

STORMWATER MANAGEMENT PROGRAM

for

THE CITY OF COPPELL

In Association with

Northwest Dallas County
Flood Control District

May 2014

Prepared By:

TCEQ Office Use Only

Permit No.:

RN:

CN:

Region:

(TXRo+0000)

Mailed

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ffi Voucher No.: 210098

Is the Payment Voucher copy attached? ffi Yes

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

Isthecopyattached? K Y".

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

(Note: An authorization cannot be renewed after June 1-1^, zol.4.)

f, Yes The existing authorization number is: TXRo4e!IS-(If an authorization number is not provided, a new number will be assigned..)

DNo

Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS+) under the TPDES Phase II MS+ General Permit

IMPORTANT:

Use the INSTRUCTIONS to fill out each question in this form.

Use the CHECKLIST to make certain you filled out all required information.

Incomplete applications WILL delay approval or result in automatic denial.

Once processed your authorization can be viewed at:

APPLICATION FEE: You must pay the \$roo Application Fee to TCEQ for the paper application to be complete.

Payment and NOI must be mailed to separate addresses.

Did you know you can pay on line?. Goto. Select Fee Tipe: GENERAL PERMIT MS4 PFIASE II STORM WATER DISCHARGE

NOI APPLICATION

Provide your payment information below, for verification of payment:

I Check/MoneyOrderNo.:

Name Printed on Check:

TCEQ 2o368 (Effective ef rgf zorg, Form rev. o4lozlot4)Page r

1) OPERATOR IAoplicant

a.

b.

If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:

?fu seaction= cust. CustSearchcN 600656649

What is the Legal Name of the entity (applicant) appl)ing for this permit?

Citv of Coppell

(The exact legal name mustbe provided.)

c. What is the name and title of the person signing the application? The person must be an executive official meeting signatory requirements in 3o TAC SoS.++(a).

Prefix (Mr. Ms. Miss): Mr.

First/Last Name: Clav Phillips Suffix:

Title: CitY Manaoer Credential:

d. What is the contact information for the Operator Contact (Responsible Authority)? The mailing address must be recognized by the US Postal Service. You may verify the address at:

Phone Number: 972-304-7019 Ext: Fax Number:972-304-3570

E-mail: mgaza@-coppelltx,qov

Mailing Address: 265 Parkwav Boulevard

Internal Routing (Mail Code, Etc.):

City: Coppell

If outside USA: Territory:

State: TexaS ZIPCode:75019CountryCode: PostalCode:

Ijldicate the type of Customerrhe instructions will help determine your customer type):[Federal Government L-I State Government L_] County Government

Ñ CitV Government f Other Government

Number of Employees:f o-zo;f zr-roo; f ror-z5o; m 251-Soo; or il Sot or higher

Operator is respo r paying the annual fee. The annua

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

Is the billing address the same as the Operator Address?

[X.] Yes, go to Section 3).

I No, complete sectionbelow

Phone Number:

E-mail:

Ext: Fax Number:

to

Mailing Address:

Internal Routing (Mail Code, Etc.):

City:State: ZIP Code:

Mailing Information if outside USA:

Territory:CountryCode: PostalCode:

TCEQ 2o368 (Effective elrg/zor3, Form rev. o4lozlor4)Page z

REGULATED ENTITY (RE) INFORMATION

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

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

a. TCEQ issued RE Reference Number (REN): REN 105613558

b. Name that is used to identify the small MS4 (Example: City of XXX MS4)
City of Coppell MS4

c. Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XX) (Limits that is located within the xxx (e.g. Dallas) urbanized area):
Area within the City of Coppell limits that is located within the Denton-Lewisville urbanized area.

d. City where the largest residential population exists within the regulated MS4 boundaries:
Coppell

ZIP code where the largest residential population exists within the regulated MS4 boundaries:

75019

f. County where the largest residential population exists within the regulated MS4 boundaries:
Dallas County

Is the MS4 located within additional counties?

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

Denton County

e.

City

g. Latitude: 32.976097 Longitude: -96.990129

GENERAL CHARACTERISTICS

a. Is the project/site located on Indian Country Lands?

Yes - If Yes, you must obtain authorization through EPA, Region 6.

No

b. What is applicant's Standard Industrial Classification (SIC) code?

SIC Code: 9111

c. What is the category or level of the MS4 based on the population served?

Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

Ñ level z: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

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

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

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

d. Flqt TCEQ "designated" the small MS4 as needing coverage under this general permit?

ffi ves

E No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or zoto 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.

What is your annual reporting year?

X calendaryear

E ivts+ general permit year

I piscall year - If Fiscal year, what is the last day of the fiscal year?

Stormwater Management Program (SWMP)

r. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXRo40000.

m Yes

n No - If No, the application is considered incomplete and maybe returned.

z. I certifli that the SWMP Cover Sheet is completed and attached to the front of the SWMP. ffi ves

f No - If No, the application is considered incomplete and maybe returned.

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

First/Last i; j; g; Michael Garza

Title: Assistant Director of Enqineering

Company:

Phone Number: 972-304-7019 Ext: Fax Number: 972-304-3570

E-mail: mgarza@coppel Itx. gov

Mailing Address: 265 Parkway Boulevard

Internal Routing (Mail Code, Etc.):

City: Copoell State: Texas ZlpCode: 75019

TCEQ 20368 (Effective elrglztog, Form rev. 04/ozlzor4)Page 4

g. 7th Minimum Control Measure (MCM) for Municipal Construction Activities. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?

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

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

ñNo

z. 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?

I Yes - If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edwards Aquifer Rule (see TAC Chapter 30.3) must be either included or referenced in the construction stormwater pollution prevention plan(s).

E No

h. Discharge Information

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

Denton Creek, Cottonwood Branch, Grapevine Creek, Elm Fork Trinity River

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

Denton Creek Seg. 0825; Elm Fork of the Trinity River Seg. 0822;

Grapevine Creek Seg. 08228

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

ffii Yes - If Yes:

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

Grapevine Creek

What are the pollutants of concern? Bacteria -

ü No

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

f Yes - If Yes, what is the name of the MS4 Operator?

K No

i. Edwards Aquifer

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

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

ñ No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (see TAC Chapter 30.3) is either included or referenced in the SWMP.

I Yes

J Public Participation Process

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

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

r. I will comply with the Public Participation requirements described in Part II.E.2 of the general permit.

Yes

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

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

First/Last Name:

Title: Assistant Director of Engineering

Phone Number: Fax Number: 972-304-3570

Itx.

Mailing Address: 265 Parkway Boulevard

Internal Routing (Mail Code, Etc.):

City: State: Texas ZIP Code: 75019

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

Name of Public Place:

Town Center

Address of Public Place: 255 Parkway Boulevard

Cooell, TX 75019

County of Public Place:

Dallas County

TCEQ 20368 (Effective 01/01/2004, Form rev. 04/02/2004) Page 6

) CERTIFICATION

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

b.

a. I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXRo40000.

I certify that the small MS4 qualifies for coverage under the general permit TXRo40000.

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

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

Operator Certification :

I, Clay Phillips City Manager

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d.

Typed or printed name Title

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

I further certify that I am authorized under 30 Texas Administrative Code 5.002 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature:

TCEQ 20368 (Effective 01/01/2014, Form rev. 04/01/2014) Page 1

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)) Questions or Comments

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Print this voucher for your records, If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

Contact Information

Name: Michael Garza

Company: City Of Coppell

Address: 255 E Parkway Blvd, Coppell, TX 75019

Phone: 972-304-7019

Voucher Number:

Trace Number:

Date:

Payment Method:

Amount:

Fee Type:

ePay Actor:

Actor Email:

IP:

210098

582EAo00167992

06/02/2014 10:24 AM

CC - Authorization 0000020341

\$100.00

General Permit Water Discharge Application

Michael Garza

mgarza@coppelltx.gov

65.122.106.126

Site Name: CITY OF COPPELL

Site Address: 255 PARKWAY BLVD,COPPELL, TX 75019

MICHAEL GARZA

255 PARKWAY BLVD,COPPELL, TX 75019

close |

Site Help | Disclaimer

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Last Modified 12/4/08

@ 2002 - 2008 Texas Commission on Environmental Quality

Policies | Accessibility | Helping Ourcustomers | TCEQ Homeland Security | Contact Us | Customersurvey

https://mmir3.tceq.toas.gov/epay/indexcfm?fuseaction=receipts.roucher_detail&userid=184819&prnt_id=16349&roucher_num_bû=210098 1t1

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 to the left of each item.

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

Operator name on NOI: City of Connell

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Program that were in the previous permit have been assessed and modified as necessary. New elements have been developed and implemented as necessary.

N/4, If newly regulated MS4.

MCM r: Public Education, Outreach, and Involvement

Page # (s) - Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

1. SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater.
2. Defines the goals and objectives of the program based on high-priority community-wide issues.
3. Identifies the target audiences.
4. Appropriate educational material is developed or used.
5. Education material is distributed.

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM.

Examples of possible BMPs include, but are not limited to, the following:

. Classroom Education. Use of media. Education/Outreach for Commercial Activities. Lawn and garden activities. Promotional giveaways. Water conservation practices for homeowners. Outreach programs tailored to specific communities and children. Stormwater educational materials
' Educational displays, pamphlets, booklets, and utility stuffers. Webpage. Storm drain stenciling. Speakers to community groups. Encouragement of proper lawn and garden care. Encouragement of low impact development. Support of pollution prevention for businesses

Assessment of elements:

TCEQ-20368 SWMP Cover Sheet (Effective 2/1/2010, Form rev. 04/2010) Page 1

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. Encouragement of water conservation practices. Encouragement of pet waste management. Stormwater hotlines

6. SWMP includes a program that complies with state and local public notice requirements.

7. May include using public input in the implementation of the program.

B. May include opportunities for citizen to participate in implementation of control measures.

l- æã41 g. Ensure the public easily can find information about the S\AtrMP.

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM.

Examples of possible BMPs include, but are not limited to, the following:

. Stakeholder meetings. Community hotline. Coordination with school groups/scouting. Listserver. Stream cleanup and monitoring. Adopt-A-Streamprograms. Incentives for businesses to participate, such as web links. Volunteer monitoring. WatershedOrganization. Storm drain stenciling programs. Advisory/partnercommittees. Mailing list development and use. Reforestationprograms. Wetland plantings. Coordinate volunteer programs.

S\ fMP includes measureable goals, and the method of measurement, for addressing stormwater quality

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (S) years from permit issuance date.

MCM z: Illicit Detection and Elimination

Page # (s) - Provide the page number (s) to the left of each item.

The S\AIMP includes the following required elements:

Requirements for all MS4s:

1. Description of program that will be used to detect, investigate and eliminate illicit discharges
2. MS4 map:
 - a. Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S.
 - b. Location and name of all surface waters receiving discharge from the MS4s outfalls.
 - c. Priorityareas, if applicable.
3. Methods for informing and training MS4 field staff.
4. Procedures for tracing the source of an illicit discharge.

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Procedures for removing the source of the illicit discharge.

Facilitate public reporting of illicit discharges of water quality impacts associated with discharges into or from the small MS4.

Procedures for responding to illicit discharges and spills.

Inspections in response to complaints.

I 35:361 Additional Requirements for Level 2, 3, and 4 small MS4s:

For Level 2, 3, and 4 small MS4, procedures to prevent and correct leaking on-site sewage disposal systems.

Additional Requirements for Level 3 and 4 small MS4s:

Follow-up investigation after the illicit discharge has been eliminated.

Additional Requirements for Level 4 small MS4s: 1. Procedures for identifying and creating a list of priority areas within the small

MS4s likely to have illicit discharges. 2. Implement a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4.

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM.

Examples of possible BMPs may include the following:

. List of non-stormwater discharges that will not be considered illicit. Procedures to address illegal dumping.

Hazardous materials disposal opportunities. Industrial/Business connections. Addressing wastewater connections to MS4. Addressing recreational sewage (boats/camping/etc.). System inspections. Dye testing. Recycling programs.

Informing public/employees/businesses of hazards associated with illicit

discharges. Identification of illicit discharges. Used oil collection centers. Public outreach and education programs regarding illicit discharges. Publicize and facilitate public reporting

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

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MCM 3: Construction Site Stormwater Runoff Control

Page # (s) - Provide the page number (s) to t

The SWMP includes the following required elements:

TCEQ-zo36B SWMP Cover Sheet (Effective r:lrglzorg, Fotm rev. o4loz/zo)Page 3

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Requirements for all MS4s:1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from construction once acre and greater (including larger common plan).2. 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.

3. Program requires construction site operators to implement erosion and sediment control - BMPs to minimize the discharge of pollutants.a. Program requires soil stabilization measures, and implementation of

BMPs to control pollutants from equipment and vehicle washing and other wash waters.b. Program requires operators to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials.c. Minimize the discharge of pollutants from spills and leaks. As an alternative, ensure that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXRr50000.

Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities.

Procedures for construction site plan review to consider water quality impacts.

Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law.

Procedures for receipt and consideration of information submitted by the public.

Procedures for MS4 staff training.

Additional Requirements for Level 3, and 4 small MS4s:

Includes an inventory of all permitted active construction sites greater than one acre or less than one acre if part of a larger common plan of development.

SWMP lists BMPs used to fulfill this MCM. Examples may include:. Requirement to comply with TPDES CGP.

