



**STORM WATER MANAGEMENT PROGRAM
CITY OF ROSENBERG**

FEBRUARY 5, 2008

PREPARED BY:

**PLEDGER KALKOMEY, INC.
A JONES & CARTER COMPANY
1815 MONS AVENUE
ROSENBERG, TEXAS 77471
281-342-2033**

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Storm Water Management Program (SWMP) Cover Sheet

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

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

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

Operator Name on NOI:

Page # (s)	MCM 1: Public Education and Outreach on Storm Water Quality Issues
	<p>SWMP includes the following required elements:</p> <ol style="list-style-type: none"> 1. Educational materials are distributed to the community, or equivalent public outreach is conducted. 2. The following groups are included in the program, or the SWMP provides justification if the group is not included: residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel. 3. Outreach informs groups about impacts storm water can have on water quality, hazards associated with illegal discharges, and steps they can take to reduce pollutants in storm water runoff.
	<p>SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Classroom Education <input type="checkbox"/> Use of media <input type="checkbox"/> Education/Outreach for Commercial Activities <input type="checkbox"/> Lawn and garden activities <input type="checkbox"/> Promotional giveaways <input type="checkbox"/> Water conservation practices for homeowners <input type="checkbox"/> Outreach programs tailored to specific communities and children <input type="checkbox"/> Storm water educational materials <input type="checkbox"/> Educational displays, pamphlets, booklets, and utility staffers <input type="checkbox"/> Webpage <input type="checkbox"/> Storm drain stenciling <input type="checkbox"/> Speakers to community groups <input type="checkbox"/> Encouragement of proper lawn and garden care <input type="checkbox"/> Encouragement of low impact development <input type="checkbox"/> Support of pollution prevention for businesses <input type="checkbox"/> Encouragement of water conservation practices <input type="checkbox"/> Encouragement of pet waste management <input type="checkbox"/> Storm water hotlines
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	MCM 2: Public Involvement/Participation
	SWMP includes a program that complies with State and local public notice requirements.
	<p>SWMP lists BMPs used to fulfill this MCM. Examples of possible BMPs may include the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Stakeholder meetings <input type="checkbox"/> Community hotline <input type="checkbox"/> Coordination with school groups/scouting <input type="checkbox"/> Listserver <input type="checkbox"/> Stream cleanup and monitoring <input type="checkbox"/> Adopt-A-Stream programs <input type="checkbox"/> Incentives for businesses to participate, such as web links

	<ul style="list-style-type: none"> <input type="checkbox"/> Volunteer monitoring <input type="checkbox"/> Watershed Organization <input type="checkbox"/> Storm drain stenciling programs <input type="checkbox"/> Advisory/partner committees <input type="checkbox"/> Mailing list development and use <input type="checkbox"/> Reforestation programs <input type="checkbox"/> Wetland plantings <input type="checkbox"/> Coordinate volunteer programs
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	MCM 3: Illicit Discharge Detection and Elimination
	<p>SWMP includes the following required elements:</p> <ol style="list-style-type: none"> 1. Description of program that will be used to detect and eliminate illicit discharges 2. Description of the manner and process to be used to effectively prohibit illicit discharges, including, at a minimum: <ol style="list-style-type: none"> a. List of detection techniques b. Appropriate actions and enforcement procedures for removing the source of an illicit discharge c. To the extent allowable under state and local law, an ordinance or other regulatory mechanism is utilized to prohibit and eliminate illicit discharges d. Description of local controls and conditions established for common and incidental non-storm water discharges that the operator does not consider illicit 3. Map of outfalls included or described in schedule, with following information: <ol style="list-style-type: none"> a. Locations of all outfalls b. Names and locations of waters of the U.S. receiving discharges from the MS4 c. Source(s) of information used to develop and update map
	<p>SWMP Lists BMPs used to fulfill this MCM. Examples of possible BMPs may include the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> List of non-storm water discharges that will not be considered illicit <input type="checkbox"/> Procedures to address illegal dumping <input type="checkbox"/> Hazardous materials disposal opportunities <input type="checkbox"/> Industrial / Business connections <input type="checkbox"/> Addressing wastewater connections to MS4 <input type="checkbox"/> Addressing recreational sewage (boats/camping/etc.) <input type="checkbox"/> System inspections <input type="checkbox"/> Dye testing <input type="checkbox"/> Recycling programs <input type="checkbox"/> Informing public/employees/businesses of hazards associated with illicit discharges <input type="checkbox"/> Identification of illicit discharges <input type="checkbox"/> Used oil collection centers <input type="checkbox"/> Public outreach and education programs regarding illicit discharges <input type="checkbox"/> Publicize and facilitate public reporting
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	MCM 4: Construction Site Storm Water Runoff Control
	<p>SWMP includes the following required elements listed below:</p> <ol style="list-style-type: none"> 1. Description of program that will be developed, implemented and enforced, to address storm water runoff from construction one acre and greater (including larger common plan) 2. Ordinance or other regulatory mechanism to require erosion and sediment controls, to the extent allowable under state and local law <ol style="list-style-type: none"> a. Ordinance/regulatory mechanism includes sanctions to ensure compliance, to the extent allowable under state and local law b. Program requires contractors to implement erosion and sediment control BMPs

	<ul style="list-style-type: none"> c. Program requires contractors to control construction site waste 3. Procedures for site plan review to consider water quality impacts 4. Procedures for receipt and consideration of input from the public 5. Procedures for site inspection and enforcement of control measures, to the extent allowable under state and local law
	<p>SWMP lists BMPs used to fulfill this MCM. Examples may include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Requirement to comply with TPDES CGP <input type="checkbox"/> Notification to discharger of responsibilities under TPDES CGP <input type="checkbox"/> Hire staff to review construction site plans <input type="checkbox"/> Provide a web page for public input on construction activities <input type="checkbox"/> Require overall construction site waste management <input type="checkbox"/> Perform site inspections and enforcement <input type="checkbox"/> Provide education and training for construction site operators <input type="checkbox"/> Notify dischargers of requirement to obtain TPDES permit coverage <input type="checkbox"/> Mechanism to prohibit discharges into MS4 where necessary
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	MCM 5: Post-Construction Storm Water Management in Areas of New Development and Redevelopment
	<p>SWMP includes the following required elements listed below:</p> <ol style="list-style-type: none"> 1. SWMP describes program that will be developed, implemented and enforced, to address storm water runoff from new development / redevelopment activities of one acre and greater (including larger common plan) 2. Program ensures controls are in place to address runoff 3. Strategies include structural and/or non-structural BMPs appropriate for the community 4. Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects 5. Long term operation and maintenance of BMPs is addressed
	<p>SWMP lists BMPs used to fulfill this MCM. Examples may include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Local ordinance in place or planned <input type="checkbox"/> Guidance document for developers to utilize <input type="checkbox"/> Specific BMPs established for particular watersheds <input type="checkbox"/> List of appropriate BMPs provided to operators <input type="checkbox"/> Elimination of curbs and gutters is encouraged <input type="checkbox"/> Zoning takes into account storm water issues <input type="checkbox"/> Incentives for use of permeable choices, such as porous pavement <input type="checkbox"/> Requirements for wet ponds or other BMPs for certain size sites <input type="checkbox"/> Xeriscaping
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	MCM 6: Pollution Prevention / Good Housekeeping Measures for Municipal Operations
	<p>SWMP includes the following required elements listed below:</p> <ol style="list-style-type: none"> 1. Operation and maintenance (O&M) program in place or scheduled, to reduce/prevent pollution from municipal operations 2. Housekeeping measures and BMPs that will reduce pollutants have been identified 3. Training provided for employees involved in municipal operations subject to the housekeeping/BMP requirements 4. Maintenance of structural BMPs (if applicable) is performed <ol style="list-style-type: none"> a. SWMP lists maintenance schedules for structural BMPs (if applicable) b. SWMP lists long term inspection procedures to reduce floatables

	<p>5. Waste is removed from MS4 and properly disposed</p> <p>a. Procedures for waste disposal are included for dredge spoil, accumulated sediment, and floatables</p> <p>6. List of municipal operations subject to O&M program or training program</p> <p>7. List of municipally owned industrial activities subject to TPDES industrial storm water regulations</p>
	<p>SWMP lists BMPs used to fulfill this MCM. Examples may include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> BMPs which address fleet vehicle maintenance/washing <input type="checkbox"/> BMPs which address parking lot and street cleaning <input type="checkbox"/> Catch basin and storm drain system cleaning <input type="checkbox"/> Landscaping and lawn care (e.g. xeriscaping) <input type="checkbox"/> Waste materials management <input type="checkbox"/> Road salt application and storage practices <input type="checkbox"/> Used oil recycling <input type="checkbox"/> Pest management practices <input type="checkbox"/> Fire training facilities <input type="checkbox"/> BMPs which address roadway and bridge maintenance <input type="checkbox"/> Golf course maintenance/waste disposal <input type="checkbox"/> Disposal of cigarette butts <input type="checkbox"/> Park maintenance (e.g., providing trash bags)
	SWMP includes measurable goals, and the method of measurement, for addressing storm water quality.
	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
Page # (s)	Optional 7th MCM : Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)
	If this MCM is utilized applicable, SWMP must include the following information:
	Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations
	Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)
	If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
	Description provided for one of the following: <ul style="list-style-type: none"> ▶ How contractor activities will be supervised or overseen to ensure that the SWP3 requirements are properly implemented at the construction site(s); or ▶ How the MS4 operator will make certain that contractors have a separate authorization for storm water discharges if needed.
	General description of how a construction SWP3 will be developed for each construction site.

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Appendix B – Copy of TPDES General Permit No. TXR040000

SECTION 1 - INTRODUCTION

1.0 REGULATORY BACKGROUND

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

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

1.1 SETTING

The City of Rosenberg (the City) covers an area of 26 square miles. It is located in Fort Bend County, in southeast Texas, 30 miles west of Houston. It currently has 125 miles of streets maintained by the City. The majority of the City streets do have storm sewer systems.

The City of Rosenberg is primarily a residential community with supporting commercial businesses. Surrounding Fort Bend County land use in 1996 was 83 percent agricultural.

Surface water consists of rivers, bayous and creeks. Flow from bayous is generally sluggish due to the gently sloping topography.

1.2 ORGANIZATION AND LEGAL AUTHORITY

The City of Rosenberg, Texas, was incorporated on April 6, 1902. The City is a chartered home-rule city, operated by a City Council/City Manager structure. Elected officials include the mayor and six City Council members.

The City provides the following services: public safety to include police and fire, highways and streets, sanitation, water and wastewater, recreation, public improvements, and general administration. The City regulates all development within the City Limits.

1.3 SWMP RATIONALE

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

1.4 KEY PERSONNEL

The Department of Public Works handles runoff management, street drainage system maintenance, and street maintenance. Fort Bend County Drainage District maintains major drainage ditches as well as the creeks.

In order to fulfill permit requirements, several City departments will play a vital role in the implementation of the SWMP, including Public Works, Planning and Engineering, Utilities, Permits and Inspections, Parks and Recreation, Finance, Marketing and Public Affairs, Municipal Court, and the City Manager's Office. These City departments have the ability to perform many of the elements comprising a comprehensive storm water program. Full program implementation will require additional funding through the City's General Fund throughout the course of the permit period.

