and technical application (including any subsequent revisions), the executive director's preliminary decision as contained in the technical summary, and a copy of the Small Municipal Separate Storm Sewer System (MS4) general permit TXR040000 in a public place in the county where the MS4 is located. These copies must be accessible to the public for review and copying and remain in place until the commission has taken action on the application.
3. Return an original newspaper clipping of the notice, which shows publication date and newspaper name, to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions.
4. Return the original enclosed Affidavit of Publication to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions.
5. Return the Application Availability Verification Form to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions.

If you do not comply with all requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions, including denial of the notice of intent.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at 512-239-3300.

Sincerely,



LaDonna Castañuela
Chief Clerk

LDC/crs

Enclosures(4)