Notification to discharger of responsibilities under TPDES CGP. Hire staff to review construction site plans. Provide a web page for public input on construction activities. Require overall construction site waste management. Perform site inspections and enforcement. Provide education and training for construction site operators. Notify dischargers of requirement to obtain TPDES permit coverage. Mechanism to prohibit discharges into MS4 where necessary SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

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TCEQ-20368 SWMP Cover Sheet (Effective 12/1/2019, Form rev. 04/01/20)Page 4

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MCM 4: Post-Construction Stormwater in New Development and

Page # (s) - Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

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Description of program that will be developed, implemented and enforced, to address stormwater runoff from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale.

Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects.

Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality.

4. Document and maintain records of enforcement actions.

5. Long-term operation and maintenance of post construction stormwater control measures is addressed.

6. Operation and maintenance is documented.

Additional Requirements for Level 4 small MS4s:

1. Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained.

2. Inspections are documented.

SWMP lists BMPs used to fulfill this MCM. Examples may include: Local ordinance in place or planned. Guidance document for developers to utilize. Specific BMPs established for particular watersheds. List of appropriate BMPs provided to operators. Elimination of curbs and gutters is encouraged. Zoning takes into account stormwater issues. Incentives for use of permeable choices, such as porous pavement. Requirements for wet ponds or other BMPs for certain size sites. Xeriscaping

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

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MCM s: Pollution Prevention and Good for Municipal Operations

- Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

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An operation and maintenance (O&M) program, including an employee training component, in place or scheduled, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Develop and maintain an inventory of the MS4's facilities and stormwater controls.

Inform or train staff involved in good housekeeping practices.

Waste from the MS4 is removed and properly disposed.

Contractors hired by the MS4 must be required to comply with operating procedures.

a. MS4 develop contractor oversight procedures.

MS4 evaluates O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, and right-of-way maintenance etc.a. MS4 identifies pollutants of concern that could be discharged from the

O&M activities.b. MS4s develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities.c. MS4s inspects pollution prevention measures at MS4 facilities. MS4 maintains structural controls.

Additional requirements for Level 3 and 4 small MS4s:

Storm sewer system O&M.a. MS4 develops and implements an O&M program to reduce the collection of pollutants in catch basins and other surface structures.

b. MS4 develops a list of potential problem areas for increased inspection (for example, areas with recurrent illegal dumping).

Implement an O&M program to reduce discharge of pollutants from roads that might include a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure.

MS4 map identify MS4 facilities and stormwater controls.

MS4 assess its facilities for their potential to discharge pollutants into stormwater.

a. The MS4 identifies high priority facilities that have a high potential to generate stormwater pollutants. At a minimum, facilities include the MS4s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharge in stormwater.

b. The MS4 documents the result of the assessments.

The MS4 develops stormwater management Standard Operation Procedures for high priority facilities.

The MS4 implements stormwater controls at high priority facilities that address:

- a. Goodhousekeeping

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b. De-icing and anti-icing storage. Fueling operations and vehicle maintenance. Equipment and vehicle washing
7. The MS4 develops and implements an inspection program that includes high priority facilities.

Additional requirements for Level 4 small MS4s:

MS4 has an application and management program for pesticides, herbicides, and

fertilizers that address:
a. Evaluating materials and activities used at public open spaces.
b. Implementing the following practices to minimize generating pollutants

related to landscaping.
i. Education for applicators and distributors
ii. Encouragement of non-chemical solutions for pest management

Development of schedules that minimize discharge of pollutants.

Ensuring collection and proper disposal of unused pesticides, herbicides, and fertilizers.

SWMP lists BMPs used to fulfill this MCM. Examples may include:
BMPs which address fleet vehicle maintenance/washing. BMPs which address parking lot and street cleaning. Catchbasin and storm drain system cleaning. Landscaping and lawn care (e.g. xeriscaping). Waste materials management. Road salt application and storage practices. Used oil recycling. Pest management practices. Fire training facilities. BMPs which address roadway and bridge maintenance. Golf course maintenance/waste disposal. Disposal of cigarette butts. Park maintenance (e.g., providing trash bags)

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

c.

d.

MCM 6: Industrial Stormwater Sources

Page # (s) - Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for Level 4 MS4 only:

Program to identify and control industrial stormwater sources that at least includes:

a. MS4 landfills, other treatment, storage, or disposal facilities for municipal waste, hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA).

b. Priorities and procedures for inspections and for implementing control measures for such discharges.

TCEQ-20368 SWMP Cover Sheet (Effective 01/03/2013, Form rev. 04/02/2010) Page 7

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Optional 7u'MCM: Municipal ConstructionActivities (only available within the regulated area where the MS₄ oerator meets the definition of construction site

Page # (s) - Provide the page number (s) to the left of each item.

If this MCM is applicable, the SWMP includes the following information:

1. Description of how construction activities will generallybe conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations.
2. 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).
3. 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.
4. Description provided for one of the following:
 - a. How contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (S₄VPg) requirements are properly impler4ented at the construction site(s); orb. How tlie MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed.
5. General description of how a construction SWP3 willbe developed for each construction site.
6. Records of municipal construction activities authorized under this optional MCM.

TCEQ-2o368 SWMP Cover Sheet (Effective elrg/zor3, Form rev. o+lozlzo)Page 8

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June 4, 2014

Mr. Michael Garza

City of Coppell

265 Parkway Boulevard

Coppell, TX 75109

RE: Stormwater Management Program

Dear Mr. Garza:

Nathan D. Maier Consulting Engineers, Inc. is pleased to have assisted the City of Coppell and the Northwest Dallas County Flood Control District with the preparation of their Stormwater Management Program (SWMP) in accordance with the renewed TPDES Small MS4 General Permit TXR04000 as required by the Texas Commission on Environmental Quality.

The attached SWMP contains the required five Minimum Control Measures (MCMs) and outlines the schedule of implementation over the five year period. The SWMP along with the Notice of Intent (NOI) will be submitted for coverage under the General Permit, which is included in Appendix E. This SWMP contains information to assist the City and the District in complying with the provisions of the General Permit and associated environmental regulations. The decisions on how to operate and meet the provisions of this SWMP rest solely with the City; however, the BMPs in MCM 5 are the responsibility of both the City and the District as specified in the SWMP.

NDM appreciates the opportunity to work with the City of Coppell and the Northwest Dallas County Flood Control District on this project.

Sincerely,

NATHAN D. MAIER

CONSULTING ENGINEERS, INC.

Jennifer M. LaFoy, P.E., CFM, ENV SP

Stormwater Management Program

Table of Contents

EXECUTIVE SUMMARY 1

1.0 PROGRAM DEVELOPMENT 2

1.1 Background and Introduction 2

1.2 Legal Authority 4

1.3 BMP Selection 5

1.4 Selection of Benchmark and Targeted Controls 7

1.5 Evaluation and Reporting Requirements 9

2.0 MINIMUM CONTROL MEASURES 10

2.1 Public Education, Outreach, and Involvement 10

2.1.1 Permit Requirement 10

2.1.2 Public Education, Outreach, and Involvement Programs and BMPs 11

2.1.3 Annual Reporting 12

2.2 Illicit Discharge Detection and Elimination 13

2.2.1 Regulatory Requirement 13

2.2.2 Illicit Discharge Detection and Elimination Programs and BMPs 15

2.2.3 Annual Reporting 17

2.3 Construction Site Stormwater Runoff Controls 18

2.3.1 Regulatory Requirement 18

2.3.2 Construction Site Stormwater Controls Programs and BMPs 19

2.3.3 Annual Reporting 20

2.4 Post Construction Stormwater Management for New Development/Redevelopment 22

2.4.1 Regulatory Requirement 22

2.4.2 Post Construction Stormwater Management for New Development/Redevelopment
Programs and BMPs 23

2.4.3 Annual Reporting 24

2.5 Pollution Prevention/Good Housekeeping for Municipal Operations 26

2.5.1 Regulatory Requirement 26

2.5.2 Municipal Operations and Facilities Covered Under the SWMP 28

2.5.3 Pollution Prevention/Good Housekeeping for Municipal Operations Programs and Best
Management Practices 29

2.5.4 Annual Reporting 30

2.6 Summary Tables of Best Management Practices and Targeted Controls 31

Appendix A Area of Involvement Map

Appendix B Storm Sewer Map

Appendix C Inter-local Agreement

Appendix D Resolution to Adopt the SWMP

Appendix E TPDES General Permit

Stormwater Management Program

EXECUTIVE SUMMARY

The City of Coppell has developed a Stormwater Management Program (SWMP) as required for coverage under the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 (see Appendix E). The original permit was issued on August 13, 2007, and the permit has been revised with a new issued date of December 13, 2013. This new permit supersedes and replaces the previous permit. The SWMP includes a listing of Best Management Practices (BMPs) that will be implemented by the City in order to achieve the regulatory standard of reducing pollutants in the City's stormwater to the "maximum extent practicable" (MEP). Existing City of Coppell stormwater programs and activities designed to protect the City's water quality will be supplemented with new BMP activities as needed. Measurable goals and an implementation schedule were developed for each of the BMPs in the SWMP. BMPs, measurable goals, and the implementation schedule were selected based upon their ability to meet specific permit requirements and to reduce pollutants in the City's stormwater to the maximum extent practicable. They were also selected based upon a general assessment of BMP effectiveness, applicability to the City of Coppell, and costs associated with implementation of the BMPs. Effectiveness of the selected BMPs and success in achieving the selected measurable goals will continue to be reviewed annually. This SWMP, dated May 2014, revises the provisions of the former Stormwater Management Program, dated February 2008. Revisions were made to meet new permit requirements, and changes were made based on the implementation process of BMPs during the previous permit term.

1.0 PROGRAM DEVELOPMENT

1.1 BACKGROUND AND INTRODUCTION

The City of Coppell was incorporated in 1955. It covers 14.7 square miles and is located at Latitude 32° 58' 10" and Longitude 96° 59' 35". The topography is relatively flat with ground elevations ranging from approximately 420 feet above mean sea level to 550 feet above mean sea level. As seen in the Area of Involvement Map located in Appendix A, the City contains three major tributaries that ultimately drain into the Elm Fork of the Trinity River along the eastern City limits. Approximately 5.4 square miles of the City is drained by Grapevine Creek, and approximately 7.9 square miles of the City is drained by Denton Creek, including 2.8 square miles drained by Cottonwood Branch, a major tributary of Denton Creek. The remaining 1.7 square miles drain directly into the Elm Fork of the Trinity River.

The Northwest Dallas County Flood Control District (NDCFCD), the Denton County Levee Improvement District No. 1, and the Irving Flood Control District are all located within the City limits. The Northwest Dallas County Flood Control District contains approximately 610 acres and is located fully within the City limits of Coppell as shown on the map in Appendix A. The Denton County Levee Improvement District No. 1 contains approximately 940 acres, with roughly 60 acres located in the City of Coppell. These Districts were created to provide flood protection to the area to allow for development of property within the District and to guide the necessary maintenance in the floodplain.

According to the 2010 U.S. Census Bureau urbanized area map, all of the City is within the designated Denton-Lewisville Urbanized Area. The City is required to submit a Stormwater Management Program (SWMP) in accordance with Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code. The Northwest Dallas County Flood Control District (NDCFCD) boundaries are located fully within the Coppell city limits. The NDCFCD is also required to submit a SWMP that covers the floodplain and drainage areas under its control. The SWMP encompasses all areas of the City and the NDCFCD.

On August 13th, 2007, the Texas Commission on Environmental Quality (TCEQ) issued TPDES General Permit No. TXR040000 under the Texas Pollutant Discharge Elimination System (TPDES). The permit has been revised with a new issued date of December 13, 2013 (See Appendix E). This new permit supersedes and replaces the previous permit. The permit authorizes Small Municipal Separate Storm Sewer Systems (MS4s) and MS4s located in an urbanized area, to discharge stormwater and certain non-stormwater discharges from their storm sewer system. The new permit divides MS4 operators into four levels based on population served within the 2010 urbanized area. The City of Coppell is designated as a Level 2 Small MS4 located in an urbanized area. As such, the City and the NDCFCD each have the option of applying for coverage under the TCEQ's General Permit or applying for an individual permit. In order to obtain coverage under the General Permit, the City and the NDCFCD must submit an application that consists of a Notice of Intent (NOI) and a SWMP. The City and District must submit individual NOIs but have the option of partnering in development, implementation and submittal of a joint SWMP. The City

and the NDCFCD have agreed to joint development of the SWMP. A copy of the Inter-local

Stormwater Management Program

Agreement between the City of Coppell and the NDCFCD outlining the shared and individual responsibilities of the implementation of this plan is located in Appendix C.

This document outlines the City of Coppell and the NDCFCD's program to develop, implement, and enforce the SWMP. The program is designed to prevent pollution in stormwater to the maximum extent practicable and effectively prohibit illicit discharges to the system. The effective SWMP addresses the five Minimum Control Measures (MCMs) as required by the TCEQ Phase II program. The City researched existing ordinances, guidance manuals, materials, best management practices (BMPs), and current programs, and participated in the North Central Texas Council of Governments (NCTCOG) stormwater workshops during 2001 and 2002 prior to selecting the BMPs for the initial program. The City evaluated the BMPs selected for the initial SWMP to determine the most applicable, effective, and cost-effective BMPs for the new SWMP. The City has adapted or replaced BMPs that have been problematic or ineffective in the past, as indicated in the annual reports submitted to the TCEQ. Additional BMPs, called Targeted Controls, have been added to address the concern of bacteria impairment of the Trinity River watershed. The BMPs have been re-categorized and renumbered to match the new minimum control measures (MCMs) as specified by the TCEQ in the TPDES General Permit. The BMPs and measurable goals were selected based on the City's ability to effectively implement them in a way that is consistent with the City's needs, resources, and circumstances.