In order to collectively utilize City resources during the implementation of the SWMP, the City will develop a Storm Water Management Team in order to keep participating departments actively involved in developing and implementing the program. This team will be established in Permit Year 1 and will meet, as needed, throughout the permit term. The Director of Public Works or his designee will facilitate these meetings and coordinate all SWMP activities.

1.5 SWMP IMPLEMENTATION SCHEDULES

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

1.6 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide
- (b) all interstate waters, including interstate wetlands
- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) which are used or could be used for industrial purposes by industries in interstate commerce
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition
- (f) the territorial sea; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition

SECTION 2 - MINIMUM CONTROL MEASURE 1 - PUBLIC EDUCATION

2.0 REGULATORY REQUIREMENT

40 CFR 122.34 (b)(1) – Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps the public can take to reduce pollutants in storm water runoff.

Public education and outreach is key to the success of a storm water management program. Through public education, people gain an understanding of how their actions affect storm water quality and become more informed about storm water quality issues in their community. When the public is aware of the impacts they have on their surroundings, they gain a sense of responsibility for those actions. This can lead to greater compliance for the storm water management program. The objectives of a public education program should be to promote a clear identification and understanding of the problem and the solutions and to promote community ownership of the problems and solutions.

The public education program must address the following target audiences:

- Residents
- Visitors
- Public service employees
- Businesses
- Commercial and industrial facilities
- Construction site personnel

Numerous storm water public education materials have already been developed by the EPA, state, and local agencies and are available for distribution or reprinting.

The following sections describe the specific BMPs selected for this minimum control measure.

2.1 BMP 1 - STORM DRAIN MARKING

2.1.1 Description

Storm drain marking heightens public awareness about how most drainage systems are directly connected to receiving waters without any treatment. The City of Rosenberg will require developers to install markings on storm drains in new developments. Storm drain markings will contain the message “Don’t Dump – Drains to Bayou” or a similar message. Other storm drain stencils, markings, or cast grates and manholes can be required for developers in new communities. Storm drain markings are most effective when combined with brochures distributed to the residents that provide more explanation of the impact of urban communities on storm water quality, drainage system design, and treatment of storm water.

2.1.2 Measurable Goals

- Identify remaining storm drains to be marked
- Review type of marking currently being used
- Modify construction details to require markings on all new storm drain construction
- Mark 25% of remaining storm drains over the term of the permit

2.1.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Public Education Minimum Control Measure	Storm Drain Marking	Identify the remaining number of inlets, review the type of marking to be used, and the method to be used to mark the inlets	2008
		Mark 25% of inlets and revise construction detail to reflect storm drain markings	2009
		Mark an additional 25% of inlets	2010
		Mark an additional 25% of inlets	2011
		Mark an additional 25% of inlets	2012
		Implementation Complete	2012

2.1.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of Storm Drain Marking.

2.1.5 Rationale

This is not a new program that the City of Rosenberg will implement. However, implementation has been slow and has not yet been extended to new construction.

Storm drain marking heightens public awareness about how most drainage systems are directly connected to receiving waters without any treatment. This will help to inform the public about the impacts polluted storm water runoff can have on water quality and the hazards associated with illegal discharges and improper disposal of waste. Requirements for developers to label storm drains in new communities will be adopted into the City’s procedures.

2.2 BMP 2 - MUNICIPAL WEBSITE

2.2.1 Description

The City of Rosenberg will utilize the municipal website to inform the public of the issues associated with storm water pollution and the issues of concern detailed in the SWMP. The City website will contain information about non-point source (NPS) pollution and the impact that NPS pollution has on water quality. The web page will include general water quality information, educational materials that the City has developed, and information on topics such as litter control, recycling, water conservation, and the proper management of pesticides, fertilizer, used oil, and household hazardous waste (HHW).

2.2.2 Measurable Goals

- Update the website and as appropriate to reference changes to the SWMP, the availability of additional educational resources, and upcoming community events
- Website to include storm water educational materials, contact information, event dates and schedules, and annual reports

2.2.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Public Education Minimum Control Measure	Municipal Website	Update website to reference SWMP	2008
		Update Website to reflect annual report, current SWMP events	2009 - 2012
		Implementation Complete	2012

2.2.4 Responsible Persons

The Director of Public Works and the Director of Marketing and Public Affairs or their designees have responsibility for updating of the Municipal Website to provide SWMP information, resources, and events.

2.2.5 Rationale

The City of Rosenberg currently operates a website which is used to provide information to the public regarding the City's regulations, events, and information. Storm water quality reports, upcoming events, and/or volunteer opportunities will be evaluated for placement on the website.

2.3 BMP 3 - STORM WATER QUALITY EDUCATIONAL MATERIAL

The City of Rosenberg will distribute pamphlets prepared by EPA, TCEQ, Texas Water Development Board, and others to be distributed annually to residents and businesses as a utility bill insert or other means. The information will also be distributed at community events, City department offices, and upon request.

2.3.2 Measurable Goals

- Obtain and develop materials and methods of distribution
- Distribute material to the public

2.3.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Public Education Minimum Control Measure	Storm Water Quality Educational Material	Obtain pamphlets prepared by EPA, TCEQ, TWBD, and others and determine the best way to distribute	2008
		Distribute to the public	2009-2012
		Implementation Complete	2012

2.3.4 Responsible Persons

The Director of Public Works and the Director of Marketing and Public Affairs or their designees have responsibility for implementation of storm water quality material.

2.3.5 Rationale

Use of public education materials is an effective means to reach a diverse group of people. The BMP will be used to inform the general public and specific target audiences, such as residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel. Public educational materials will address the impacts polluted storm water runoff can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and ways the public can minimize their impact on storm water quality.

SECTION 3 - MINIMUM CONTROL MEASURE 2 - PUBLIC INVOLVEMENT / PARTICIPATION

3.0 REGULATORY REQUIREMENT

40 CFR 122.34 (b)(2) – At a minimum, comply with state, tribal, and local public notice requirements when implementing a public involvement/participation program.

Public involvement/participation is important for the development of the storm water management program. By encouraging input from diverse economic and cultural groups, there can be beneficial impacts to the development of the program. One such benefit is that early and frequent public input can lead to a shorter implementation schedule and greater support for the program. Finally, with a larger number of people involved in the development of the program, there are more opportunities to gain expertise from these individuals and cooperation with other programs. These added resources could improve the success of the program.

Members of the community can get involved in several ways. Possibilities for participation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts.

The following sections describe the specific BMPs selected for this minimum control measure.

3.1 BMP 1 - PUBLIC NOTICE REQUIREMENTS

3.1.1 Description

When implementing a public involvement/participation program, the City must comply with state, and local public notice requirements. The general permit itself will be subject to public notice and comment. This may include newspaper or similar publication of intent to be covered under the permit or of availability of the SWMP for review by the public. In addition, public meetings may be held.

3.1.2 Measurable Goals

- Provide local regional public notice of SWMP
- Receive comments from public

3.1.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Public Involvement / Participation Minimum Control Measure	Public Notice Requirements	Publish notice in newspaper of largest circulation in the area	2008
		Receive comments from public	2008
		Implementation Complete	2009

3.1.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of Public Involvement/Participation public notice requirement to meet the measurable goal.

3.1.5 Rationale

This BMP was selected for compliance with state and local notice requirements. The measurable goal identifies some of the methods of notice that will be used.

3.2 BMP 2 - STORM WATER QUALITY VOLUNTEER OPPORTUNITIES

3.2.1 Description

The City of Rosenberg will identify suitable opportunities for area volunteers to participate in storm water quality activities and will develop support materials and provide them to interested parties. These volunteer opportunities may include such things as storm drain marking, volunteer monitoring, planting campaigns, Adopt-a-Stream programs, and a stakeholders group.

3.2.2 Measurable Goals

- Identify volunteer groups
- Develop support materials
- Provide support materials to volunteers and coordinate distribution

3.2.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Public Involvement	Storm Water Quality Volunteer Opportunities	Identify volunteer opportunities	2008
		Develop support materials	2009
		Provide support materials to interested volunteers to distribute	2010 - 2012
		Implementation Complete	2012

3.2.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of Public Involvement to meet the measurable goals.

3.2.5 Rationale

This is a new program that the City of Rosenberg will implement. This BMP allows volunteer groups the opportunity to aid in the implementation of the storm water management program by helping to inform the public about the impacts polluted storm water runoff can have on water quality. The measurable goals identify milestones for this BMP.

3.3 BMP 3 - MAKE PRESENTATIONS ON STORM WATER MANAGEMENT PLAN

3.3.1 Description

Implementation of the SWMP will be facilitated by familiarizing City Council, municipal staff, the regulated community, and the public on the requirements of the program. Presentation will help get the information out for discussion and input. Public presentations will be directed to the following groups:

- City Council and municipal staff
- Open Forum
- Neighborhood and business associations
- Commercial property owners
- Local service clubs

3.3.2 Measurable Goals

- Conduct presentations to the City Council
- Make presentations to interested public and to associations

3.3.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Public Involvement / Participation Minimum Control Measure	Make Presentations on Storm Water Management Plan	Present plan to City Council	2008 - 2012
		Present plan to interested public	2009 -2012
		Implementation Complete	2012

3.3.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for implementation of presentations on storm water management plan.

3.3.5 Rationale

The City of Rosenberg will organize presentations to help familiarize City Council, municipal staff, the regulated community, and the public with the requirements of the program. This BMP will provide information on storm water quality and allow the constituents within the MS4 area the opportunity to aid in the development and implementation of the SWMP. The measurable goals identify presentations to be conducted during the term of the permit.

SECTION 4 - MINIMUM CONTROL MEASURE 3 - ILLICIT DISCHARGE DETECTION AND ELIMINATION

4.0 REGULATORY REQUIREMENT

40 CFR 122.34 (b)(3) – Develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at Sec. 122.26(b)(2)) into your small MS4.

- (A) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls;*
- (B) To the extent allowable under state, tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into your storm sewer system and implement appropriate enforcement procedures and actions;*
- (C) Develop and implement a plan to detect and address non-storm water discharges including illegal dumping to your system;*
- (D) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.*

Address categories listed in 122.34(b)(3)(D)(iii) if you determine they are significant contributors of pollutants to the MS4.

The illicit discharge detection and elimination MCM is intended to detect and eliminate discharges to the MS4 system that are not entirely composed of storm water. As identified in the Phase II TPDES permit, MS4 permittees are required to develop a strategy to detect and eliminate illicit discharges to the storm drain system. An illicit discharge has been defined by the EPA as “any discharge into a separate storm sewer system that is not composed entirely of storm water.”

The following sections describe the specific BMPs selected for this minimum control measure.

4.1 BMP 1 - ILLICIT DISCHARGE DETECTION ORDINANCE

4.1.1 Description

The City of Rosenberg will develop an ordinance to address the detection and elimination of illicit discharges to the MS4. The ordinance will prohibit illicit discharges and connections, prohibit all non-storm water discharges that significantly contribute pollutants to the MS4, and prohibit illegal dumping. It will include appropriate enforcement procedures and actions and establish legal authority to carry out inspection surveillance and monitoring procedures necessary to ensure compliance with the ordinance. The ordinance will also identify a list of occasional incidental non-storm water discharges that will not be addressed as illicit discharges.