Stormwater Management Program

1.2 LEGAL AUTHORITY

The Coppell City Council adopted the initial SWMP through a resolution on January 22, 2008.

The Coppell City Council adopted this current SWMP through a resolution on May 27, 2014. A copy of the resolution is located in Appendix D.

The City of Coppell manages runoff issues through an ordinance to authorize a stormwater management program. The City, through adoption of Ordinance 2004-1070 has established a municipal drainage system and a schedule of charges for all real property. Fees collected from the utility charges are used to pay for, and fully implement this SWMP. The City, through adoption Article 15, Chapter 15-15 of Ordinance 2012-1312 has regulated discharges into the Municipal Separate Storm Sewer System (MS4) and surface water within the City of Coppell, Texas. Entitled "Stormwater Quality Management and Illicit Discharge Code", Article 15-15 is in compliance with TCEQ Rules and Regulations for MS4s, and will be enforced as such.

Stormwater Management Program

1.3 BMP SELECTION

The TPDES General Permit issued by the TCEQ on December 13th of 2013 lists five (5) required Minimum Control Measures (MCMs) to be implemented by the owner and operator of a Level 2 Small MS4. The MCMs are as follows:

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

The program outlines the Minimum Control Measures to prevent stormwater pollution as required by the TPDES General Permit. The program details the existing Best Management Practices (BMPs) currently implemented by the City of Coppell and details the future enhancement of the existing BMPs and the resulting measurable goals that can be achieved, which will lead to reductions in pollutants discharged to the storm sewer system.

A summary table of the implementation of each Minimum Control Measure (MCM) and associated BMP is located in Section 2.6 of the SWMP, following the descriptions of each MCM in Sections 2.1-2.5. The tables outline the implementation schedule over the 5-year permit term. Unless otherwise specified, the implementation schedule is to be completed by December 31st of each permit year.

Section 2.0 addresses the following Permit Requirements for the SWMP pertaining to each MCM:

The existing BMPs currently implemented by the City of Coppell.

Details of existing BMPs and/or the addition of one or more BMPs, denoted by a plus sign (+).

Identifies the Targeted Controls (bacteria-focused BMPs) that aim to reduce bacteria loading in surface waters, denoted by an asterisk (*). Targeted Controls BMPs are described in Table 7.

Measurable goals for each BMP.

The responsible City Department and/or personnel responsible for implementation.

A schedule for the implementation of the BMPs of the 5-year term of the permit.

Summary of information to be included in the SWMP Annual Report.

Key City of Coppell ordinances and guidance that may be affected by the Stormwater Management Program are:

Subdivision Ordinance (Ordinance No. 94643)

Erosion and Sedimentation Control Code Ordinance (Ordinance No. 91514)

Comprehensive Zoning Ordinance (Ordinance No. 91500)

Storm Drainage Design Criteria (Referred to in Ordinance No. 94643)

Standard Construction Details Code (Ordinance No. 94646)

Floodplain Management Ordinance (Ordinance No. 2001-952)

Stormwater Quality Management and Illicit Discharge Code (Ordinance No. 2012-1312)

City of Coppell Page 6 May 2014
Stormwater Management Program

The above referenced ordinances and guidance may need revising to address elements of the new Stormwater Management Program.

Stormwater Management Program

1.4 SELECTION OF BENCHMARK AND TARGETED CONTROLS

In 2006, the Texas Commission on Environmental Quality (TCEQ) first identified that a total maximum daily load (TMDL) was necessary for Cottonwood Branch within the City of Irving and Grapevine Creek within the City of Coppell, where concentrations of indicator bacteria exceeded the criteria used to evaluate attainment of the contact recreation use. The impairments were included in the 2006 version of the Texas Water Quality Inventory and 303(d) List. Grapevine Creek (Segment 0822B) is an urban creek, running through the City of Coppell, and is a tributary to the Elm Fork Trinity River south of Lake Lewisville. The Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region (commonly known as the Implementation Plan or I-Plan), approved by the TCEQ on December 11, 2013, describes the steps watershed stakeholders and the TCEQ will take toward achieving pollutant reductions in these surface waters. Some BMPs incorporate the Implementation Strategies described in the I-Plan.

The City of Coppell is located within the watershed for Grapevine Creek (Segment 0822B_01), which is an impaired water body with a Total Maximum Daily Load (TMDL) associated with it for bacteria. Because of this, the City must meet requirements in Part II.D.4 of the general permit for "Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements". A benchmark must be determined along with targeted controls to address implementation towards reducing bacteria levels.

"Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region" was developed to address steps toward reducing bacteria levels within the Trinity River Region. This implementation plan (I-Plan) was approved by the TCEQ on December 11, 2013, and addresses implementation strategies for reducing bacteria levels in the watershed.

The City of Coppell is located in Assessment Unit 0822B_01. The location of the City of Coppell and the known bacterial threats posed to Grapevine Creek were taken into account for the determination of BMPs included in this SWMP.

The TCEQ determines whether water quality in a water body meets the primary contact recreation use by measuring the levels of indicator bacteria. E. coli are the preferred indicator bacteria for assessment for recreational use in fresh water and were used for analysis to support total maximum daily load (TMDL) development on water bodies in the Greater Trinity River region.

In accordance with the general permit requirements, a benchmark must be determined. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutant of concern in stormwater discharges from the MS4 to the maximum extent practicable. The benchmark is intended to be a guideline for evaluating progress towards reducing pollutant discharges.

The City has elected to use the Waste Load Allocations (WLA) identified in the I-Plan as shown

in Table 1 to determine a benchmark. All loads are expressed as billion MPN/day, where MPN represents the most probable number.

Stormwater Management Program

Table 1. TMDL Allocations for the Impaired Assessment Unit within Coppell, Texas

| Assessment Unit Segment Name | TMDL | WLA | WWTF ^a | WLASW ^b | LAUSL ^c | MOS ^d | FG ^e |
|------------------------------|--------|------|-------------------|--------------------|--------------------|------------------|-----------------|
| 0822B_01 Grapevine Creek | 196.22 | 0.00 | 157.60 | 28.34 | 9.81 | 0.46 | |

^aWLA^{WWTF} = waste load allocation for wastewater treatment facilities

^bWLASW = waste load allocation for permitted stormwater

^cLAUSL = upstream load application entering the assessment unit

^dMOS = Margin of safety load

^eFG = future growth loads

The waste load allocation for permitted stormwater (WLASW) will serve as the benchmark for each stream. The benchmark for Grapevine Creek is 157.60 MPN/day.

The City must also identify an assessment plan to monitor progress as well as Targeted Controls as a part of the SWMP. Targeted controls are BMPs with measurable goals focused specifically on bacteria as the pollutant of concern.

Stormwater Management Program

1.5 EVALUATION AND REPORTING REQUIREMENTS

The selected measurable goals for each BMP will be evaluated on an annual basis and documented in the annual report. The City has elected to use the calendar year for the annual reporting year.

The City of Coppell, in association with the NDCFCD, will submit a concise annual report for each year. The report will include the status of compliance with the permit conditions, an assessment of the appropriateness of the BMPs and progress towards achieving the measurable goals for each of the minimum control measures.

Progress toward the selected TMDL benchmark will also be evaluated on an annual basis. A qualitative approach will be used by the City to evaluate program implementation measures on an annual basis. The City will assess progress by using program implementation indicators that could include evaluations such as:

- Number of sources identified or eliminated
- Decrease in number of illegal dumping
- Increase in illegal dumping reporting
- Number of educational opportunities conducted
- Reductions in sanitary sewer overflows (SSOs)
- Increase in illegal discharge detection through dry screening

If no progress towards the benchmark either from program implementation or water quality assessments is observed by the end of the third year from the effective date of the permit, the City will need to identify alternative focused BMPs to address new or increased efforts towards the benchmark. If appropriate, the City will develop a new approach to identify the most significant sources of bacteria and will develop alternative focused BMPs for those.

Stormwater Management Program

2.0 MINIMUM CONTROL MEASURES

2.1 PUBLIC EDUCATION, OUTREACH, AND INVOLVEMENT

2.1.1 Permit Requirement

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

a) Public Education and Outreach

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

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

The program must, at a minimum:

- (a) Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);
- (b) Identify the target audience(s);
- (c) Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;
- (d) Determine cost effective and practical methods and procedures for distribution of materials.

2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.

3) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

4) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

b) Public Involvement

All permittees shall involve the public, and, at a minimum, comply with any state and local

Stormwater Management Program

public notice requirements in the planning and implementation activities related to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

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

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

2.1.2 Public Education, Outreach, and Involvement Programs and BMPs

The goals and objectives of this MCM are to educate the residents of the City of Coppell through educational and outreach programs, and explain how residents can be involved in the efforts of this stormwater management program. The City is currently providing public education, outreach, and involvement programs associated with stormwater issues to residents in the following ways:

The public was invited to participate in the development of the initial SWMP. An article detailing the SWMP was posted on the City of Coppell webpage in November 2002. The article informed readers about the upcoming regulations and the original six minimum and one optional control measures. The SWMP was presented to the City Council during the work session on January 8, 2008. The finalized SWMP was presented to the City Council on January 22, 2008 and adopted by the City. Both meetings were open to the public and provided an opportunity to discuss various viewpoints and provide input concerning appropriate stormwater management policies and BMPs. The new finalized SWMP was presented to the City Council on May 27, 2014 and adopted by the City.

The City implements BMPs that target homeowners, community businesses, and the general public. The ultimate goal of educational BMPs is to raise citizen awareness of common daily activities, such as illegal dumping and yard care, which can adversely impact water quality and to prevent those seemingly harmless activities from becoming causes of water pollution. To comply with the requirements of the TPDES General Permit, each BMP will have associated Measurable Goals. Each BMP will have oversight of the appropriate City Staff and the measurable goals will

be documented and included in the SWMP Annual Report.

Stormwater Management Program

The public will be included in continued development, review, and implementation of the SWMP. The City of Coppell implements BMPs that promote public education, outreach, and involvement. The list of Best Management Practices, BMP Description, Person Responsible for the BMP, Implementation Schedule, and Measurable Goals are available in Table 2.

2.1.3 Annual Reporting

The City of Coppell will document all of the SWMP activities pertaining to Public Education, Outreach, and Involvement. Documentation will be placed in the SWMP Annual Report and will include, but may not be limited to the following items:

Documentation of announcements, agendas and handouts from the Texas SmartScape classes.

Visitor counts for the Coppell Community Gardens.

Documentation from the "Keep Coppell Beautiful Committee" meetings.

Documentation of stormwater related faxes and information associated with the information hotline, as well as written transcripts of any stormwater related messages left by callers.

Count of the number of storm drain markers placed on residential inlets.

Documentation of the City Desk Newsletters containing stormwater information.

Summary of the Web Page containing stormwater information.

Documentation of announcements, agendas and minutes from all public hearings and meetings pertaining to stormwater management.

Summary of the web page showing posting of the SWMP and Annual Report.

Documentation of any written comments or input from the Public pertaining to stormwater management along with documentation of the City Staff's response.

Documentation of review of bacteria-specific public education materials.

2.2 ILLICIT DISCHARGE DETECTION AND ELIMINATION

2.2.1 Regulatory Requirement

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

(a) Program Development

(1) All permittees shall develop, implement and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system. Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. See also Part III.A.1(c). The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

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

(2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ regional office of the possible illicit connection.

(3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).

(4) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

Stormwater Management Program

(b) Allowable Non-Stormwater Discharges

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

(c) Requirements for all Permittees

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

(1) MS4 mapping

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

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

(2) Education and Training

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

(3) Public Reporting of Illicit Discharges and Spills

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

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

(5) Source Investigation and Elimination

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

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

(ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health

or the environment.

(iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

Stormwater Management Program

b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee’s boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ’s Field Operation Support Division according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

(i) If and when the source of the illicit discharge has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.

(6) Inspections – The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

2.2.2 Illicit Discharge Detection and Elimination Programs and BMPs

Enforcement: Coppell relies on the following ordinances as legal authority to prevent spills, dumping, or disposal of materials on the roadways and on public and private property, which includes the storm sewer and drainage systems:

1. It shall be unlawful for any person to deposit garbage, trash, rubbish, discarded building materials, waste from building sites, stagnant water or dead animals upon or along any drain, gutter, alley, sidewalk, street, or vacant lot, or upon any public or private premises within the corporate limits of the city. It is unlawful for any person owning or being in charge of property within the city to allow such property to be used as a landfill without express authority from the city council and the issuance of a permit by the City. This provision does not, however, apply to the use of fill composed of dirt, sand and gravel (Ord. No. 92559: Anti-Litter Regulations).

2. It shall be unlawful for any person while driving or a passenger in a vehicle to throw or deposit inorganic trash, garbage or rubbish of any kind upon any street, street right-of-way, or other public place within the city or upon private property. Any person who drops or permits to be dropped or thrown upon any street any trash, rubbish or injurious metal material shall immediately remove the same or cause it to be removed (Ord. No. 92559: Anti-Litter Regulations).