4.1.2 Measurable Goals

- Develop draft ordinance
- Conduct public review and collect comments on ordinance
- Finalize and adopt ordinance
- Implement ordinance

4.1.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Illicit Discharge Detection & Elimination Minimum Control Measure	Illicit Discharge Detection Ordinance	Draft ordinance	2009
		Conduct public review and collect comments	2010
		Finalize and adopt ordinance	2010
		Implementation Complete	2010

4.1.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of Illicit Discharge Detection Ordinance.

4.1.5 Rationale

The City of Rosenberg will develop a regulatory mechanism or modify existing regulatory mechanisms to effectively prohibit illicit discharges to the MS4. The measurable goals identify the steps in the development of a regulatory mechanism or modification of existing regulatory mechanism to achieve this BMP.

4.2 BMP 2 - ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

4.2.1 Description

This section within the SWMP will establish a program to detect and eliminate illicit discharges to the small MS4. The SWMP will include the manner and process to be used to effectively prohibit illicit discharges.

The following elements will be part of the MCM for illicit discharge:

- Detection - The SWMP will list the techniques used for detecting illicit discharges
- Elimination - The SWMP will include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge
- Provide contact information for reporting illicit discharges or dumping
- Respond to complaints and suspected illicit discharges identified during performance of routine operations
- Develop program to shadow other field activities to screen for illicit discharges and develop follow-up

4.2.2 Measurable Goals

- Identify program requirements and needs
- Acquire need resources and training
- Implement program

4.2.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Illicit Discharge Detection and Elimination Program Minimum Control Measure	Illicit Discharge Detection and Elimination Program	Identify program requirements, resources, and training needs	2008
		Acquire needed resources and training	2009
		Implement program	2010 -2012
		Implementation Complete	2012

4.2.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of Illicit Discharge Detection and Elimination Program.

4.2.5 Rationale

The City of Rosenberg is currently performing other inspection and enforcement programs. This BMP will be integrated into existing programs to develop an illicit discharge detection and elimination program. The measurable goals will quantify the performance of the program.

4.3 BMP 3 - ALLOWABLE NON-STORM WATER DISCHARGES

4.3.1 Description

The following non-storm water sources may be discharged from the small MS4 and are not required to be addressed in the small MS4s 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:

- discharges from fire fighting activities (fire fighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities)
- fire hydrant flushings
- vehicle, external building, and pavement wash water where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material is removed)
- water used to control dust
- potable water sources including water line flushings
- air conditioning condensate
- uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents

The City of Rosenberg has not identified any of these discharges as significant contributors of pollution to the City’s MS4. Therefore, these discharges will not be specifically addressed in the City’s SWMP. However, in order to manage the release of potential pollutants from these discharges, the City will review current policies and procedures to minimize water quality impacts throughout the community. If in the future, the above-referenced discharges prove to be significant contributors of pollution to the MS4, the SWMP will be revised to include BMPs for those discharges.

4.3.2 Measurable Goals

- Review allowable non-storm water discharges
- Revise SWMP to address identified non-storm water discharges which become significant contributors of pollution to the MS4

4.3.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Illicit Discharge Detection & Elimination Minimum Control Measure	Allowable Non-Storm Water Discharge	Review list of allowable non-storm water discharge and revise SWMP if necessary	2009 - 2012
		Implementation Complete	2012

4.3.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of allowable non-storm water discharge.

4.3.5 Rationale

The City of Rosenberg will develop and review the list of allowable non-storm water discharges to manage pollutants to the MS4.

4.4 BMP 4 - STORM DRAINAGE SYSTEM MAPPING

4.4.1 Description

The City of Rosenberg will develop a map of the storm drainage system that shows the Waters of the United States and the location of major storm sewer pipes, ditches, and other conveyances owned or operated by the City within the SWMP coverage, as well as any additional information needed by the City to implement this BMP. The map will also show the locations of major outfalls to the Waters of the United States.

4.4.2 Measurable Goals

- Prepare base map and integrate existing drainage information into a City drainage map
- Locate, identify, and map additional drainage features for City system
- Finalize Storm Drainage System Map

4.4.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Illicit Discharge Detection & Elimination Minimum Control Measure	Storm Drainage System Mapping	Prepare Preliminary Base Map	2008
		Locate, identify and map drainage features	2009 - 2011
		Update Storm Drainage System Map	2010 - 2012
		Implementation Complete	2012

4.4.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for implementation of Storm Drainage System Mapping.

4.4.5 Rationale

The City of Rosenberg will develop a storm drainage system map. The measurable goals identify the steps in the development of the map based on developer-provided information and from identification and mapping by the City.

4.5 BMP 5 - PUBLIC EDUCATION ON ILLEGAL DISCHARGES AND IMPROPER DISPOSAL

4.5.1 Description

The City of Rosenberg will develop a public education effort to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. (This BMP also addresses the Minimum Control Measure for Public Education.)

4.5.2 Measurable Goals

- Develop or acquire public education materials
- Determine effective means of distribution
- Distribute materials to all City employees
- Distribute materials to all businesses and general public

4.5.3 Schedule

MCM	BMP	ACTIVITY	DATE DUE
Illicit Discharge Detection and Elimination	Public Education on Illegal Discharges and Improper Disposal	Develop or acquire public education materials	2009
		Determine a method of distribution	2009
		Distribute materials to City employees	2010
		Distribute materials to business and general public	2011
		Implementation Complete	2012

4.5.4 Responsible Persons

The Director of Public Works and the Director of Marketing and Public Affairs or their designees have responsibility for development and implementation of public education on illegal discharges and improper disposal.

4.5.5 Rationale

The City of Rosenberg will develop a program for public education on illegal discharges and improper disposal of water. The measurable goals identify the steps in the development and implementation of this program.

4.6 BMP 6 - ON-SITE SEWERAGE DISPOSAL SYSTEM IDENTIFICATION AND INSPECTION

4.6.1 Description

The City of Rosenberg will identify and require/facilitate repair of on-site sewerage disposal systems that are failing to treat wastewater properly. New on-site sewerage disposal systems will be inspected for proper installation. This program will facilitate improvement of failing on-site sewerage disposal systems and reduce potential contamination of surface and groundwater, including water supply wells. Ways to address failing on-site sewerage disposal systems include the following:

- Ensure that new systems are sited and sized properly
- Modify systems to ensure proper treatment
- Establish or require an on-site sewerage disposal system management program
- Field screen areas or complaint for indicators of failing systems

Several criteria can be used as indicators of outfall contamination during field screening. Visual indicators are one of the quickest and least expensive means to identify severely contaminated areas.

4.6.2 Measurable Goals

- Evaluate the need to implement an on-site sewerage disposal system inspection program
- Develop an on-site sewerage disposal system inspection program
- Implement inspection program
- Respond to all complaints regarding on-site sewerage disposal systems

4.6.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Illicit Discharge Detection & Elimination Minimum Control Measure	On-site Sewerage Disposal System Identification and Inspection	Evaluate need to implement on-site sewerage disposal system identification and inspection program	2008
		Develop on-site sewerage disposal system identification and inspection program	2009
		Implement inspection program	2009
		Respond to all complaints	2009 - 2012
		Implementation Complete	2012

4.6.4 Responsible Persons

The Director of Utilities or his designee has responsibility for implementation of on-site sewerage disposal system identification and inspection.

4.6.5 Rationale

The City of Rosenberg is currently performing other inspection and enforcement programs. The City of Rosenberg has on-site sewerage disposal systems in the City Limits. The on-site sewerage disposal systems can potentially impact storm water quality if not operating properly. The measurable goals selected will allow for time to develop the illicit discharge investigation methodology and evaluate all known areas with on-site sewerage disposal systems during the permit term.

SECTION 5 - MINIMUM CONTROL MEASURE 4 - CONSTRUCTION SITE STORM WATER RUNOFF

5.0 REGULATORY REQUIREMENT

40 CFR 122.34 (b)(4) – Develop, implement and enforce a program to reduce pollutants in any storm water runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Program must include the development and implementation of, at a minimum:

- (A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance to the extent allowable under State, Tribal, or local law;*
- (B) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;*
- (C) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;*
- (D) Procedures for site plan review which incorporate consideration of potential water quality impacts;*
- (E) Procedures for receipt and consideration of information submitted by the public;*
- (F) Procedures for site inspection and enforcement of control measures.*

Construction site storm water runoff control measures are designed to prevent soil and construction debris from entering the MS4 from construction sites. During construction activities, vegetation and topsoil are stripped away, making the area especially vulnerable to erosion, and the activities performed on construction sites usually disturb a large amount of land and generate large amounts of waste. This process has generally been found to lead to high levels of sediment, phosphorus, nitrogen, pesticides, petroleum derivatives, construction chemicals, and solid wastes in receiving streams nationwide.

The following sections describe the specific BMPs selected for this minimum control measure.

5.1 EXISTING ACTIVITIES

5.1.1 Plan Review

The City Engineer, Department of Public Works, Department of Utilities, Department of Planning and Engineering, and Permits and Inspections review development site plans. The City of Rosenberg conducts pre-construction meetings with contractors to inform them of requirements and answer questions.

5.1.2 Inspections of Permitted Sites

The Building Official or his designee performs construction inspections for all building, plumbing, electrical, mechanical, and or construction improvement permits. Builders/Contractors are responsible for conducting regular inspections of their erosion control measures to ensure they are functioning properly, in accordance with the TPDES Construction General Permit No. TXR150000.

5.1.3 City Construction Projects

The Department of Public Works, the Department of Utilities, and the Planning and Engineering Department coordinates City construction and planning activities. These departments develop and administer City-funded projects and inspect public infrastructure projects.

5.2 BMP 1 - CONSTRUCTION SITE STORM WATER RUNOFF CONTROL ORDINANCE

5.2.1 Description

The City of Rosenberg will develop an ordinance to regulate non-storm water discharges from construction sites and to require erosion and sediment controls, as well as sanctions, to ensure compliance. The ordinance will allow the City to develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to 1 acre or for a construction activity that is part of a larger common plan of development or sale that would disturb 1 acre or more.

5.2.2 Measurable Goals

- Evaluate existing ordinances that might require modification
- Develop draft ordinance and/or modification
- Conduct public review and collect comments on draft ordinance
- Finalize ordinance and adopt ordinance
- Implement ordinance

5.2.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Construction Site Storm Water Runoff Control Minimum Control Measure	Construction Site Storm Water Runoff Control Ordinance	Evaluate existing ordinances	2008
		Develop draft ordinance or modification	2009
		Conduct public review	2010
		Finalize / adopt ordinance	2011
		Implement ordinance	2011
		Implementation Complete	2012

5.2.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for implementation of Construction Site Storm Water Runoff Control Ordinance.

5.2.5 Rationale

The City of Rosenberg will develop an ordinance or modify existing ordinances to require erosion and sediment controls, as well as sanctions, to ensure compliance. The measurable goals identify the steps in the development of an ordinance or modification of existing ordinances to achieve this BMP.

5.3 BMP 2 - SELECTED BMPs FOR CONSTRUCTION SITE STORM WATER CONTROLS

5.3.1 Description

The City of Rosenberg will evaluate existing technical manuals and either adopt one or create a new one.

5.3.2 Measurable Goals

The City of Rosenberg will evaluate the existing manuals plus additional information and then adopt a technical manual.

- Evaluate existing manuals
- Research additional sources of information
- Adopt a technical manual
- Review and update technical manual

5.3.3 Schedule

MCM	BMP	ACTIVITY	DATE DUE
Construction Site Storm Water Controls	Selected BMPs for Construction Site Storm Water Controls	Evaluate existing technical manuals	2009
		Review additional information	2009
		Adopt a technical manual	2010
		Review and update technical manual	2011 - 2012
		Implementation Complete	2012

5.3.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for implementing the adaptation of the technical manual.

5.3.5 Rationale

The City of Rosenberg will adopt a technical manual for construction sites to simplify the process for compliance. The measurable goals identify the stages in the development of the manual to achieve this BMP.

5.4 BMP 3 - SITE PLAN REVIEW PROGRAM

5.4.1 Description

The City of Rosenberg will develop procedures for development site plan reviews that incorporate consideration of potential water quality impacts of construction activities. City staff will evaluate the current site plan review process to address storm water quality impacts.

5.4.2 Measurable Goals

- Evaluate current review process for storm water quality
- Develop criteria checklists and begin review of submitted storm water pollution prevention plans
- Implement the review procedures

5.4.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Construction Site Storm Water Runoff Control Minimum Control Measure	Site Plan Review Program	Evaluate review process for storm water quality	2009
		Develop criteria checklist of storm water pollution prevention plans	2010
		Implement site plan review	2011
		Implementation Complete	2011

5.4.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for implementation of Site Plan Review Program.

5.4.5 Rationale

The City of Rosenberg currently has a site plan review process, which will be evaluated and revised to address consideration of potential storm water quality impacts of construction activities. The measurable goals identify steps in the development and implementation of this BMP.

5.5 BMP 4 - CONSTRUCTION SITE INSPECTION PROGRAM

5.5.1 Description

The City of Rosenberg will develop procedures for a construction site inspection program and enforcement of controls. The City Engineer will develop procedures for a construction site inspection program. Violations of the TPDES Construction General Permit No. TXR150000 will be reported to the TCEQ for enforcement.

5.5.2 Measurable Goals

- Evaluate inspection plan
- Development inspection plan and procedure checklists
- Inspect construction sites

5.5.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Construction Site Storm Water Runoff Control Minimum Control Measure	Construction Site Inspection Program	Evaluate inspection plan	2009
		Develop inspection plan and procedure checklist	2010
		Inspect construction sites	2011 - 2012
		Implementation Complete	2012

5.5.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for implementation of Construction Site Inspection Program.

5.5.5 Rationale

The City of Rosenberg is currently performing other inspection and enforcement programs. This BMP will expand on these programs to include construction site inspection and enforcement of control measures. The measurable goals selected will allow time to develop the program and begin implementation of the inspection program.

5.6 BMP 5 - REPORTING HOTLINE

5.6.1 Description

The City of Rosenberg will set up a reporting hotline for the public to report construction site problems. This will provide a way for the public to report potential problems with construction sites.

5.6.2 Measurable Goals

The measurable goal for implementation of this BMP is to identify the person or persons responsible for monitoring and responding to calls.

- Identify person or persons responsible for monitoring and responding to calls
- Set up and publicize hotline
- Implement response program

5.6.3 Schedule

MCM	BMP	ACTIVITY	DATE DUE
Construction Site Storm Water Controls	Reporting Hotline	Identify person or persons to monitor and respond calls	2009
		Set up and publicize hotline	2010
		Implement response program	2010
		Implementation Complete	2010

5.6.4 Responsible Persons

The City Manager or his designee has responsibility for development and implementation of the reporting hotline.

5.6.5 Rationale

The City has other reporting hotlines to address other issues within the City. This BMP will expand on these programs to include potential violations with construction site storm water runoff. The measurable goals selected will achieve this BMP.

SECTION 6 - MINIMUM CONTROL MEASURE 5 - POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

6.0 REGULATORY REQUIREMENT

40 CFR 122.34 (b)(5) – Develop, implement and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects that are less than one acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.

- (A) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;*
- (B) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State, Tribal, or local law;*
- (C) Ensure adequate long-term operation and maintenance of BMPs.*

Post-construction storm water management in new development and redevelopment focuses on the implementation of controls to maintain good water quality conditions after an area has been developed. New development can also have a significant effect on water quality because during the course of development, natural landscapes are often replaced by impermeable roads, parking lots, sidewalks and other paved surfaces that lead to increases in both the volume of storm water runoff and the accompanying pollutants.

The MS4s are required to develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal one acre, including projects less than one acre that are part of a larger common plan or development or sale that discharge to the small MS4. The program must ensure that controls are in place to prevent or minimize water quality impacts.

The following sections describe the specific BMPs selected for this minimum control measure.

6.1 BMP 1 - DEVELOP AN ORDINANCE

6.1.1 Description

The City of Rosenberg will develop an ordinance or modify existing ordinances to address management of Post-Construction runoff from new development and redevelopment. The ordinance will allow the City to develop, implement, and enforce a program to address storm water runoff to the MS4 from new development and redevelopment projects that disturb one acre or more, including projects less than one acre that are part of a larger common plan of development or sale that will result in the disturbance of one or more acres.

6.1.2 Measurable Goals

- Evaluate existing ordinances that might require modification
- Develop draft ordinance and/or modification
- Conduct public review and collect comments on draft ordinance
- Adopt ordinance

6.1.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Post-Construction Storm Water Management in New Development and Redevelopment Minimum Control Measure	Develop an Ordinance	Evaluate existing ordinances	2008
		Develop draft ordinance	2010
		Conduct public review	2011
		Adopt ordinance	2011
		Implement ordinance	2011

6.1.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for implementation of creating an ordinance for program implementation.

6.1.5 Rationale

The City of Rosenberg will develop an ordinance or modify existing ordinances to require management of Post-Construction storm water runoff from new development and redevelopment projects. The measurable goals identify the steps in the development of an ordinance or modification of existing ordinances to achieve this BMP.

6.2 BMP 2 - EVALUATE REGIONAL STORM WATER MANAGEMENT SYSTEM FACILITIES

6.2.1 Description

The watersheds will be evaluated for storm water quality management functions. These facilities have already incorporated some design features that are accepted BMPs for storm water quality treatment, such as vegetated swales and wet ponds. Existing facilities will be identified. Where feasible, recommendations will be made for improvements to the storm water facilities that will enhance their storm water quality management capabilities.

6.2.2 Measurable Goals

- An evaluation report for the storm water management system will be developed
- Develop recommendations for storm water quality management
- Implement storm water quality management

6.2.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Post-Construction Storm Water Management in New Development and Redevelopment Minimum Control Measure	Evaluate Regional Storm Water Management System Facilities	Develop an evaluation report	2010
		Develop recommendations for storm water quality management	2011
		Implement storm water quality management	2012
		Implementation Complete	2012

6.2.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for developing an evaluation report for the storm water management system facilities, and for implementing any recommendations.

6.2.5 Rationale

The City of Rosenberg has several regional drainage impoundments, which will be evaluated for feasibility to retrofit with storm water quality features. This BMP will help to identify regional structural BMPs appropriate for the community. The measurable goals identify the evaluation and implementation of any recommendations.

6.3 BMP 3 - PLAN REQUIREMENTS, INSPECTION AND MAINTENANCE PROGRAM FOR STORM WATER STRUCTURAL CONTROLS

6.3.1 Description

The City of Rosenberg will revise the plan review process to require developers of commercial and residential property to submit plans and provisions for long-term inspection and maintenance of any structural controls implemented to maintain storm water quality. Maintaining proper long-term functioning of structural controls reduces the potential impact of storm water runoff.

6.3.2 Measurable Goals

- Develop procedure/checklist to review development plans for provision of long-term inspection and maintenance of structural controls
- Implement procedure for inspection and maintenance of structural controls

6.3.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Post-Construction Storm Water Management in New Development and Redevelopment Minimum Control Measure	Plan Requirements, Inspection and Maintenance Program for Storm Water Structural Controls	Develop a procedure / checklist to review development plans for long-term inspection and maintenance of structural controls	2011
		Implement procedure for inspection of structural controls	2012
		Implementation Complete	2012

6.3.4 Responsible Persons

The Director of Planning and Engineering or his designee has responsibility for implementation of the Long-Term Inspection and Maintenance Plan for Storm Water Structural Controls.

6.3.5 Rationale

The City of Rosenberg will revise the plan review process to require developers of commercial and residential property to submit plans and provisions for long-term inspection and maintenance of any structural controls implemented to maintain storm water quality. This BMP will help to ensure adequate long-term operation and maintenance of BMPs. The measurable goal identifies the implementation of this BMP.

6.4 BMP 4 - ADOPT A TECHNICAL MANUAL

6.4.1 Description

The City of Rosenberg will evaluate existing technical manuals and either adopt one or create a new one for Post-Construction Storm Water Management for new development / redevelopment.

6.4.2 Measurable Goals

- Evaluate existing manuals
- Research additional sources of information
- Adopt a technical manual
- Review and update technical manual

6.4.3 Schedule for Implementation

MCM	BMP	ACTIVITY	DATE DUE
Post-Construction Storm Water Management for New Development / Redevelopment	Adopt a Technical Manual	Evaluate existing technical manuals	2010
		Review additional information	2010
		Adopt a technical manual	2011
		Review and update technical manual	2012
		Implementation Complete	2012

6.4.4 Responsible Persons

The Director of Planning & Engineering or his designee has responsibility for implementation of creating and adopting a technical manual for past construction storm water management for new development / redevelopment.

6.4.5 Rationale

The City of Rosenberg will adopt a technical manual for past construction storm water management for new development / redevelopment. The measurable goals identify milestones in the development and implementation of this BMP.

SECTION 7 - MINIMUM CONTROL MEASURE 6 - POLLUTION PREVENTION / GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

7.0 REGULATORY REQUIREMENT

40 CFR 122.34 (b)(6) – Develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your State, Tribe, or other organizations, your program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

Municipalities conduct a variety of activities throughout their daily operations which have the potential to affect water quality throughout the community. With the adoption and implementation of storm water management policies and procedures, the City of Rosenberg will protect storm water quality and continue to deliver public services at the present service levels. A variety of municipal operations, will be affected by storm water management policies and procedures. These municipal operations include, but are not limited to, parks maintenance, open space management, road and rights-of-way maintenance, water/wastewater utilities, fleet and building maintenance, city construction projects, and storm water system maintenance.

The following sections describe the specific BMPs selected for this minimum control measure.

7.1 BMP 1 - MUNICIPAL EMPLOYEE TRAINING

7.1.1 Description

The City of Rosenberg will develop and provide employee training to prevent and reduce storm water pollution from activities such as park maintenance, fleet and building maintenance, new construction land disturbance, and storm water system maintenance.

Training programs ensure that storm water quality programs are properly implemented and BMPs are properly installed and maintained.

7.1.2 Measurable Goals

- Provide training materials for City employees
- Require training to prevent and reduce storm water pollution from activities related to municipal operations

7.1.3 Schedule of Implementation

MCM	BMP	ACTIVITY	DATE DUE
Pollution Prevention / Good Housekeeping for Municipal Operations Minimum Control Measure	Municipal Employee Training	Develop training materials for City employees	2010
		Require training to prevent and reduce storm water pollution from activities related to municipal operations	2010 - 2012
		Implementation Complete	2012

7.1.4 Responsible Persons

The Director of Public Works, the Director of Utilities, and the Director of Parks or their designees have responsibility for implementation of the municipal employee training for pollution prevention/good housekeeping for municipal operations.