3. It shall be unlawful for any person to drive or move any truck or other vehicle within the city, unless such vehicle, is so constructed or loaded so as to prevent any load contents, including trash, rubbish or garbage from being blown or deposited upon any street, street right-of-way, alley, or any other public or private property within the city. (Ord. No. 92559: Anti-Litter Regulations)

4. It shall be considered a public nuisance and shall be unlawful to permit or allow an

animal to defecate upon private or public property other than the property of the owner of said animal; and to fail to remove and dispose of in a sanitary manner any feces left by such animal (Ord. No. 95687: Animal Services).

5. Unless authorized by the Texas Commission on Environmental Quality (TCEQ), no person shall deposit or discharge any waste on public or private property into or adjacent to any natural outlet, watercourse, storm sewer, or any other area within the jurisdiction of the City of Coppell (Ord. No. 95698: Industrial Waste and Sewer Use Regulations).

6. The City of Coppell will establish a schedule of drainage charges against all real property in the city subject to charges under Sections 402.041, et seq. of Subchapter C of Chapter 402 of the TEXAS LOCAL GOVERNMENT CODE. The City will provide drainage for all real property within the city on payment of drainage charges, except such real property which may be exempted therefrom as authorized by law. The City will offer such drainage service on nondiscriminatory, reasonable and equitable terms (Ord. No. 2004-1070: Municipal Drainage Utility Systems).

7. The City of Coppell shall comply with, enforce, and adopt all applicable Federal regulations pertaining to stormwater discharges from regulated small MS4's. The ordinance is in compliance with all applicable Federal laws including the Clean Water act and the National Pollutant Discharge Elimination System (NPDES) regulations, and all Texas Pollutant Discharge Elimination System (TPDES) permits and requirements which control discharges of pollutants to surface waters (Ord. No. 2012-1312: Stormwater Quality Management and Illicit Discharge Code).

The Engineering Department, Environmental Health Division, Building Inspections Department, and the Police Department enforce the above mentioned laws and ordinances that protect the stormwater drainage systems from spills and illegal dumping.

Detection and Elimination: The City currently uses the preventive practices of thorough inspection and verification during the entire construction phase to try and avoid the need for more extensive detection of illicit connections. The Environmental Health Division and/or the Building Inspections Department respond to reports of illicit connections at the time they are reported.

Allowable Non-Stormwater Discharges: The City of Coppell understands that there are allowable non-stormwater discharges that enter the storm sewer and drainage systems. At present, the City will only allow the non- stormwater discharges listed in Part II.C of the TPDES General Permit (copy located in Appendix E) to be excluded as an illicit discharge. Any other non-stormwater discharge will be considered for exclusion as an illicit discharge on a case-by-case basis.

Storm Sewer Map: The Engineering Department has mapped the existing storm sewer and roadway systems in a GIS format from as-built construction plans and City records. Approximately 88 miles of storm sewer pipe that are owned and maintained by the City of Coppell and the NDCFCD are currently mapped. The GIS map attributes include the location, length, size, age, and type of material of the pipes and the location, size and type of the inlet structures.

The City of Coppell implements BMPs that promote illicit discharge detection and elimination. The list of Best Management Practices, BMP Description, Person Responsible for the BMP, Implementation Schedule, and Measurable Goals are available in Table 3.

2.2.3 Annual Reporting

The City of Coppell will document all of the SWMP activities pertaining to Illicit Discharge Detection and Elimination. Documentation will be placed in the SWMP Annual Report and will include, but may not be limited to the following items:

- Documentation of any completed and submitted Water Quality Observation Cards.

- Documentation of any Ordinance or Ordinance Revisions regarding enforcement of stormwater issues.

- Documentation of any corrective actions taken by the City of remove illicit connections and discontinue illicit discharges

- Documentation of any public records regarding enforcement actions required to remove illicit connections and discontinue illicit discharges.

- Documentation and description of any non listed allowable non-storm water discharge that was considered and accepted on a case-by-case basis.

- General descriptions of modifications and updates to the storm sewer map.

- Documentation of citizen complaints received and addressed through the hotline, and the number of corrective actions taken.

Stormwater Management Program

2.3 CONSTRUCTION SITE STORMWATER RUNOFF CONTROLS

2.3.1 Regulatory Requirement

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

(a) Requirements and Control Measures

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

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

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

(b) Requirements for all Permittees

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

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.

(2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.

a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.

b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative

stabilization measures must be employed as specified by the permittee.

Stormwater Management Program

c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:

(i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

(ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

(iii) Minimize the discharge of pollutants from spills and leaks.

d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

2.3.2 Construction Site Stormwater Controls Programs and BMPs

Coppell enforces the following ordinances to reduce pollutants in any stormwater runoff to the storm sewer system from construction activities:

1. The City of Coppell has adopted Ordinance No. 91514, an Erosion and Sedimentation Control Code to reduce erosion and sedimentation from private property onto public places and public right-of-way. The code applies to any person, firm, corporation or business proposing to develop land or improve property within the City. It requires the developers to submit a plan that contains structural and operational BMPs and all other measures to reduce sedimentation in streams, waterways, storm drains, etc., protect the quality of water in Coppell, and provide for restoration of sites to reduce the negative environmental impacts of construction. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. In addition, the plan must be submitted to the City Engineer for approval prior to the commencement of construction and must be included in the engineering construction plans. Stormwater controls are included in City inspections and noncompliance can be a cause for the City to issue a stop work order until the situation is remedied. The developer must provide a surety to the City to ensure that vegetative cover and other permanent erosion control measures are installed, maintained, and functioning properly for up to a two year period from the date of final acceptance. Any person found guilty of violating any of the provisions of the Code are subject to fines.

2. Ordinance No. 92559, Anti-Litter Regulations, declares it unlawful for the owner of the property, the developer of the property, the contractor and the franchise utility to allow litter, spillage, or tracking of dirt or other construction related material to occur through

Stormwater Management Program

the transportation of construction/related trucks to and from construction sites anywhere within the city limits of City of Coppell. If a litter-free construction area has not been maintained, and a warning by the proper City official has been given, the violator shall have until 5:00 p.m. the day of the warning to address the problem. If no action is forthcoming, a citation shall be issued. Each construction site shall contain a trash bin that will contain a minimum of 216 cubic feet of trash.

3. Ordinance No. 91500-A-203 contains The Tree Preservation Requirements of the Comprehensive Zoning Ordinance provided for greater tree preservation and protection. Established trees provide important erosion control along drainage ways. The ordinance establishes rules and regulations governing the protection and preservation of established trees growing within the City, and regulates the removal and replanting of trees during development, construction and redevelopment. A tree removal permit is required when removal is deemed necessary. Assistance is provided to property owners, developers, and builders in understanding proper guidelines, methods, and regulations of tree preservation and protection within the city. The City Manager or his designee issues a notice of violation to persons firms, and corporations failing to comply with provisions of the ordinance which are adjudicated through the municipal court system.

The Planning, and Parks and Recreation Departments, as part of the DRC, review all private plans for compliance with the Tree Preservation Requirements. The Engineering Department, as part of the DRC, reviews all public and private construction plans for compliance with the erosion and sedimentation and litter control ordinances. They also review the plans with regard to potential water quality impacts. This department reviews and approves the civil plans and issues development permits for new construction. A pre-construction meeting is required for all public and private projects. The engineering inspector with responsibility for construction inspection of the project conducts the meeting and outlines sediment and erosion control requirements to the developer and the contractor. The frequency of inspections is based on construction activity at the site, or in response to observations by City staff or citizen complaints.

The City of Coppell implements BMPs that promote construction site stormwater runoff control. The list of Best Management Practices, BMP Description, Person Responsible for the BMP, Implementation Schedule, and Measurable Goals are available in Table 4.

2.3.3 Annual Reporting

The City of Coppell will document all of the SWMP activities pertaining to Construction Site Stormwater Runoff Control. Documentation will be placed in the SWMP Annual Report and will include, but may not be limited to the following items:

Documentation of proposed and/or adopted Ordinances or amended ordinances that impact construction runoff control.

Procedures for review of contractor stormwater BMPs.

Documentation of construction site visits.

Documentation of enforcement actions or stop-work notifications issued to contractors.

City of Coppell Page 21 May 2014

Stormwater Management Program

Documentation of any citizen or public complaints related to construction site runoff.

Documentation of any illicit discharges.

Documentation of excessive discharges of pollution from spills and/or leaks.

Documentation of annual MS4 training program.

Stormwater Management Program

2.4 POST CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT/REDEVELOPMENT

2.4.1 Regulatory Requirement

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

(a) Post-Construction Stormwater Management Program

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

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

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

(b) Requirements for all Permittees

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

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.

(2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures All

permittees shall, to the extent allowable under state, federal, and local law, ensure the long-

Stormwater Management Program

term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

- a. Maintenance performed by the permittee. See Part III.B.5

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

2.4.2 Post Construction Stormwater Management for New Development/Redevelopment Programs and BMPs

Coppell relies on the following ordinances as legal authority to address stormwater runoff from new development and redevelopment:

1. Ordinance 2001-952: The Floodplain Management Ordinance to provide for the comprehensive management of floodplain in the city limits. The Floodplain Administrator administers the ordinance and enforces improvements to local drainage within new developments to control increased runoff that might increase the danger of flood hazards to user or other properties adjacent to, downstream, or upstream of the development. This includes the use of detention basins to limit runoff to predevelopment levels. A Flood Plain Permit is required for all new construction, development, and encroachments within the floodplain. The permit requires that hydrologic and hydraulic analyses clearly defining existing conditions, proposed conditions and impacts of the project, including work maps and stream profiles upstream and downstream of the site for sufficient distances be provided. A narrative or plan must be provided that depicts temporary and permanent erosion controls to protect disturbed and post-development floodplain over bank or channel areas and minimize long-term flood-related erosion. Violation of the provisions of this ordinance by failure to comply with any of its requirements shall constitute a misdemeanor and be subject to a fine.

2. Ordinance 94643: The Subdivision Ordinance prescribes rules and regulations governing plats and subdivisions of land within the corporate limits. Drainage and storm sewer systems shall be designed and constructed in conformance with the provisions of the "Design Manual for Storm Drainage Facilities" published by the City of Dallas and related City of Coppell ordinances. Natural creeks may remain in open natural condition or excavated channels may be constructed provided they meet all necessary design criteria. The excavated channel must be landscaped so as to conform to the minimum standard

established in the approved Streetscape Plan. Creeks or excavated channels with slopes steeper than 4:1 must be maintained by a maintenance entity other than individual lot owners. This area of the floodway may be provided to the City as a park or floodway

Stormwater Management Program

management area. Lakes, detention ponds and retention ponds may be constructed in all areas provided they meet all necessary design criteria and are approved by the City Engineer. The ordinance provides for community parks as a function of subdivision development in the City. Each subdivision plat must dedicate one acre for each 100 proposed dwelling units. If fewer than 100 units are proposed, the developer is required to pay cash in lieu of dedication of land. The Streetscape Plan provides for landscaping in setbacks, medians, entries, and at other special street conditions in Coppell.

3. Ordinance No. 91599-A-30, Ordinance No. 91500-A-105, and Ordinance No. 91500- A-276 under the Landscape Regulations of the Comprehensive Zoning Ordinance establish certain regulations pertaining to landscaping. A minimum of 10% of the area utilized for off-street parking and loading must be devoted to living landscaping, a minimum of one tree must be planted for each 400 square feet, and planting islands must be in an amount not less than 12% of the parking spaces. A landscape buffer must be provided along all property lines. A 15-foot buffer is required along public streets and a 10-foot buffer is required along an alley. One tree is required every 50 linear feet. In all non-residential zoning districts, there shall be an area devoted to feature landscaping. The size of that area must be at least 15% of that portion of the lot not covered by a building or by building features. Prior to issuance of a certificate of occupancy for any building or structure, all screening and landscaping must be in place in accordance with the landscape plan.

4. The City has adopted the Parks and Recreation Open Space Master Plan. The purpose of this master plan is to provide a guide for the orderly future development of Coppell's park and recreation system. It provides for the preservation of open space within the City.

The Planning, Engineering, and Parks and Recreation Departments and the Floodplain Administrator, as part of the DRC, review all private plans to ensure compliance with the above-mentioned ordinances and guidance documents.

The City of Coppell implements BMPs that promote post-construction stormwater management for new development and redevelopment programs. The list of Best Management Practices, BMP Description, Person Responsible for the BMP, Implementation Schedule, and Measurable Goals are available in Table 5.

2.4.3 Annual Reporting

The City of Coppell will document all of the SWMP activities pertaining Post Construction Stormwater Management for New Development/Redevelopment. Documentation will be placed in the SWMP Annual Report and will include, but may not be limited to the following items:

Document proposed and adopted ordinance amendments.

Document plan review and inspection procedures.

Document compliance and non-compliance with new maintenance plan after it has been enforced.

City of Coppell Page 25 May 2014

Stormwater Management Program

Document non-compliance with required inclusion of structural and non-structural BMPs which protect water quality.

Document and maintain records of enforcement action.