7.1.5 Rationale

Training of City employees and contractors will minimize impacts of municipal operations on storm water quality. The measurable goals selected will allow for the development of training materials and implementation of the training program early in the permit implementation.

7.2 BMP 2 - STRUCTURAL CONTROL MAINTENANCE

7.2.1. Description

As part of the evaluation of the existing regional storm water management system, an inventory of existing City-managed structural controls will be established. An inspection and maintenance schedule will be established for these structural controls to promote their effective operation for storm water quality treatment, where applicable.

7.2.2 Measurable Goals

- Review and evaluate existing structural control maintenance procedures
- Develop inventory of City structural controls
- Develop inspection and maintenance schedule
- Implement inspection and maintenance program

7.2.3 Schedule of Implementation

MCM	BMP	ACTIVITY	DATE DUE
Pollution Prevention / Good Housekeeping for Municipal Operations Minimum Control Measure	Structural Control Maintenance	Review and evaluate existing structural control maintenance procedures	2008
		Develop inventory of City structural controls	2009
		Develop inspection and maintenance schedule	2010
		Implement inspection and maintenance	2010-2012
		Implementation Complete	2012

7.2.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of the structural control maintenance for Pollution Prevention/Good Housekeeping for Municipal Operations.

7.2.5 Rationale

The City of Rosenberg is currently performing other inspection and maintenance programs. The measurable goals selected will allow time to develop the program and begin implementation of the program, which will address maintenance activities, maintenance schedules, and long-term inspection procedures.

7.3 BMP 3 - WASTE DISPOSAL

7.3.1 Description

The City of Rosenberg will establish a procedure for proper disposal of wastes including dredge spoil, accumulated sediments, and floatables removed from the MS4, removed from structural controls, or collected as a result of municipal operations and maintenance activities.

7.3.2 Measurable Goals

- Evaluate City facilities for proper waste disposal practices
- Develop storm water waste management procedure
- Train employees on proper storm water waste management procedures
- Review and inspect City facilities for proper waste disposal

7.3.3 Schedule of Implementation

MCM	BMP	ACTIVITY	DATE DUE
Pollution Prevention / Good Housekeeping for Municipal Operations Minimum Control Measure	Waste Disposal	Evaluate City facilities for proper waste disposal practices	2008
		Develop storm waste water management procedures	2009
		Train employees on proper storm water waste management procedures	2009
		Review and inspect City facilities for proper waste disposal	2010 - 2012
		Implementation Complete	2012

7.3.4 Responsible Persons

The Director of Public Works, the Director of Utilities, the Director of Parks or their designees have responsibility for implementation of the waste disposal for pollution prevention/good housekeeping for municipal operations.

7.3.5 Rationale

The City of Rosenberg will develop procedures for the proper disposal of waste. The measurable goals selected identify the development and implementation of the program.

7.4 BMP 4 - STREET SWEEPING

7.4.1 Description

Street sweepers are used by the City of Rosenberg on a regular basis to minimize the migration of sediment and other pollutants from streets in the City of Rosenberg to receiving waters. Collected materials are properly disposed. Sweeping frequency is prioritized by areas with highest pollution potential.

7.4.2 Measurable Goals

- Continue to identify priority areas for street sweeping and continue progress.

7.4.3 Schedule of Implementation

MCM	BMP	ACTIVITY	DATE DUE
Pollution Prevention / Good Housekeeping for Municipal Operations Minimum Control Measure	Street Sweeping	Identify priority areas for street sweeping and continue progress	2008 - 2012
		Implementation Complete	2012

7.4.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of the street sweeping for Pollution Prevention/Good Housekeeping for Municipal Operations.

7.4.5 Rationale

This program will employ street sweepers on a regular basis to minimize the migration of sediment and other pollutants to receiving waters. The measurable goals identify steps in the development of this BMP.

7.5 BMP 5 - LITTER CONTROL

7.5.1 Description

The City of Rosenberg will implement a scheduled program for removal of litter from municipal and public facilities, streets, parking areas and other City controlled property.

7.5.2 Measurable Goals

- Require litter control at municipal operations sites
- Continue programs to collect litter from parks, public facilities, parking lots and other City facilities on a regular basis

7.5.3 Schedule of Implementation

MCM	BMP	ACTIVITY	DATE DUE
Pollution Prevention / Good Housekeeping for Municipal Operations Minimum Control Measure	Litter Control	Require litter control at municipal operations sites	2008
		Continue programs to collect litter on a regular basis	2008 - 2012
		Implementation Complete	2012

7.5.4 Responsible Persons

The Director of Public Works, the Director of Utilities, the Director of Parks or their designees have responsibility for implementation of the Litter Control for Pollution Prevention/Good Housekeeping for Municipal Operations.

7.5.5 Rationale

This program will employ litter control requirements to minimize the migration of floatables and pollutants to receiving waters. The measurable goals identify steps in the implementation and continuation of this BMP.

7.6 BMP 6 - SPILL PREVENTION AND RESPONSE

7.6.1 Description

The City of Rosenberg will develop procedures and acquire equipment for containment and timely response to spills from municipal operations. The City will require contractors to have adequate spill kits available at facilities they operate and comply with spill prevention and response requirements as appropriate.

7.6.2 Measurable Goals

- Develop procedures and train employees
- Acquire containment and response equipment, as appropriate
- Require contractors to include requirements for spill kits and comply with spill prevention and response requirements, when applicable

7.6.3 Schedule of Implementation

MCM	BMP	ACTIVITY	DATE DUE
Pollution Prevention / Good Housekeeping for Municipal Operations Minimum Control Measure	Spill Prevention and Response	Develop procedures and train employees	2008
		Acquire containment and response equipment	2009
		Require contractors to include requirements for spill kits and comply with spill prevention and response requirements	2009 - 2012
		Implementation Complete	2012

7.6.4 Responsible Persons

The Director of Public Works or his designee has responsibility for implementation of spill prevention and response for pollution prevention/good housekeeping for municipal operations.

7.6.5 Rationale

Preventing spills from entering the MS4 reduces storm water quality impacts. The measurable goal addresses the implementation of this BMP.

7.7 BMP 7 - FACILITY INSPECTION PROGRAM

7.7.1 Description

The City of Rosenberg will formalize municipal facility inspection procedures that potentially affect storm water quality. This will include routine inspection of facilities and equipment operated by the City.

7.7.2 Measurable Goals

- Continue to require municipal facilities inspections

7.7.3 Schedule of Implementation

MCM	BMP	ACTIVITY	DATE DUE
Pollution Prevention / Good Housekeeping for Municipal Operations Minimum Control Measure	Facility Inspection Program	Develop checklist for inspection	2009
		Require municipal facilities inspections	2010 - 2012
		Implementation Complete	2012

7.7.4 Responsible Persons

The Director of Public Works, the Director of Utilities, the Director of Parks or their designees have responsibility for implementation of the Facility Inspection Program for Pollution Prevention/Good Housekeeping for Municipal Operations.

7.7.5 Rationale

Timely inspection of municipal operations can minimize the discharge of pollutants to the MS4. Inspection of storm water quality facilities ensures their proper operation. The measurable goal addresses the development and implementation of this BMP.

Table

Storm Water Management Program Implementation Schedule

STORM WATER MANAGEMENT PROGRAM IMPLEMENTATION SCHEDULE								
MCM	BMP	ACTIVITY	Responsible Person	DATE DUE				
				2008	2009	2010	2011	2012
MCM No. 1 Public Education	BMP 1 Storm Drain Marking	Identify remaining number of inlets and review type of marking to be used and the method to be used	Director of Public Works	X				
		Mark 25% of inlets and revise construction detail			X			
		Mark an additional 25% of inlets				X		
		Mark an additional 25% of inlets					X	
		Mark an additional 25% of inlets						X
		Implementation Complete						X
	BMP 2 Municipal Website	Update website to reference SWMP	Director of Public Works	X				
		Update website to reflect annual report, current SWMP events	Director of Marketing and Public Affairs		X	X	X	X
		Implementation Complete						X
	BMP 3 Storm Water Quality Educational Material	Obtain pamphlets prepared by EPA, TCEQ, TWBD, and others and determine best way to distribute	Director of Public Works	X				
		Distribute to the public	Director of Marketing and Public Affairs		X	X	X	X
		Implementation Complete						X
MCM No. 2 Public Involvement / Participation	BMP 1 Public Notice Requirements	Publish notice in newspaper of largest circulation in the area	Director of Public Works	X				
		Receive comments from public		X				
		Implementation Complete			X			
	BMP 2 Storm Water Quality Volunteer Opportunities	Identify volunteer opportunities	Director of Public Works	X				
		Develop support materials			X			
		Provide support materials to interested volunteers to distribute				X	X	X
		Implementation Complete						X
	BMP 3 Make Presentations on Storm Water Management Plan	Present plan to City Council	Director of Public Works	X	X	X	X	X
		Present plan to interested public			X	X	X	X
		Implementation Complete						X

**STORM WATER MANAGEMENT PROGRAM
IMPLEMENTATION SCHEDULE**

MCM	BMP	ACTIVITY	Responsible Person	DATE DUE				
				2008	2009	2010	2011	2012
MCM No. 3 Illicit Discharge Detection and Elimination	BMP 1 Illicit Discharge Detection Ordinance	Draft ordinance	Director of Public Works		X			
		Conduct public review and collect comments				X		
		Finalize and adopt ordinance				X		
		Implementation Complete				X		
	BMP 2 Illicit Discharge Detection and Elimination Program	Identify program requirements, resources, and training needs	Director of Public Works	X				
		Acquire needed resources and training			X			
		Implement program				X	X	X
		Implementation Complete						X
	BMP 3 Allowable Non-Storm Water Discharges	Review list of allowable non-storm water discharge and revise SWMP	Director of Public Works		X	X	X	X
		Implementation Complete						X
	BMP 4 Storm Drainage System Mapping	Prepare Preliminary Base Map	Director of Planning and Engineering	X				
		Locate, identify and map drainage features			X	X	X	
		Update Storm Drainage System Map				X	X	X
		Implementation Complete						X
	BMP 5 Public Education on Illegal Discharges and Improper Disposal	Develop or acquire public education materials	Director of Public Works		X			
		Determine a method of distribution			X			
		Distribute materials to City employees	Director of Marketing and Public Affairs			X		
		Distribute materials to business and general public					X	
		Implementation Complete						X
	BMP 6 On-Site Sewerage Disposal System Identification and Inspection	Evaluate need to implement on-site sewerage disposal system identification and inspection program	Director of Utilities	X				
Develop on-site sewerage disposal system identification and inspection program				X				
Implement inspection program				X				
Respond to all complaints				X	X	X	X	
Implementation Complete							X	