Stormwater Management Program

2.5 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

2.5.1 Regulatory Requirement

Specific Requirements as stated in the General Permit for Level 2 Small MS4s:

(a) Program development

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

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

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

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

- a. Composting facilities;
- b. Equipment storage and maintenance facilities;
- c. Fuel storage facilities;
- d. Hazardous waste disposal facilities;
- e. Hazardous waste handling and transfer facilities;
- f. Incinerators;
- g. Landfills;
- h. Materials storage yards;
- i. Pesticide storage facilities;
- j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
- k. Parking lots;

- l. Golf courses;
- m. Swimming pools;
- n. Public works yards;

Stormwater Management Program

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

(2) Training and Education

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

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

(4) Contractor Requirements and Oversight

a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility specific stormwater management operating procedures described in Parts III B.5.(2)-(6).

b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

a. Assessment of permittee-owned operations

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

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

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

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

- (i) Replacing materials and chemicals with more environmentally benign materials or methods;
- (ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and
- (iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the permittee and consistent with maintaining the effectiveness of the BMP.

2.5.2 Municipal Operations and Facilities Covered Under the SWMP

The City of Coppell performs the following operations that are impacted and covered by this SWMP:

1. Park and open space maintenance;
2. Street, road, or highway maintenance;
3. Fleet and building maintenance;
4. Stormwater system maintenance;
5. New construction and land disturbances;
6. Water distribution;
7. Wastewater collection;
8. Emergency operations (police, fire, EMS).

Andy Brown Park West 363 N. Denton Tap
MacArthur Park 400 S MacArthur Blvd
Wagon Wheel 345 Freeport Parkway

The NDCFCD will implement BMPs for pollution prevention/good housekeeping as applicable within the District. The District does not own any equipment, and any storm drain facilities located beyond the property limits of the District are the responsibility of others. The District's facilities and infrastructure consist of a series of sumps, outfall structures, and intake structures. These are maintained as needed.

2.5.3 Pollution Prevention/Good Housekeeping for Municipal Operations Programs and Best Management Practices

The City of Coppell implements BMPs that promote pollution prevention and good housekeeping measures for municipal operations. The list of Best Management Practices, BMP Description,

Stormwater Management Program

Person Responsible for the BMP, Implementation Schedule, and Measurable Goals are available in Table 6.

2.5.4 Annual Reporting

The City of Coppell will document all of the SWMP activities pertaining to Pollution Prevention/Good Housekeeping. Documentation will be placed in the SWMP Annual Report and will include, but may not be limited to the following items:

- Listing of municipal facilities and operations that may contribute significant pollutants to the stormwater system.

- Listing of existing pollution prevention structural controls, maintenance activities, maintenance schedules and long-term inspection procedures.

- Documentation of any cleaning and maintenance of structural controls.

- Documentation of employee training.

- Documentation contractors not in compliance with required operating procedures.

Following the end of each permit year, the NDCFCD will provide the annual status review along with any other relevant information such as, but not limited to, responses to any issues raised related to District facilities and maintenance activities performed. This information will be provide to the City by February 1 of each year so that the City can complete the annual report to submit to the TCEQ.

2.6 SUMMARY TABLES OF BEST MANAGEMENT PRACTICES AND TARGETED CONTROLS

32

Unless otherwise specified, Implementation Schedule to be completed by December 31 of each permit year.

* Asterisk indicates TMDL-specific BMPs. See Table 6 for Summary of Targeted Controls.

+ Plus sign indicates new BMP.

Table 2 - Minimum Control Measure 1: Public Education, Outreach, and Involvement

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

BMP 1.1

Texas SmartScape

Classes

The Community Programs Supervisor (a TCEQ Yard Wise Coordinator) teaches two classes per year on Texas SmartScape. Local landscape companies are requested to send crews to learn about lawn and garden activities to reduce the impact to stormwater. The Texas SmartScape compact disc (CD) is also available to residents. Residents are informed of the classes and CD through media coverage, recreation program guides, the City Desk, the local cable channel, and the website.

Community

Programs

Supervisor

Year 1 - 5 Hold two classes per year on Texas SmartScape.

Document the number of attendees at each event.

BMP 1.2

Community

Organic Recycling

Education (CORE)

Program

The Community Programs Office manages a Community Organic Recycling Education (CORE) program which sponsors programs on composting, lawn and garden activities, and proper organic recycling methods. CORE has a page on the City's website.

Community

Programs

Supervisor

Year 1 - 5 Document number of programs sponsored by CORE each year.

Document number of participants at each event.

Update CORE's webpage as necessary.

BMP 1.3

Coppell

Community

Gardens

There are two Coppell Community Gardens that offer continuing education on composting, organic gardening, and proper pesticide management methods. The gardens have approximately 1,000 visitors per year.

Community

Programs

Supervisor

Year 1 - 5 Document each educational event and the number of attendees at each event.

BMP 1.4

City Hotline

The Community Programs Office coordinates information for the City's 24-hour telephone information line. Information related to stormwater discharges includes recycling, the Community Gardens, street sweeping, and drainage maintenance. The City has the capability to fax related documents and information, and receives citizen response and request for services messages. Residents and businesses are informed of the hotline through the available brochure and the City's website.

Community

Programs

Supervisor

Year 1 - 5 Document stormwater-related calls and responses.

Year 2 Add hotline phone number to the Stormwater Management page on the City website.

*BMP 1.5

Removal and

Proper Disposal of

Animal Feces

The Parks and Recreation Department posts ordinance signs associated with the removal and proper disposal of animal feces in the City's public parks.

Parks and

Recreation

Department

Year 1 - 5 Maintain ordinance signs.

Document number of complaints regarding animal feces in public parks.

BMP 1.6

Storm Drain

Labeling

The City is a participant in the voluntary cooperative purchase of plastic storm drain markers sponsored by NCTCOG. The Environmental Health Division is currently responsible for the placement of the storm drain markers and has previously placed

Environmental

Health Division

Year 1 - 5 Continue labeling storm drains each year.

Document number and location of storm drain markers placed throughout the City.

Document when storm drain markers are replaced.

33

Best Management

Practices BMP Description Responsibility Implementation
Schedule Measurable Goals

approximately 130 markers. Continue labeling residential storm drain inlets with message "This Drain For Rain, Flows To Creek, Don't Dump," or similar message, using curb markers purchased from NCTCOG to promote awareness about storm drain outflow. The curb markers are plastic UV resistant disks that have a considerable life span.

BMP 1.7

Pre-Construction

Meetings

The Engineering Department requires and oversees Pre-Construction meetings attended by all General Contractors performing construction within the City of Coppell. The meetings include detailed discussion of the implementation of Stormwater Pollution Prevention Plans and Sediment and Erosion Control Plans.

City Engineer Year 1 - 5 Document Pre-Construction meetings, and the number of attendees at each meeting.

BMP 1.8

City Desk

Stormwater Quality

Messages

The City uses the City Desk newsletter that is included in each water bill mailing to distribute messages pertaining to the Stormwater Management Program that are of interest to the general public, such as proper management of pesticides and fertilizers, prevention of littering, stormwater quality, and public reporting of illicit discharges and dumping. Utilizing the City Desk will allow the City to reach a diverse audience. The messages may be repeated periodically throughout the 5-year permit period.

Community

Information

Officer

Year 1 - 5 Post two stormwater quality related messages per year during each permit year in the City Desk newsletter.

BMP 1.9

Municipal Website

Stormwater

Information

The City uses the municipal website to inform the public about the Stormwater Management Program. The website includes general stormwater quality information, as well as topics of interest to the general public, such as proper management of pesticides and fertilizers, prevention of littering, and public reporting of illicit discharges and dumping. The topics may be repeated periodically throughout the 5-year permit period.

Community
Information
Officer

Year 1 - 5 The website will be updated throughout the permit term.

Year 4 The City will create a new email address that will be dedicated for receiving questions and concerns about the program that are expressed on the website.

BMP 1.10

Comply With State
and Local Public
Notice

Requirements

The City is in compliance with state and local public notice requirements when implementing a public involvement and participation program. The required public notices will be prepared and published by the City Engineer. The Community Information Officer will convey the notices to the public via local television and mailing inserts, as necessary.

City Engineer,
Community
Information
Officer

Year 1 - 5 Continue to provide state and local required public notices in the process of implementing a public involvement and participation program.

BMP 1.11

SWMP Available
for Public Review
and Comment

After the City adopts the SWMP, it will be permanently posted on the website and remain open for public review and comment.

Public comments and input regarding the SWMP and responses by Engineering staff will be documented. Information related to the SWMP will be posted as necessary.

Community
Information
Officer

Year 1 Provide the adopted SWMP for public review and comment

on the City's website. The SWMP will be available for the duration of the Permit Term.

City Engineer,

Community

Information

Year 1 - 5 Document the public input regarding the SWMP and responses by Engineering staff.

34

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

Officer

City Engineer,

Community

Information

Officer

Year 2 - 5 Post SWMP Annual Report for public review on the City's website.

*+BMP 1.12

Bacteria-Specific

Public Education

According to TCEQ's Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region, "as funding is available, NCTCOG and stakeholders will develop or expand the availability of more bacteria-specific public education materials to RSWMP participants." The City will review the bacteria-specific public education materials developed by NCTCOG and stakeholders, as necessary, for possible use in the City.

Public Works

Office,

Community

Information

Officer

Year 1 - 5 Review bacteria-specific public education materials developed by NCTCOG and stakeholders, as necessary, for possible use in the City.

35

Table 3 - Minimum Control Measure 2: Illicit Discharge Detection and Elimination

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

BMP 2.1

Program to Detect
and Eliminate Illicit
Discharges

The City has evaluated existing procedures and developed and implemented a program to detect and eliminate illicit discharges to the storm sewer system. Field staff from Public Works, Parks and Recreation, Environmental Health, and Engineering are provided with water quality observation cards to be carried in every City vehicle. The staff receives initial training and an annual refresher training conducted by the Engineering Department, to be aware of signs of illicit discharges. Field staff are instructed to use the observation cards to document unusual dry weather flows (those not classified as allowable non-stormwater discharges), illegal dumping, sewage overflows, or anything else unusual.

Once an observation card is completed by field staff, it is submitted to the City Engineer for further investigation.

Engineering staff will work to identify the source of the discharge and remove and/or correct the discharge or connection if it is within the City's jurisdiction. If the discharge or connection originates from a private source, the proper enforcement division will be contacted to respond.

A database to document the number of investigations conducted and the number of illicit connections or discharges addressed is maintained by the City Engineer. Information from the database may be transferred to the GIS storm sewer map to help identify problem areas.

City Engineer Year 1 - 5 Continue annual training for municipal employees and field staff to detect and eliminate illicit discharges.

Continue documenting observation cards.

Continue updating GIS storm sewer map.

BMP 2.2

Storm Sewer

System Map

The existing GIS storm sewer map will be updated with newly constructed facilities and will be expanded to include man-made channels, ditches, the location of all outfalls, and the names and location of all waters of the United States that receive discharges from those outfalls. The information for the updates will be taken from as-built construction plans, and a Global Positioning System (GPS) will be used to capture outfall locations. Citizen complaints, visual screening data, inspections, and the number of investigations will also be input into the GIS storm sewer map, and the water quality database will be updated.

City Engineer Year 1 - 5 Continue to locate and identify the outfall structures and receiving waters of the U.S. and input data into the GIS storm sewer map.

Update the existing GIS storm sewer map with stormwater quality data and new facilities, as necessary.

*BMP 2.3

Illicit Discharge

Ordinance

The City has developed an ordinance to effectively prohibit illicit discharges and illegal dumping into the storm sewer system and implements enforcement response procedures and penalties for

City Engineer Year 1 - 5 Continue to implement existing ordinances regarding stormwater quality and pollution mitigation, including bacteria.

36

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

noncompliance. The ordinance authorizes access for municipal employees to storm sewers on private property for inspection and investigation purposes. If it is determined that any non-stormwater discharges significantly contribute pollutants, including bacteria, to the storm sewer system, the ordinance will prohibit those non-stormwater discharges.

City Engineer,

City Attorney

Year 2 Determine if any non-stormwater discharges are pollutants and amend the Illicit Discharge Ordinance, as necessary.

+BMP 2.4

Hotline for Public

Reporting of Illicit

Discharges

The City utilizes a reporting hotline for the public to report illicit discharges. The phone number will be posted on the stormwater webpage and can be accessed by calling the Engineering Department as displayed on the City of Coppell's "CONTACT US" webpage. This will facilitate the ability of the public to provide information that will assist in the detection of problem discharges.

The City will continue implementing procedures for addressing information submitted by citizens on the hotline and forwarding the information to City inspectors. The City will also establish procedures for record keeping of complaints and corrective actions to be taken.

City Engineer,

Community

Information

Officer

Year 1 Add hotline phone number to the Stormwater Management page on the City website.

Year 1 - 5 Continue to facilitate hotline for public reporting of illicit discharges.

Document reports and complaints.

Document the number of corrective actions taken.

37

Table 4 - Minimum Control Measure 3: Construction Site Stormwater Runoff Control

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

BMP 3.1

Erosion and
Sedimentation

Control Code

The City has implemented existing Erosion and Sedimentation Control Code, Ord. No. 91514, to ensure compliance with the Phase II general permit. The City will review the Texas Pollutant Discharges Elimination System (TPDES) permit requirements for large and small construction activities and the NCTCOG Construction BMP Manual. The City will continue looking for opportunities to coordinate the ordinance with the federal/state permits and the construction manual. The City will also review any other ordinances, regulations, and specifications affecting erosion and sedimentation control. If necessary, the ordinances, regulations, and specifications will be amended to ensure compliance with the Phase II general permit.

City Engineer,

City Attorney

Year 1 Review existing ordinances, regulations, and specifications for compliance with Phase II general permit.

City Engineer,

City Attorney

Year 2 Update and adopt any necessary ordinances, regulations and specifications for compliance with Phase II permit.

*+BMP 3.2

Site Inspections

The City has reviewed existing site inspection procedures and established written procedures that contain appropriate frequencies for inspection of construction stormwater BMPs as well as procedures for record keeping of inspections and compliance actions. The City will add inspection of portable toilet facilities to the inspection requirements, in order to mitigate possible bacteria discharge from construction site.

City Engineer Year 1-5 Continue implementation of the inspection program

Document violations of the site inspection requirements and any stop work orders given.

City Engineer Year 2 Add inspection of portable toilet facilities to the inspection

requirements, in order to mitigate possible bacteria discharge from construction areas.

Establish site inspection procedures for inspection of construction stormwater BMPs.

BMP 3.3

Reporting Hotline

The City utilizes the same reporting hotline discussed in the Illicit Discharge Detection and Elimination MCM for the public to report construction site problems. The phone number will be posted on the stormwater management webpage and can be accessed by contacting the Engineering Department as shown on the City of Coppel's "CONTACT US" webpage. This facilitates the ability of the public to provide information that will assist in detection of problem discharges. The City has established and implemented procedures for addressing information submitted by citizens on the hotline and forwarding the information to City inspectors. The City has also established procedures for record keeping of complaints and corrective actions taken.

City Engineer,

Community

Information

Officer

Year 2 Add hotline phone number to the Stormwater Management page on the City website.

City Engineer,

Community

Information

Officer

Year 1 - 5

Document any citizen complaints and corrective action taken.

Publicize the hotline in the City Desk newsletter and mailings, as necessary.

Community

Information

Officer

38

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

*+BMP 3.4

Minimize

Discharges from

Spills and Leaks

The developer is required to minimize the discharge of pollutants from spills and leaks. The construction site may develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the TPDES Construction General Permit TXR 150000. This will be monitored through the site inspections as listed in BMP 3.2.

City Engineer Year 1 - 5 Document number of construction sites not in compliance with BMP 3.4 upon inspection and any corrective action taken.

*+BMP 3.5

Prohibited Illicit

Discharges

As described in the TPDES General Permit TXR040000 III.B.3.b.3, and to help mitigate bacteria discharges, construction sites are prohibited from discharging the following:

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

City Engineer Year 1 - 5 Document the number of construction sites not in compliance with BMP 3.5 upon site inspection and any corrective action taken.

+BMP 3.6

MS4 Staff Training The City will develop and implement a training program for City staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are

informed or trained to conduct these activities.

City Engineer Year 1 Develop a training program for City staff whose primary job duties are related to implementing the construction stormwater program.

Year 2 - 5 Implement the training program for City staff whose primary job duties are related to implementing the construction stormwater program.

Document the number of staff trained each year.

Table 5 - Minimum Control Measure 4: Post-Construction Stormwater Management in New Development and Redevelopment

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

*BMP 4.1

Evaluate and

Update

Ordinances

The City will draft local criteria for management of new and redevelopment. The City will review the Comprehensive Zoning Ordinance, the Subdivision Ordinance, and the Floodplain Ordinance. These ordinances may be amended to require regulated development and redevelopment to comply with criteria and standards to ensure proper long-term operation and maintenance of structural BMPs.

City Engineer Year 1 Review applicable ordinances.

City Engineer Year 2 Draft design criteria and standards for engineering, planning, and administration, as needed.

City Engineer,

Legal

Year 3 Amend ordinances to require long-term maintenance of post-construction stormwater management BMPs, as needed.

City Engineer Year 4 - 5 Implement and enforce all applicable post-construction stormwater management criteria and standards. Document and maintain records of enforcement actions.

BMP 4.2

Update Plan Review

and Inspection

Programs

The City will integrate post-construction stormwater quality requirements into plan review and site inspection programs. The City will evaluate existing procedures and identify needed changes and implement the revised programs.

City Engineer Year 3 Evaluate existing plan review and site inspection

procedures. Identify program changes, as needed.

City Engineer Year 4 - 5 Implement the revised plan review and inspection programs.

*+BMP 4.3

Structural and

Non-structural

BMPs

The City shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community that protect water quality and reduce bacterial discharges.

City Engineer Year 3 Establish structural and non-structural BMP requirements, which protect water quality, for owners or operators of newly developed or redeveloped sites.

Year 4 - 5 Implement and enforce the structural and non-structural BMP requirements which protect water quality.

+BMP 4.4

Long-term

Maintenance Plan

In order to ensure long-term operation and maintenance of structural stormwater controls, the City shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site.

The City shall require that operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and shall be made available for review by the City.

City Engineer Year 2 Create general framework for maintenance plan for newly developed or redeveloped sites.

City Engineer Year 3 Publicize the new maintenance plan requirement and provide informational meetings regarding the necessity and formation of the maintenance plan for owners and operators of new developed or redeveloped sites.

City Engineer Year 4 - 5 Enforce the new maintenance plan requirement for all owners and operators of newly developed or redeveloped sites.

40

Table 6 - Minimum Control Measure 5: Pollution Prevention/Good Housekeeping for Municipal Operations

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

BMP 5.1

Street and

Roadway

Maintenance

The City contracts with an outside firm to sweep the major streets once a year and the major intersections four times a year. The Streets Division cleans ditches, curb inlets, drains, and repairs erosion areas, as needed, based on visual inspections and citizen complaints. Sediment from the ditches and inlets is recycled.

Streets

Division

Year 1 - 5 Document street and roadway maintenance activities.

Continue sweeping major streets once a year and the major intersections four times a year.

Continue cleaning ditches, curb inlets, drains, and repair erosion areas, as needed.

*BMP 5.2

Stormwater

System

Maintenance

The City performs annual cleaning of the concrete drainage channels as well as the periodic inspections of the inlets, junction boxes, and stormwater outfalls to ensure that the system is free and clear of sediment and floatables as well as to ensure that the system is intact and operating properly. Bacteria may attach to floatables, debris, sediment, and other materials. Refraining from removing such materials could influence bacteria levels in waterways. The City also performs periodic removal of trees from creeks to ensure that the drainage ways and creeks are flowing well and capable of conveying the design flow.

Streets

Division

Year 1 - 5 Document annual cleaning and inspections of the City's stormwater system.

Continue periodic removal of trees from creeks to ensure drainage ways and creeks are capable of conveying the

design flow.

BMP 5.3

Parks and Open

Space

The Parks and Recreation Department has regularly scheduled trash removal on Wednesday and brush removal on Saturday of each week for the right-of-ways, parks, open spaces and City facilities to prevent floatables and trash from entering the storm sewer system. Trash is removed on a daily basis, as necessary.

Parks and

Recreation

Department

Year 1 - 5 Remove trash on Wednesday and brush on Saturday of each week, or more frequently as necessary.

BMP 5.4

Wastewater

Collection

The Utilities Operation Division cleans and videos sewer lines on an annual basis. Trouble spots along the lines are cleaned on a monthly basis in order to prevent any outflows.

Utilities

Operation

Division

Year 1 - 5 Annually clean and video sewer lines.

Clean trouble spots on a monthly basis.

BMP 5.5

Fleet and Building

Maintenance

The City has in-house facilities management personnel that conduct on-going operations and maintenance of all buildings, permanent structures, parking lots, and storage yards.

Facilities

Management

Year 1 - 5 Conduct and document on-going operations and maintenance of all buildings, permanent structures, parking lots, and storage yards.

BMP 5.6

Fleet and Building

Maintenance-

Service Center

The Service Center covers 7.5 acres and includes the main office building with three service bays and a wash bay, exterior storage buildings, and a chemical storage building with a wash-down area. Vehicle and equipment maintenance takes place

inside buildings. The enclosed wash bay has floor drains with a sand/oil separator and is connected to the sanitary sewer system. The hydraulic fluid stored in one of the service bays has its own containment system to prevent any spills from reaching the floor. The enclosed chemical storage wash-down area has its own containment system that is emptied by a hazardous waste company. The majority of the machinery and equipment

Facilities

Management

Year 1 - 5 Document any spills and operator's response to the spill.

41

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

is stored in enclosed buildings. There is a three-sided, covered building for storage of stockpiled materials such as sand. The above ground fuel storage tanks located at the Fleet Building and Fire Station No. 2 are double-walled construction with vapor recovery systems.

BMP 5.7

Parks and Open

Space Vegetation

The Parks and Recreation Department utilizes native and adapted vegetation to reduce water, fertilizer, and pesticide needs. The Service Center grounds and the median of the Sandy Lake Road utilized drought resistant seed mixes, ground covers and trees. Seeding and maintaining vegetation prevents erosion and sediment transport to the storm sewer system.

Parks and

Recreation

Department

Year 1 - 5 Document times of vegetation seeding and maintenance.

BMP 5.8

Parks and Open

Space Pest

Management

The City uses integrated pest management, where appropriate, so that the use of pesticides can be limited. Parks and

Recreation

Department

Year 1 - 5 Document any instances in which pesticides were used.

BMP 5.9

Program to

Reduce or

Eliminate Polluted

Runoff from

Municipal

Operations

The City will continue the development and revision of the list of municipal facilities and operations that may contribute significant pollutants to the stormwater system. The existing pollution prevention practices, maintenance procedures, and other

practices will be evaluated with regard to reducing the discharge of pollutants. Pollution prevention plans for municipal operations, such as maintenance and storage yards, fleet maintenance, and pesticide and herbicide treatments will be revised and implemented as needed.

City Engineer Year 1 Develop an updated list of municipal facilities and operations that may contribute significant pollutants to the stormwater system.

Director of
Parks and
Recreation,
City Engineer

Year 2 Evaluate the existing pollution prevention practices, maintenance procedures, and other practices for municipal operations. Identify any additional controls that need to be implemented.

Director of
Parks and
Recreation,
City Engineer

Year 3 - 5 Continue to implement the pollution prevention plans for municipal operations.

*BMP 5.10

Training Program

The City has developed a training program for applicable employees associated with park maintenance, fleet and building maintenance, new construction, facilities maintenance, and stormwater maintenance. The training program includes training materials directed at preventing and reducing stormwater pollution from municipal operations. The City will continue to train applicable employees, to make presentations at safety meetings on pollution prevention/good housekeeping topics, participate in cooperative training opportunities available through NCTCOG, develop informational tools for maintenance crews, and post pollution prevention/good housekeeping signs at maintenance facilities and yards. As resources are available, the training program will include educational material developed by NCTCOG

City Engineer,

Parks

Department

Year 1 - 5 Continue to implement the employee training program on pollution prevention and good housekeeping.

Document employee training sessions and materials distributed.

42

Best Management

Practices BMP Description Responsibility Implementation

Schedule Measurable Goals

and stakeholders regarding bacterial discharges, as mentioned in Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region, also referred to as "Implementation Plan" or "I-Plan".

BMP 5.11

Structural Control

Maintenance

Coppell will update the list of existing pollution prevention structural controls, written maintenance activities, maintenance schedules, and long-term inspection procedures for these structural controls as needed. The program includes procedures for the proper disposal of waste removed from the structural controls and collected as a result of municipal operations and activities.

City Engineer Year 1 - 5 Evaluate and update the list of existing pollution prevention structural controls, maintenance activities, maintenance schedules, and long-term inspection procedures as needed.

+BMP 5.12

Requirements for

Contractors Hired

by the City

Contractors hired by the City of Coppell are required to comply with operating procedures. As such, the City will develop contractor oversight procedures.

City Engineer,

Parks

Department

Year 1 Develop contractor oversight procedures.

Year 2 Document and publicize the required operating procedures for hired contractors and the contractor oversight procedures.

Year 3 Implement the contractor oversight procedures to enforce the required operating procedures for hired contractors.

See BMP 1.5

Removal and

Proper Disposal of

Animal Feces

Refer to referenced BMP for specific details. N/A N/A N/A

43

Table 7 - Summary of Targeted Controls

Targeted Controls

Best Management

Practices

BMP Description Responsibility Implementation

Schedule

Measurable Goals

*BMP 1.5

Removal and

Proper Disposal of

Animal Feces

The Parks and Recreation Department posts ordinance signs associated with the removal and proper disposal of animal feces in the City's public parks.

Parks and

Recreation

Department

Year 1 - 5 Maintain ordinance signs.

Document number of complaints regarding animal feces in public parks.

*+BMP 1.12

Bacteria-Specific

Public Education

According to TCEQ's Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region, "as funding is available, NCTCOG and stakeholders will develop or expand the availability of more bacteria-specific public education materials to RSWMP participants." The City will review the bacteria-specific public education materials developed by NCTCOG and stakeholders, as necessary, for possible use in the City.

Public Works

Office,

Community

Information

Officer

Year 1 - 5 Review bacteria-specific public education materials developed by NCTCOG and stakeholders, as necessary, for possible use in the City.