**STORM WATER MANAGEMENT PROGRAM
IMPLEMENTATION SCHEDULE**

MCM	BMP	ACTIVITY	Responsible Person	DATE DUE				
				2008	2009	2010	2011	2012
MCM No. 4 Construction Site Storm Water Runoff	BMP 1 Construction Site Storm Water Runoff Control Ordinance	Evaluate existing ordinances	Director of Planning and Engineering	X				
		Develop draft ordinance or modification			X			
		Conduct public review				X		
		Finalize / adopt ordinance					X	
		Implement ordinance					X	
		Implementation Complete						X
	BMP 2 Selected BMPs for Construction Site Storm Water Controls	Evaluate existing technical manuals	Director of Planning and Engineering		X			
		Review additional information			X			
		Adopt a technical manual				X		
		Review and update technical manual					X	X
		Implementation Complete						X
	BMP 3 Site Plan Review Program	Evaluate review process for storm water quality	Director of Planning and Engineering		X			
		Develop criteria checklist of storm water pollution prevention plans				X		
		Implement site plan review					X	
		Implementation Complete					X	
	BMP 4 Construction Site Inspection Program	Evaluate inspection plan	Director of Planning and Engineering		X			
		Develop inspection plan and procedure checklist				X		
		Inspect construction sites					X	X
		Implementation Complete						X
	BMP 5 Reporting Hotline	Identify person or persons to monitor and respond calls	City Manager		X			
Set up and publicize hotline					X			
Implement response program					X			
Implementation Complete					X			

**STORM WATER MANAGEMENT PROGRAM
IMPLEMENTATION SCHEDULE**

MCM	BMP	ACTIVITY	Responsible Person	DATE DUE				
				2008	2009	2010	2011	2012
MCM No. 5 Post-Construction Storm Water Management in New Development and Redevelopment	BMP 1 Develop an Ordinance	Evaluate existing ordinances	Director of Planning and Engineering	X				
		Develop draft ordinance				X		
		Conduct public review					X	
		Adopt ordinance					X	
		Implement ordinance					X	
	BMP 2 Evaluate Regional Storm Water Management System Facilities	Develop an evaluation report	Director of Planning and Engineering			X		
		Develop recommendations for storm water quality management					X	
		Implement storm water quality management						X
		Implementation Complete						X
	BMP 3 Plan Requirements, Inspection, and Maintenance Program for Storm Water Structural Controls	Develop a procedure / checklist to review development plans for long-term inspection and maintenance of structural controls	Director of Planning and Engineering				X	
		Implement procedure for inspection of structural controls						X
		Implementation Complete						X
	BMP 4 Adopt a Technical Manual	Evaluate existing technical manuals	Director of Planning and Engineering			X		
		Review additional information				X		
		Adopt a technical manual					X	
		Review and update technical manual						X
Implementation Complete							X	

**STORM WATER MANAGEMENT PROGRAM
IMPLEMENTATION SCHEDULE**

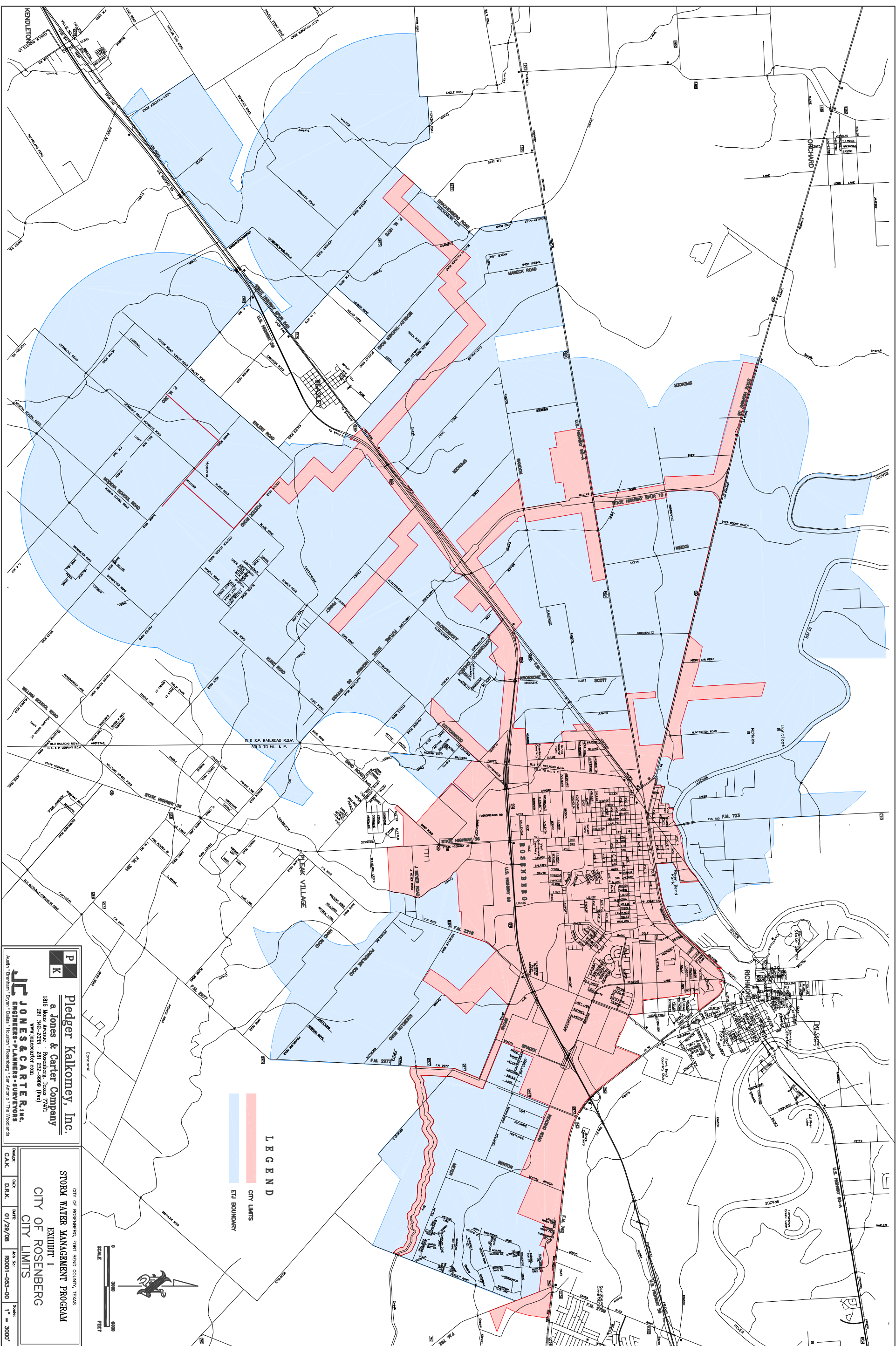
MCM	BMP	ACTIVITY	Responsible Person	DATE DUE				
				2008	2009	2010	2011	2012
MCM No. 6 Pollution Prevention / Good Housekeeping for Municipal Operations	BMP 1 Municipal Employee Training	Develop training materials for City employees	Director of Public Works Director of Utilities Director of Parks			X		
		Require training to prevent and reduce storm water pollution from activities related to municipal operations				X	X	X
		Implementation Complete						X
	BMP 2 Structural Control Maintenance	Review and evaluate existing structural control maintenance procedures	Director of Public Works	X				
		Develop inventory of City structural controls			X			
		Develop inspection and maintenance schedule				X		
		Implement inspection and maintenance				X	X	X
		Implementation Complete						X
	BMP 3 Waste Disposal	Evaluate City facilities for proper waste disposal practices	Director of Public Works Director of Utilities Director of Parks	X				
		Develop storm waste water management procedures			X			
		Train employees on proper storm water waste management procedures			X			
		Review and inspect City facilities for proper waste disposal				X	X	X
		Implementation Complete						X
	BMP 4 Street Sweeping	Identify priority areas for street sweeping and continue progress	Director of Public Works	X	X	X	X	X
		Implementation Complete						X
	BMP 5 Litter Control	Require litter control at municipal operations sites	Director of Public Works Director of Utilities Director of Parks	X				
		Continue programs to collect litter on a regular basis		X	X	X	X	X
		Implementation Complete						X

**STORM WATER MANAGEMENT PROGRAM
IMPLEMENTATION SCHEDULE**

MCM	BMP	ACTIVITY	Responsible Person	DATE DUE				
				2008	2009	2010	2011	2012
MCM No. 6 Pollution Prevention / Good Housekeeping for Municipal Operations	BMP 6 Spill Prevention and Response	Develop procedures and train employees	Director of Public Works	X				
		Acquire containment and response equipment			X			
		Require contractors to include requirements for spill kits and comply with spill prevention and response requirements			X	X	X	X
		Implementation Complete						X
	BMP 7 Facility Inspection Program	Develop checklist for inspection	Director of Public Works		X			
		Require municipal facilities inspections	Director of Utilities			X	X	X
		Implementation Complete	Director of Parks					X

Exhibit 1

City of Rosenberg City Limits



E:\Jones & Carter - Jones Engineering\0001-053-00 City of Rosenberg Phase II SV Permit\Drawing\Exhibit 1 Map of City and ETJ.dwg Jan 31,2008 - 4:50pm .dwg

JK

Pledger Kalkomey, Inc.
 a Jones & Carter Company
 1815 Main Avenue · Rosenberg, Texas 77471
 281 342-2033 · 281 232-9000 (fax)
 www.jonescarter.com

JONES & CARTER, Inc.
 ENGINEERS · PLANNERS · SURVEYORS

Austin · Bertram · Bryan · Dallas · Houston · Rosenberg · San Antonio · The Woodlands

Design: CAK Date: 01/29/08 Job No: R0001-053-00 Scale: 1" = 3000'

CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS

STORM WATER MANAGEMENT PROGRAM

EXHIBIT 1

CITY OF ROSENBERG

CITY LIMITS

LEGEND

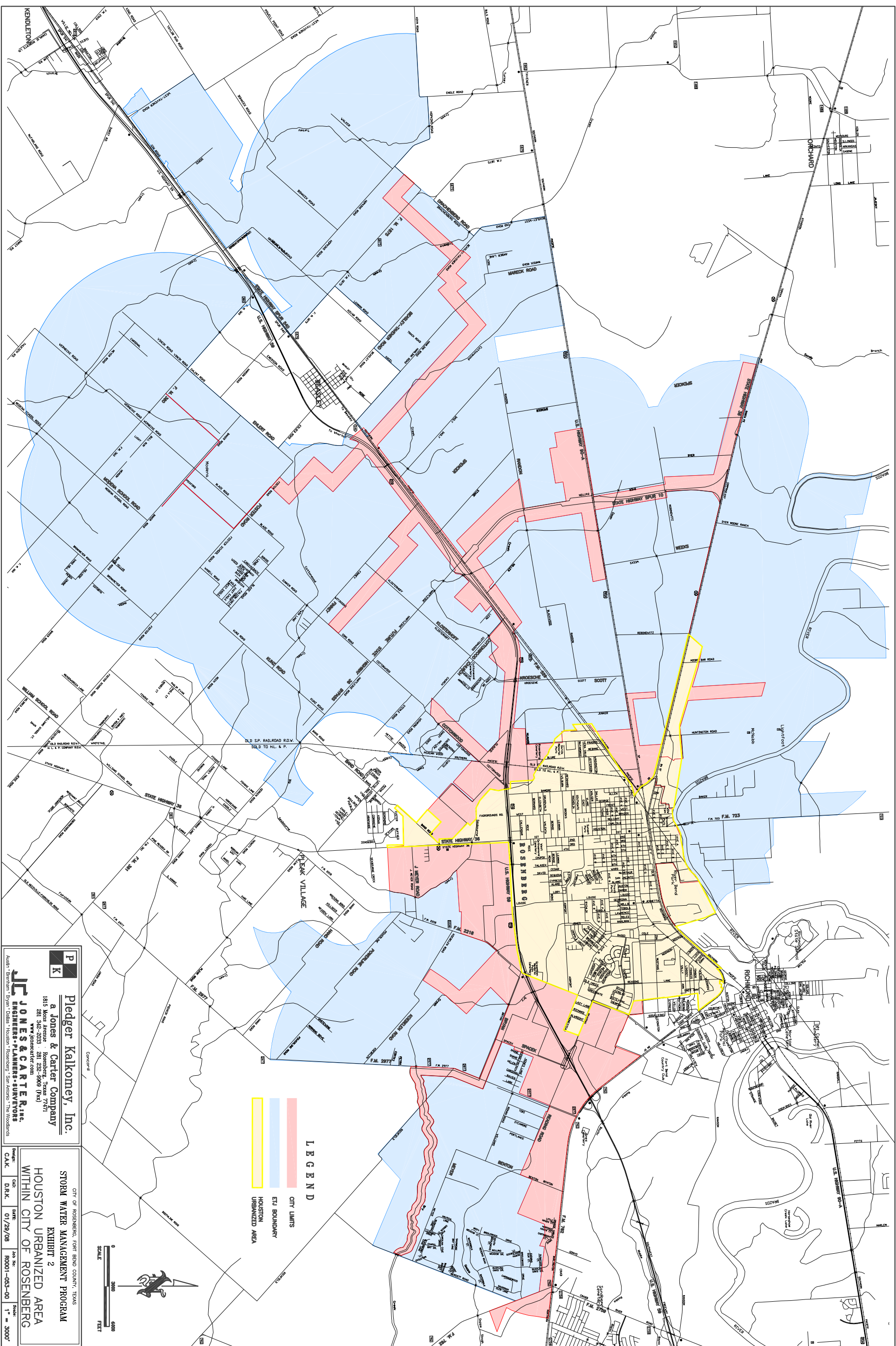
CITY LIMITS

ETJ BOUNDARY

0 3000 6000
SCALE
FEET

Exhibit 2

Houston Urbanized Area Within City of Rosenberg



LEGEND

- CITY LIMITS
- ETJ BOUNDARY
- HOUSTON URBANIZED AREA

0 2000 4000
SCALE
FEET

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CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS

STORM WATER MANAGEMENT PROGRAM

EXHIBIT 2

HOUSTON URBANIZED AREA

WITHIN CITY OF ROSENBERG

Design:	Date:	Job No.:	Scale:
CAK	D.R.K.	01/29/08	R0001-053-00 1" = 3000'

Appendix A

**City of Rosenberg
Notice of Intent for Storm Water Discharge**



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

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



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

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

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

IMPORTANT:

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

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

Is the copy attached? Yes

A. OPERATOR (applicant)

1. If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity?
CN

2. What is the full Legal Name of the applicant?

(The exact legal name must be provided.)

3. What is the applicant's mailing address as recognized by the **US Postal Service**?

Address:		Suite No./Bldg. No./Mail Code:
City:	State:	ZIP Code:

Country Mailing Information (if outside USA).	Country Code:	Postal Code:
---	---------------	--------------

4. Phone No.: () Extension:

5. Fax No.: () E-mail Address:

6. Indicate the type of Customer:

Federal Government	State Government	County Government
City Government	Other Government	

7. Number of Employees: 0-20; 21-100; 101-250; 251-500; or 501 or higher

B. BILLING ADDRESS

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

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

1. Billing Mailing Address:	Suite No./Bldg. No./Mail Code:
City:	State: ZIP Code:

2. Country Mailing Information (if outside USA).	Country Code:	Postal Code:
--	---------------	--------------

3. Billing Contact (Attn or C/O):

4. Phone No.: () Extension:

5. Fax No.: () E-mail Address:

C. REGULATED ENTITY (RE) INFORMATION			
1. Has the TCEQ issued a Regulated Entity Reference Number (RN) for the regulated MS4 ? Yes. What is the RN? RN No - TCEQ will assign the RN number after the NOI is submitted.			
2. Name that is used to identify the small MS4 (Regulated Entity). (Example: City of XXX MS4)			
3. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area.)			
4. a. What is the county where the largest residential population exists within the regulated MS4 boundaries?			
b. Is the MS4 located within additional counties? Yes No If yes, what county(s)?			
5. What is the latitude and longitude of the approximate center of the regulated portion of the small MS4? Latitude: N Longitude: W			
6. What is the mailing address for the regulated entity?			
Is the RE mailing address the same as the Operator? Yes, go to Section F. No, provide the address.			
Street Number:		Street Name:	
City:	State:	ZIP Code:	
D. GENERAL CHARACTERISTICS			
1. I certify that any portion of the regulated MS4 is not located on Indian Country Lands. Yes No If No, you must obtain authorization through EPA, Region VI.			
2. What is the Standard Industrial Classification (SIC) code (see instructions for common codes):			
3. Has TCEQ "designated" the small MS4 as needing coverage under this general permit? Yes No			
If "No" and no portion of the Small MS4 is located within an Urbanized Area as determined by the 2000 Decennial Census by the U.S. Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.			
4. Storm Water Management Program (SWMP)			
a. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000. Yes No			
b. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP. Yes No			
If No to question a. or b. the application is considered incomplete and may be returned.			
b. Who is the person responsible for implementing or coordinating implementation of the SWMP? (<i>Note: All contact information requested below is required.</i>)			
Name:		Title:	Company:
Address:		Suite No./Bldg. No./Mail Code:	
City:	State:	ZIP Code:	
Phone No.: ()		Extension:	
Fax No.: ()		E-mail Address:	
5. Seventh Minimum Control Measure (MCM) for Municipal Construction Activities			
a. Is the Minimum Control Measure for authorization to discharge storm water from municipal construction activities included with the attached SWMP? Yes No			
b. If you answered "Yes" to 5.a., what are the boundaries within which those activities will occur?			
Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.			

<p>c. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing zone within the Transition zone of the Edwards Aquifer? Yes No</p> <p>If the answer is “Yes”, please note that a copy of the agency approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction storm water pollution prevention plan(s).</p>	
<p>6. Discharge Information</p>	
<p>a. What is the name of the receiving water body(s) from the MS4?</p>	
<p>b. What is the classified segment(s) that receives discharges, directly or indirectly, from the small MS4?</p>	
<p>c. Are any of the surface water bodies receiving discharges from the small MS4 on the latest EPA-approved CWA § 303(d) list of impaired waters? Yes No</p> <p>If Yes, what is the name of the impaired water body(s) receiving the discharges from the small MS4?</p>	
<p>d. Is the discharge into any other MS4 prior to discharge into surface water in the state? Yes No</p> <p>If Yes, what is the name of the MS4 Operator?</p>	
<p>7. Edwards Aquifer</p>	
<p>Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer? Yes No</p> <p>If the answer is Yes, please note that a copy of the agency approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) for activities also regulated under this general permit must be either included or referenced in the SWMP.</p>	
<p>8. Public Participation Process</p>	
<p>The Office of Chief Clerk will send the operator or person responsible for publishing notice, the notice of the executive director’s preliminary determination of the NOI and SWMP, for publishing in a newspaper of largest circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of largest circulation in the county containing the largest resident population.</p> <p>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.</p>	
<p>a. I will comply with the Public Participation requirements described in Part II.D.12 of the general permit. Yes No</p> <p>If No, coverage under this general permit is not obtainable.</p>	
<p>b. Who is the person responsible for publishing notice of the executive director’s preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)</p>	
Name:	Title: Company:
Address:	Suite No./Bldg. No./Mail Code:
City:	State: Zip Code:
Phone No.: ()	Extension:
Fax No.: ()	E-mail Address:
<p>c. What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director’s general permit and fact sheet, may be viewed?</p>	
<p>Name of Public Place:</p>	
<p>Address of Public Place:</p>	
<p>County of Public Place:</p>	

Appendix B

Copy of TPDES General Permit No. TXR040000

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



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

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

GENERAL PERMIT TO DISCHARGE UNDER THE
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

Small Municipal Separate Storm Sewer Systems

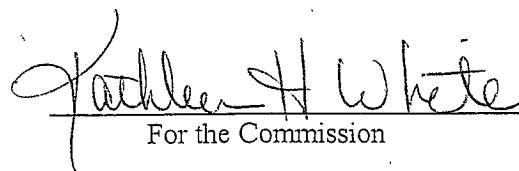
located in the state of Texas

may discharge directly to surface water in the state

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

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

ISSUED AND EFFECTIVE DATE: **AUG 13 2007**


For the Commission

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

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Part I. Definitions and Terminology

A. Definitions

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

Classified Segment - refers to a water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 TAC § 307.10.

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

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

Construction Site Operator - The person or persons associated with a small or large construction project that meets either of the following two criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

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

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

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

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

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

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

gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (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.

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

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

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;
- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and

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

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

B. Commonly Used Acronyms

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

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

Part II. Permit Applicability and Coverage

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

A. Small MS4s Eligible for Authorization by General Permit

1. Small MS4s Located in an Urbanized Area

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

2. Designated Small MS4s

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

The portion of the small MS4 that is required to meet the conditions of this general permit are those portions that are located within the urbanized area, as well as any portion of the small MS4 that is designated.

B. Allowable Non-Storm Water Discharges

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

1. water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. discharges from potable water sources;
4. diverted stream flows;
5. rising ground waters and springs;
6. uncontaminated ground water infiltration;
7. uncontaminated pumped ground water;
8. foundation and footing drains;
9. air conditioning condensation;
10. water from crawl space pumps;
11. individual residential vehicle washing;
12. flows from wetlands and riparian habitats;
13. dechlorinated swimming pool discharges;
14. street wash water;
15. discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. other allowable non-storm water discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
17. non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General permit (CGP); and
18. other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

C. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

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

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

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

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

3. Compliance with Water Quality Standards

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

4. Discharges to Water Quality-Impaired Receiving Waters

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

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

5. Discharges to the Edwards Aquifer Recharge Zone

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

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

Counties:

Comal, Bexar, Medina, Uvalde,
and Kinney

Williamson, Travis, and Hays

Contact:

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

TCEQ
Water Program Manager
Austin Regional Office
1921 Cedar Bend Drive, Suite 150
Austin, Texas 78758-5336
(512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Home Rule Municipalities

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

8. Indian Country Lands

Storm water runoff from MS4s or construction activities occurring on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of storm water require authorization under federal NPDES regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. Other

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

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

D. Obtaining Authorization

1. Application for Coverage

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

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

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

(a) Small MS4s Located in an Urbanized Area

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

(b) Designated Small MS4s

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

2. Late Submission of the NOI and SWMP

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

3. Storm Water Management Program (SWMP)

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

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

- (a) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP, may be made by the permittee at any time upon submittal of a notice of change (NOC) form to the address specified on the form to the TCEQ.
- (b) Replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Changes must be submitted on

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

- (1) an explanation of why the BMP was eliminated;
- (2) an explanation of the effectiveness of the replacement BMP; and
- (3) an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

4. Contents of the NOI

The NOI must contain the following minimum information:

(a) MS4 Operator Information

- (1) the name, mailing address, telephone number, and fax number of the MS4 operator; and
- (2) the legal status of the MS4 operator (e.g., federal government, state government, county government, city government, or other government).