*BMP 2.3

Illicit Discharge

Ordinance

The City has developed an ordinance to effectively prohibit illicit discharges and illegal dumping into the storm sewer system and implements enforcement response procedures and penalties for noncompliance. The ordinance authorizes access for municipal employees to storm sewers on private property for inspection and investigation purposes. If it is determined that any non-stormwater discharges significantly contribute pollutants, including bacteria, to the storm sewer system, the ordinance will prohibit those non-stormwater discharges.

City Engineer Year 1 - 5 Continue to implement existing ordinances regarding stormwater quality and pollution mitigation, including bacteria.

City Engineer,

City Attorney

Year 2 Determine if any non-stormwater discharges are pollutants and amend the Illicit Discharge Ordinance, as necessary.

City Engineer,

City Attorney

Year 2 Determine if any non-stormwater discharges are pollutants and amend the Illicit Discharge Ordinance if necessary.

*+BMP 3.2

Site Inspections

The City has reviewed existing site inspection procedures and established written procedures that contain appropriate frequencies for inspection of construction stormwater BMPs as well as procedures for record keeping of inspections and compliance actions. The City will add inspection of portable toilet facilities to the inspection requirements, in order to mitigate possible bacteria discharge from construction site.

City Engineer Year 1 Continue implementation of the existing inspection program

Document violations of the site inspection requirements and any stop work orders given.

City Engineer Year 2 Add inspection of portable toilet facilities to the inspection requirements, in order to mitigate possible bacteria discharge from construction areas.

Establish site inspection procedures for inspection of construction stormwater BMPs.

City Engineer Year 3 - 5 Implement procedures for site inspection.

*+BMP 3.4

Minimize

Discharges from

Spills and Leaks

The developer is required to minimize the discharge of pollutants from spills and leaks. As an alternative, the construction site may develop a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the TPDES Construction General Permit TXR 150000. This will be monitored through the site inspections as City Engineer Year 2 - 5 Document number of construction sites not in compliance with BMP 3.4 upon inspection and any corrective action taken.

44

Targeted Controls

Best Management

Practices

BMP Description Responsibility Implementation

Schedule

Measurable Goals

listed in BMP 3.2.

*+BMP 3.5

Prohibited Illicit

Discharges

As described in the TPDES General Permit TXR 040000 III.B.3.b.3, and to help mitigate bacteria discharges, construction sites are prohibited from discharging the following:

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

City Engineer Year 2 - 5 Document the number of construction sites not in compliance with BMP 3.5 upon site inspection and any corrective action taken.

*BMP 4.1

Evaluate and

Update

Ordinances

The City will draft local criteria for management of new and redevelopment. The City will review the Comprehensive Zoning Ordinance, the Subdivision Ordinance, and the Floodplain Ordinance. These ordinances may be amended to require regulated development and redevelopment to comply with criteria and standards to ensure proper long-term operation and maintenance of structural BMPs.

City Engineer Year 1 Review applicable ordinances.

City Engineer Year 2 Draft design criteria and standards for engineering,

planning, and administration, as needed.

City Engineer,
Legal

Year 3

Amend ordinances to require long-term maintenance of post-construction stormwater management BMPs, as needed.

City Engineer Year 4 - 5 Implement and enforce all applicable post-construction stormwater management criteria and standards. Document and maintain records of enforcement actions.

*+BMP 4.3

Structural and
Non-structural
BMPs

The City shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protect water quality and reduce bacterial discharges.

City Engineer Year 3 Establish structural and non-structural BMP requirements, which protect water quality, for owners or operators of newly developed or redeveloped sites.

Year 4 - 5 Implement and enforce the structural and non-structural BMPs requirement which protect water quality.

Year 4 - 5 Implement and enforce the structural and non-structural BMPs requirement which protect water quality.

*BMP 5.2

Stormwater

The City performs annual cleaning of the concrete drainage channels as well as the periodic inspections of the inlets, junction boxes and stormwater outfalls to ensure that the system is free

Streets

Division

Year 1 - 5 Document annual cleaning and inspections of The City's stormwater system.

45

Targeted Controls

Best Management

Practices

BMP Description Responsibility Implementation

Schedule

Measurable Goals

System

Maintenance

and clear of sediment and floatables as well as to ensure that the system is intact and operating properly. Bacteria may attach to floatables, debris, sediment, and other materials. Refraining to remove such materials could influence bacteria levels in waterways. The City also performs periodic removal of trees from creeks to ensure that the drainage ways and creeks are flowing well and capable of conveying the design flow.

Continue periodic removal of trees from creeks to ensure drainage ways and creeks are capable of conveying the design flow.

*BMP 5.10

Training Program

The City has developed a training program for applicable employees associated with park maintenance, fleet and building maintenance, new construction, facilities maintenance, and stormwater maintenance. The training program includes training materials directed at preventing and reducing stormwater pollution from municipal operations. The City will continue to train applicable employees, to make presentations at safety meetings on pollution prevention/good housekeeping topics, participate in cooperative training opportunities available through NCTCOG, develop informational tools for maintenance crews, and post pollution prevention/good housekeeping signs at maintenance facilities and yards. As resources are available, the training program will include educational material developed by NCTCOG and stakeholders regarding bacterial discharges, as mentioned in Implementation Plan for Seventeen Total Maximum Daily Loads for Bacteria in the Greater Trinity River Region, also referred to as "Implementation Plan" or "I-Plan".

City Engineer,

Parks

Department

Year 1 - 5 Continue to implement the employee training program on pollution prevention and good housekeeping.

Document employee training sessions and materials distributed.

APPENDIX A
Area of Involvement Map

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City of Coppell May 2014
Stormwater Management Program

APPENDIX B
Storm Sewer Map

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I635
Sandy Lake Rd
Belt Line Rd
Bethel Rd
Royal Ln
Denton Tap Rd
Parkway Blvd
MacArthur Blvd
Freeport Pkwy
Moore Rd
Bethel School Rd
Hartz Rd
SH 121 Hwy
Airline Dr
SH 121 Service R
Dividend Dr
Coppell Rd
SH 121
Lodge Rd
Creekview Dr
Samuel Blvd
Deforest Rd
Mockingbird Ln
Wrangler Dr
Riverch
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Ruby Rd
Falcon Ln
Northpoint Dr
Pinyon Ln
Fritz Dr
Gateway Blvd
County Line Rd
Park Valley Dr
Phillips Dr
Plantation Dr
Starleaf St
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Hill Dr

Allen Rd

Patriot Dr

Pelican Ln

Waterview Dr

Woodhurst Dr

Meadowcreek Rd

Shadowcrest Ln

Meadowglen Cir

Kaye St

Brooks Ln

Canyon Dr

Graham Dr

Mallard Dr

Burns St

Cove Dr

Spyglass Dr

Greenway Dr

Village Pkwy

SH 121

Blue Jay Ln

Meadow Run

Villawood Ln

Winding Hollow Ln

Lake Vista Dr

Briarglen Dr

Mapleleaf Ln

Minyard Dr

Gifford Dr

Woodmoor Dr

Crestview Dr

Cozby Ave

Oak Trl

Edgewood Dr

Lakeshore Dr

Barclay Ave

Lyndsie Dr

Tupelo Dr

Bricknell Ln

Cooper Ln

Martel Ln

Pecan Hollow Dr

Alex Dr

Quail Ln

Aspenway Dr
Parkview Plc
Cowboy Dr
Hawk Ln
Halifax Dr
Timber Ridge Ln
Greenridge Dr
Eagle Dr
Whispering Hills Dr
Forest Hill Dr
Beechwood Ln
Falls Rd
Kilbridge Ln
Oakbend Dr
Travis St
Snowhill Tr
Carter Dr
Meadowview Ln
Fallkirk Dr
Crestside Dr
Hood Dr
Sugarberry Dr
Condor Dr
SH 121 Ramp
Heather Glen Dr
Sandy Knoll Dr
Madison St
Lee Dr
SH 121 - Exit
Redcedar Way Dr
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Sanders Lp
Dogwood Trl
Grace Ln
Braewood Dr
Lakeview Dr
Christi Ln
Willow Springs Dr
Swan Dr
Cribbs Dr
Creekside Ln
Cottonwood Dr

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S i m m o n s D r
Levee Pl
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Creek Crossing
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Bridge St
L o n d o n W a y
Willet Dr
E x e c u t i v e D r
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Kyle Dr
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Wellington Rd
T o w n C e n t e r B l v d
Crane Dr
Gibbs Crossing
Town Center Dr
Coral Dr
S t r a t f o r d L n
Dillard Ln
Peninsula Dr
O a k c r e s t L n
Houston St

Plaza Blvd
Wrangler Cir
Magnolia Dr
Leslie Ln
Barrington Dr
Walnut Grove Ln
Wales Ct
Vanbebber Dr
Cherrybark Dr
Basilwood Dr
Meadowood Ln
Laguna Ln
Enterprise Dr
Dickens Dr
Copperstone Trl
Rocky Branch Ln
Lexington Ave
Fairway Dr
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Trade Center Dr
Ashley Dr
Cambria Dr
1635 - Exit 33 Service R
Rolling Hills Rd
Holly St
Beal Ln
Country Ln
Lake Park Dr
Hammond St
Branchwood Trl
Marlee Cir
Forest Ridge Dr
Arbor Brook Ln
Woodlake Dr
Southwestern Blvd

Graywood Ln
Deann Dr
Beacon Hill Dr
Duncan Dr
Springoak Ln
Avalon Ln
Wynnpage Dr
Shadydale Ln
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Castle Creek Dr
Cotton Rd
Ashford Dr
Harwell St
Inglenook Ct
Johnson Dr
Sparrow Ln
Shorewood Dr
Point West Blvd
Lake Forest Dr
Glade Point Dr
Havencrest Ln
Bradford Dr
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Harris St
Rolling Brook Ln
Tanbark Cir
Cameron Ct
Brock St
Swallow Dr
Finch Ln
Kingsmill Ct
Thompson Dr
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Longmeadow Dr
Redwing Dr

I635 - On Ramp 34
Bitternut Dr
Layton Dr
Highland Dr
Steamboat Dr
Park Meadow Way
Trailwood Ln
River Rd
Tealwood Dr
Cardinal Ln
Pebble Creek Dr
Andover Ln
Loch Ln
Bullock Dr
Devon Dr
Halifax Ln
SH 121 Rd
Anderson Ave
Greentree Dr
Newport Dr
Bella Vista Dr
Lairds Dr
Woodcrest Ln
Dalmalley Ln
Westminster Way
Pedmore Dr
Hunters Ridge Rd
Rockcrest Dr
Gateview Blvd
Nash Dr
Mullrany Dr
Cambridge Manor Ln
Allencrest Ln
Tennyson Plc
Oak Grove Ln
Edinburgh Ln
Charleston Dr
Lansdowne Cir
Plumlee Plc
Beverly Dr
Black Oak Cir
Fitness Ct
Clear Creek Ln
Glenwood Dr
Glendale Dr

Brentwood Dr
I635 - Exit 35 Service R
Pepperwood St
Cheshire Dr
I635 - On Ramp 33 Service R
Raintree Cir
Lockhaven Ln
Cedar Crest Dr
Hidden Valley Dr
Oxford Pl
Meadowlark Ln
North Lake Dr
Olympia Ln
Pheasant Ln
Terrace St
Willingham Dr
Suzanne Way
Kingsridge Dr
Westlake Dr
Still F
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Howell Dr
Westwind Dr
Park Rd
Highland Meadow Cir
Auburn Way
Sandy Oak Ln
Fountain Dr
Parr St
Spanish Moss Dr
Gibson Ct
Chestnut Ln
Nixon St
Post Oak Dr
Harrison Dr
Beau Dr
Flagstone Ln
Mill Trl
Westchester Dr
Woodway
Alendale Dr
Laguna Dr
Hawken Dr

SH 121 - Ramp

Saddle Tree Trl

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Hearthwood Dr

Main St

Loxley Dr

Lakewood Ct

Sand Point Ct

Manchester Ln

Parish Plc

Kirkland Dr

Coats St

Penuel Dr

Mesquitewood St

Sora Ln

Fairview Ct

Turnberry Ln

Archer Dr

Stonecrest Dr

Crestwood Dr

Colonial Dr

Dakota Ln

Mobley Way

Hampton Ct

Heritage Oak Ct

Chalfont Plc

Grapevine Creek Dr

Wrenwood Dr

Pinehurst Dr

Greenwich Ln

Highland Way

Deforest Ct

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Autumnwood Ln
Glen Lakes Dr
Prestwick Ct
Juniper Dr
Breanna Way
Canterbury Ct
Downing Dr
Brittany Dr
Grapevine Mills Pkwy
Clayton Cir
Teal Cove
I635 - Exit 34
Banbury Rd
Exchange Cir
Oakbrook Dr
Kilmichael Dr
I635 - On Ramp 35 Service R
Penfolds Ln
Nottingham Dr