(b) Site Information

- (1) the name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;
- (2) county or counties where the small MS4 is located;
- (3) an indication if all or a portion of the small MS4 is located on Indian Country Lands;
- (4) if the applicant develops a seventh minimum control measure to obtain authorization for construction activities, the boundary within which those activities will occur;
- (5) the name, mailing address, telephone number, and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;
- (6) a certification that a SWMP has been developed according to the provisions of this permit;
- (7) a statement that the applicant will comply with the Public Participation requirements described in Part II.D.12.;

- (8) the name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach shall be identified;
- (9) the name of any MS4 receiving the discharge prior to discharge into surface water in the state; and
- (10) the name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters.

5. Notice of Change (NOC)

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

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

6. Change in Operational Control of a Small MS4

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

7. Notice of Termination (NOT)

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

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

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

9. Fees

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

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

10. Permit Expiration

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

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

(c) Upon issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges.

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

11. Suspension of Permit Coverage

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

immediately, if required by the executive director.

12. Public Participation

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

- (a) The applicant must submit the NOI and a SWMP to the executive director.
- (b) After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary determination on the NOI and SWMP.
- (c) The notice must include:
 - (1) the legal name of the MS4 operator;
 - (2) identify whether the NOI is for a new small MS4 or is a renewal of an existing operation;
 - (3) the address of the applicant;
 - (4) a brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;
 - (5) the location and mailing address where the public may provide comments to the TCEQ;
 - (6) the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and
 - (7) if required by the executive director, the date, time, and location of the public meeting.
- (d) This notice must be published at least once in the newspaper of largest circulation in the county where the small MS4 is located. If the small MS4 is located in multiple counties, the notice must be published at least once in the newspaper of largest circulation in the county containing the largest resident population. This notice shall provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice shall allow the public to request a public meeting. A public meeting will be held if the TCEQ determines that there is significant public interest.
- (e) The public comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held, the comment period will end at the closing of the public meeting. The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the

technical requirements or conditions of this general permit.

- (f) If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant must publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.
- (g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.
- (h) The applicant must file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Office of Chief Clerk.
- (i) The executive director, after considering public comment, shall approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.
- (j) Persons whose names and addresses appear legibly on the sign in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

E. Permitting Options

1. Authorization Under the General Permit

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

(a) Participants

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

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

(b) Responsibilities

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

2. Alternative Coverage under an Individual TPDES Permit

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

F. Waivers

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

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

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

1. Waiver Option 1: The system serves a population of less than 1,000 within an urbanized area and meets the following criteria:
 - (a) the system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES storm water program

(40 CFR § 122.32(d)); and

- (b) if the system discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern.
2. Waiver Option 2: The system serves a population under 10,000 and meets the following criteria:
- (a) the TCEQ has evaluated all waters of the United States, including small streams, tributaries, lakes, and ponds, that receive a discharge from the small MS4;
 - (b) for all such waters, the TCEQ has determined that storm water controls are not needed based on wasteload allocations that are part of an approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern; and
 - (c) the TCEQ has determined that future discharges from the small MS4 do not have the potential to exceed Texas surface water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

Part III. Storm Water Management Program (SWMP)

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

Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, and contractors. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.

If the permittee does not have enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the

following action in order to meet the goals of the permit:

- Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or,
- if the permittee is unable to enter into inter-local agreements, notify the TCEQ's Field Operations Division as needed to report discharges or incidents that it can not itself enforce against.

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

A. Minimum Control Measures

1. Public Education and Outreach on Storm Water Impacts

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

- (1) residents;
- (2) visitors;
- (3) public service employees;
- (4) businesses;
- (5) commercial and industrial facilities; and
- (6) construction site personnel.

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

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

2. Public Involvement/Participation

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

3. Illicit Discharge Detection and Elimination

(a) Illicit Discharges

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

(1) Detection

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

(2) Elimination

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

(b) Allowable Non-Storm Water Discharges

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

(c) Storm Sewer Map

- (1) A map of the storm sewer system must be developed and must include the following:
 - (i) the location of all outfalls;
 - (ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and
 - (iii) any additional information needed by the permittee to implement its SWMP.
- (2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls are verified and how the map will be regularly updated.

4. Construction Site Storm Water Runoff Control

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

- (a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
- (b) Requirements for construction site contractors to, at a minimum:
 - (1) implement appropriate erosion and sediment control BMPs; and
 - (2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- (c) The MS4 operator must develop procedures for:
 - (1) site plan review which incorporate consideration of potential water quality impacts;

- (2) receipt and consideration of information submitted by the public; and
- (3) site inspection and enforcement of control measures to the extent allowable under state and local law.

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

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

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

6. Pollution Prevention/Good Housekeeping for Municipal Operations

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

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

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

- (1) park and open space maintenance;
- (2) street, road, or highway maintenance;
- (3) fleet and building maintenance;
- (4) storm water system maintenance;
- (5) new construction and land disturbances;

- (6) municipal parking lots;
- (7) vehicle and equipment maintenance and storage yards;
- (8) waste transfer stations; and
- (9) salt/sand storage locations.

(b) Training

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

(c) Structural Control Maintenance

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

- (1) maintenance activities;
- (2) maintenance schedules; and
- (3) long-term inspection procedures for controls used to reduce floatables and other pollutants.

(d) Disposal of Waste

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

- (1) dredge spoil;
- (2) accumulated sediments; and
- (3) floatables.

(e) Municipal Operations and Industrial Activities

The SWMP must include a list of all:

- (1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and
- (2) municipally owned or operated industrial activities that are subject to TPDES industrial storm water regulations.

7. Authorization for Municipal Construction Activities

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

- (a) The MCM must include:
 - (1) a description of how construction activities will generally be conducted by the permittee so as to take into consideration local conditions of weather, soils, and other site specific considerations;
 - (2) a description of the area that this MCM will address and where the permittee's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary); and
 - (3) either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for storm water discharges.
 - (4) a general description of how a SWP3 shall be developed, according to Part VI.E. of this general permit, for each construction site.

B. General Requirements

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

1. a list of any public or private entities assisting with the development or implementation of the SWMP;
2. a list of all BMPs and measurable goals for each of the MCMs;
3. a schedule for the implementation of all SWMP requirements;
4. a description of how each measurable goal will be evaluated;
5. a rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected; and
6. if applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution.

Part IV. Recordkeeping and Reporting

A. Recordkeeping

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

B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

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

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

(b) Other Information

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

2. Annual Report

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

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

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

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

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

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

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

The annual report must be submitted to the following address:

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

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

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

Part V. Standard Permit Conditions

- A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the general permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.
- B. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee must furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.
- C. It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.
- D. Inspection and entry shall be allowed under Texas Water Code Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 Code of Federal Regulations (CFR) §122.41(i). The statement in Texas Water Code § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- E. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:
 - a. negligently or knowingly violating CWA, §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and
 - b. knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.
- F. All reports and other information requested by the executive director must be signed by the person

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

- G. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- H. The permittee shall implement its SWMP on any new areas under its jurisdiction that are located in a UA or that are designated by the TCEQ. Implementation of the SWMP in these areas is required three (3) years from acquiring the new area, or five (5) years from the date of the original SWMP, whichever is later.

Part VI. Authorization for Municipal Construction Activities

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

A. Eligible Construction Sites

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

B. Discharges Eligible for Authorization

1. Storm Water Associated with Construction Activity

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

2. Discharges of Storm Water Associated with Construction Support Activities

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

- (a) the activity is located within a 1-mile distance from the boundary of the permitted construction site and directly supports the construction activity;
- (b) a storm water pollution prevention plan is developed according to the provisions of this general permit and includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the supporting industrial activity site; and
- (c) the construction support activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES authorization for discharges as required.

3. Non-storm Water Discharges

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

- (a) discharges from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (b) fire hydrant flushings;
- (c) vehicle, external building, and pavement wash water where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material is removed)
- (d) water used to control dust;
- (e) potable water sources including waterline flushings;
- (f) air conditioning condensate; and
- (g) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

4. Other Permitted Discharges

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

C. Limitations on Permit Coverage

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

D. Numeric Effluent Limitations

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

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

E. Storm Water Pollution Prevention Plan (SWP3)

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

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

F. Effective Date of Coverage

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

G. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

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

H. Plan Review and Making Plans Available

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

I. Keeping Plans Current

The permittee must amend the SWP3 whenever:

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

J. Contents of SWP3

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

1. A site description, or project description, must be developed to include:
 - (a) a description of the nature of the construction activity, potential pollutants and sources;

- (b) a description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;
 - (c) the number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
 - (d) data describing the soil type or the quality of any discharge from the site;
 - (e) a map showing the general location of the site (e.g. a portion of a city or county map);
 - (f) a detailed site map indicating the following:
 - (1) drainage patterns and approximate slopes anticipated after major grading activities;
 - (2) areas where soil disturbance will occur;
 - (3) areas which will not be disturbed;
 - (4) locations of all major structural controls either planned or in place;
 - (5) locations where stabilization practices are expected to be used;
 - (6) locations of off-site material, waste, borrow or equipment storage areas;
 - (7) surface waters (including wetlands) either adjacent or in close proximity; and
 - (8) locations where storm water discharges from the site directly to a surface water body.
 - (g) the location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;
 - (h) the name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and
 - (i) a copy of Part VI of this TPDES general permit.
2. The SWP3 must describe the structural and the non-structural controls (best management practices) that will be used to minimize pollution in runoff. The description must identify the general timing or sequence for implementation and the party responsible for implementation. At a minimum, the description must include the following components:

(a) Erosion and Sediment Controls

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

3. Stabilization Practices

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

- (a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation and other similar measures.
- (b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VI.H. of this general permit:
 - (1) the dates when major grading activities occur;
 - (2) the dates when construction activities temporarily or permanently cease on a portion of the site; and
 - (3) the dates when stabilization measures are initiated.
- (c) Stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (1) through (3) below, must be initiated no more than fourteen (14) days

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

- (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
- (2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas (areas with an average rainfall of 0 to 10 inches), semiarid areas (areas with an average annual rainfall of 10 to 20 inches), and other areas experiencing droughts.
- (3) Where construction activity on a portion of the site is temporarily ceased and earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.

4. Structural Control Practices

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

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

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

5. Permanent Storm Water Controls

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

6. Other Controls

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

7. Approved State and Local Plans

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

8. Maintenance

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

9. Inspections of Controls

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

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

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

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

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

- (d) A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: the locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a

particular location; and locations where additional BMPs are needed.

- (e) Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit.
10. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-storm water components of the discharge.

K. Additional Retention of Records

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

1. a copy of the SWP3; and
2. all reports and actions required by this general permit, including a copy of the site notice.



CONSTRUCTION SITE NOTICE

FOR THE
 Texas Commission on Environmental Quality
 Storm Water Program

TPDES GENERAL PERMIT TXR040000

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

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

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

Signature

Date

CONCRETE BATCH FACILITIES

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

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

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

NAME

DISCHARGE MONITORING REPORT (DMR)

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

ADDRESS

PERMIT NUMBER	DISCHARGE NUMBER

FACILITY LOCATION

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

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

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

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