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Georgian Dr

Dobecka Dr

Briarcove Ln

Dove Cir

Burning Tree Ln

Kailey Way

Michelle Plc

SH 121 - turnaround

Hummingbird Dr

Hidden Hollow Ct

Stringfellow Dr

Grace Dr

Blue Jay Dr

Hillhaven Rd

Brown Trl

Pintail Ct

State Champion Pkwy

Mango Ct

Bent T

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Tanglewood Ln

Dunlin Ln

Leisure Ln

East Main St

Spring Hill Dr

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West Main St

Chaucer Ct

Fieldcrest Loop

St James Pl

Armstrong Blvd

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Woodhi Il
Bryan Ln
Mossy Oaks St
Ridgewood Dr
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Buttonwood Ct
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Castlebury Ct
Chartwell Dr
Peachtree Dr
Westbury Dr
Warwick Ln
Cresthaven R
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Park Highlands Dr
Bricknell Dr
Forestwood Ln
Matheson Ct
Heath Ln
Indian Rock Dr
Southern Belle Dr
Edmondson Dr
Warren Crossing
Benson Ln
Amberwood Dr
Compton Ct
Independence Dr
Summer Place Dr Brighton Ln
Austin Ct
Homewood Dr
Bay Cir
Willow Ln
Clifton Ct
Lynn Ct

Lake Vista Pl

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Wilshire Dr

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Milton Way

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Cherrywood Trl

Forest Bend Dr

Coventry Ct

McNear Dr

Chalais Ct

Enclaves Crt

Beaver Run Dr

Wild Plum Dr

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Gifford Ct

Riverview Dr

Woodhurst Plc

Blackfield Dr

Melinda St

Spanish Moss Ct

Cromwell Ct

Kingston Cir

Roundrock Cir

Carolina Ct

Scott St

Hampton Dr

Martel Crt

Oakwood Ln

Waterside Dr

Serenity Ct

Dover Ct

Alder Ct

Village Green

Dr

White Spruce Dr

Rockcrest Ct

Sheffield Ct

Rustic Meadow Way

Portside Ln

Kings Canyon Ct

Burnet St

Falcon Ct

Sunrise Dr

Hazelwood Cove

Liberty Cir

Villawood Cir

Crooked Tree Ct

Tanager Dr

SH 121 - turnaround Service R

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Blackburn Dr
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Quiet Valley
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Richmond Ct
Hardwick Ct
Falls Ct
Dartmouth Ln
Greenwood Ct
Elmhill Ct
Hickory Ridge Dr
Delta Ct
Rosemount Ct
Fountain Head Ln
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Chelsea Bay

Leisure Ct

Graywood Ct

Fountain View Pl

Rembrandt Ct

Hollowtree Ct

Lenten Ct

Jennings Ct

Phoenix Cir

Tanbark Ct

Leavalley Cir
Hunterwood Ct
Winetree Ct
Foxtail Ct
Greentree Ct
Greenway Ct
Fieldcrest Cir
Cedar Crest Ct
Christi Cir
Lakeview Ct
Winding Hollow Ct
Cedar Ridge Ct
Misty Harbor Ct
Copperstone Ct
Lea Meadow
I635 - Exit 34
SH 121
SH 121
Natches Trace
I635 - Exit 35 Service R
I635 - On Ramp 34
Aspenway Dr
Sandy Lake Rd
SH 121
SH 121 Hwy
Stonewick Ln
Cotton Rd
I635
SH 121 Service R
Raintree Cir
SH 121
Braewood Dr
SH 121 Rd
SH 121 Service R
SH 121 - turnaround
Natches Trace
Freeport Pkwy
SH 121 - turnaround
SH 121 - turnaround
Wrangler Cir
Coppell Rd
SH 121 Ramp
Parkview Plc
Southwestern Blvd
SH 121 Service R

SH 121 Service R
Natches Trace
C o p p e l l R d
SH 121 - Ramp
SH 121
SH 121
Cooper Ln
S H 1 2 1 H w y
Southwestern Blvd
W r a n g l e r C i r
Highland M e a d o w C i r
SH 121
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D u n c a n D r
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Raintree Cir
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Scale: 1" = 800'

APPENDIX C
Inter-local Agreement

STATE OF TEXAS
AGREEMENT
COUNTY OF DALLAS

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S INTERLOCAL

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This Interlocal Agreement ("AGREEMENT") for the joint submission of a Stormwater Management Program to satisfy the requirements of the permit application to the Texas Commission on Environmental Quality (TCEQ) for compliance with Phase II municipal stormwater discharges to waters of the U.S. (hereafter referred to as the "PROGRAM") is made and entered into by and between the City of Coppell, Texas, a municipal corporation located in Dallas County, Texas ("CITY"), and the Northwest Dallas County Flood Control District as created by the Texas Legislature (H. B. 2390, Act 69th Legislature, Regular Session, 1985) (hereafter referred to as the "DISTRICT").

WHEREAS, the CITY and the DISTRICT mutually desire to enter into an AGREEMENT to partner with each other in the joint submission of a Stormwater Management Program to the TCEQ for compliance with Phase II requirements of Section 402(c) of the Clean Water Act; and

WHEREAS, Chapter 791, TEXAS GOVERNMENT CODE, as amended (the "ACT"), provides authorization for Local Governments to contract with each other for functions in which both entities are mutually interested; and

WHEREAS, by definition in Chapter 791, Texas Government Code, the CITY and the DISTRICT are both defined as Local Governments; and

Whereas it has been determined that approval of this AGREEMENT will be mutually advantageous to the CITY and the DISTRICT; and

NOW, THEREFORE, for and in consideration of the mutual covenants, terms and conditions set forth herein, and the mutual benefits to each part, the receipt and sufficiency of which are hereby acknowledged, the CITY and the DISTRICT hereby contract, covenant, warrant and agree as follows:

I

ADOPTION OF PREAMBLE

All of the matters stated in the preamble of this AGREEMENT are true and correct and are hereby incorporated into the body of the AGREEMENT as though fully set forth in their entirety herein.

II

OBLIGATIONS OF THE PARTIES

2.01 The CITY and the DISTRICT have independently contracted and paid for Engineering Services related to the preparation of the Stormwater Management Program.

The CITY and the DISTRICT agree to a joint submission of a Stormwater Management Program to the TCEQ in compliance with the Phase II requirements as noted above.

2.02 The CITY and the DISTRICT agree that services related to the inspection and maintenance of District-owned facilities within the DISTRICT boundaries will continue to be the financial responsibility of the DISTRICT.

2.03 The CITY and the DISTRICT agree that the CITY will perform the required portions of the Stormwater Management Program in regards to the minimum control measures:

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

2.04 The CITY and the DISTRICT agree that each respective entity will be responsible within their area of involvement for minimum control measure 5. Pollution Prevention/Good Housekeeping for Municipal Operations.

2.05 The CITY and the DISTRICT agree that the DISTRICT will provide detailed information on activities within the DISTRICT boundaries to the CITY as needed so that the CITY may complete its annual report to the TCEQ.

2.06 The CITY and the DISTRICT agree that each respective entity will be responsible for record keeping, and submittal of any and all required forms and notifications to the TCEQ under the terms of their permit, or as required by the Stormwater Management Program

III

INDEMNIFICATION AND HOLD HARMLESS

3.01 THE DISTRICT AGREES TO INDEMNIFY AND HOLD THE CITY HARMLESS FROM ANY CLAIM BY A THIRD PARTY FOR DAMAGES ARISING FROM OR RESULTING FROM THE NEGLIGENCE OR ACTIONS OF EMPLOYEES OR AGENTS OF THE DISTRICT DURING THE IMPLEMENTATION OF THE STORMWATER MANAGEMENT PROGRAM.

3.02 THE CITY AGREES TO INDEMNIFY AND HOLD THE DISTRICT HARMLESS FROM ANY CLAIM BY A THIRD PARTY FOR DAMAGES ARISING FROM OR RESULTING FROM THE NEGLIGENCE OR ACTIONS OF EMPLOYEES OR AGENTS OF THE CITY DURING THE IMPLEMENTATION OF THE STORMWATER MANAGEMENT PROGRAM.

3.03 HOWEVER- THE INDEMNIFICATION AND HOLD HARMLESS CONTAINED HEREIN SHALL NOT BE DEEMED A WAIVER OF ANY SOVEREIGN IMMUNITY ALLOWED PURSUANT TO TEX. CIV. PROC. & REM. CODE, SECTION 101.001 ET SEQ., OR OTHERWISE.

IV

NOTICES

Any notice required to be given under this Agreement shall be deemed to have been adequately given if deposited in the United States mail in an envelope with

sufficient postage and properly addressed to the other party as follows:

If to the DISTRICT: If to the CITY:

Northwest Dallas County Flood Control District City of Coppell

c/o Mr. Pete Eckert c/o City Engineer

3960 Broadway Boulevard, Suite 220-0 265 Parkway Blvd.

Garland, Texas 75043 Coppell, TX 75019

A change of address may be made by either party upon the giving of ten (10) days prior written notice.

V

MISCELLANEOUS PROVISIONS

5.01 This AGREEMENT shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

5.02 This AGREEMENT constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter hereof.

5.03 No amendment, modification or alteration of the terms hereof shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed by the parties.

5.04 This AGREEMENT may be executed concurrently in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

5.05 If, in case, any one or more of the provisions contained in this AGREEMENT shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this AGREEMENT shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.06 The obligations and undertakings of each of the parties to this AGREEMENT are and shall be performable in Dallas County, Texas.

5.07 Each party hereto warrants that it has received authority from its governing body to enter into this AGREEMENT.

ATTEST:ATTEST:

NORTHWEST DALLAS COUNTY

vid

Attorney

APPENDIX D
Resolution to Adopt the SWMP

RESoLUrtovNo.@

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS, ADOPTING A STORNTWATER MANAGEMENT PROGRAM FORTHE PURPOSE OF MEETING COMPLIANCE GOALS OF THE TEXASCOMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) PHASE IIMUNICIPAL STORM WATER REQUIREMENTS, AND AUTHORIZING THE MAYOR TO SIGN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coppel is required to submit a stormwatermanagement program in accordance with Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code.

WIHEREAS, the City of Coppel will comply with the General Permit and the requirements put forth by the Texas commission on Environmental euality.

\ryHEREAS, the pu{pose of the stormwater management program is to prevent pollution in storm water to the maximum extent practicable and effectively prohibit itticit 2 isónarges to the system.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THECITY OF COPPELL, TEXAS:

SECTION 1. That the City Council of the City of Coppel hereby adopts the Stormwater Management Program, as prepared in conjunction with the City's consultant, containing the necessary components to comply with the requirements of the Texas Commission on Environmental Quality (TCEQ Phase II Municipal Stormwater Program, dated December 13,2013, a copy of which is attached hereto and incorporated herein by reference.

SECTION 2. That the Mayor is also hereby authorized to sign the official document that will be presented to the Texas Commission on Environmental Quality (TCEe) which hereinafter shall be referred to as the "Cp of Coppel Stormwater Management Program.,,

SECTION 3. This Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provide.

APPENDIX E
TPDES General Permit

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

Table of Contents

| | |
|--|----|
| Part I. Definitions | 5 |
| Part II. Permit Applicability and Coverage | 11 |
| Section A. Small MS4s Eligible for Authorization under this General Permit | 11 |
| 1. Small MS4s Located in an Urbanized Area | 11 |
| 2. Designated Small MS4s | 11 |
| 3. Operators of Previously Permitted Small MS4s | 11 |
| 4. Regulated Portion of Small MS4 | 12 |
| 5. Categories of Regulated Small MS4s | 12 |
| Section B. Available Waivers from Coverage | 12 |
| 1. Waiver Option 1: | 13 |
| 2. Waiver Option 2: | 13 |
| Section C. Allowable Non-Stormwater Discharges | 14 |
| Section D. Limitations on Permit Coverage | 15 |
| 1. Discharges Authorized by Another TPDES Permit | 15 |
| 2. Discharges of Stormwater Mixed with Non-Stormwater | 15 |
| 3. Compliance with Water Quality Standards | 15 |
| 4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements .. | 15 |
| 5. Discharges to the Edwards Aquifer Recharge Zone | 19 |
| 6. Discharges to Specific Watersheds and Water Quality Areas | 20 |
| 7. Protection of Streams and Watersheds by Home Rule Municipalities | 20 |
| 8. Indian Country Lands | 20 |
| 9. Endangered Species Act | 20 |
| 10. Other | 21 |
| Section E. Obtaining Authorization | 21 |
| 1. Application for Coverage | 21 |
| 2. Late Submission of the NOI and SWMP | 22 |
| 3. Stormwater Management Program (SWMP) | 22 |
| 4. Contents of the NOI | 23 |
| 5. Notice of Change (NOC) | 24 |
| 6. Change in Operational Control of a Small MS4 | 24 |

| | |
|--|----|
| 7. Notice of Termination (NOT) | 24 |
| 8. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms | 24 |
| 9. Fees | 24 |
| 10. Permit Expiration | 25 |
| 11. Suspension of Permit Coverage | 25 |
| 12. Public Notice Process for NOI submittal | 25 |
| Section F. Permitting Options | 27 |
| 1. Authorization Under the General Permit | 27 |
| 2. Alternative Coverage under an Individual TPDES Permit | 27 |
| Part III. Stormwater Management Program (SWMP) | 28 |
| Section A. Developing a Stormwater Management Program (SWMP) | 28 |
| 1. SWMP Development and Schedule | 28 |
| 2. Content of the SWMP | 28 |
| 3. Legal Authority | 29 |
| 4. Resources | 30 |
| 5. Effluent Limitations | 30 |
| 6. Enforcement Measures | 30 |
| Section B. Minimum Control Measures | 30 |
| 1. Public Education, Outreach, and Involvement | 31 |
| 2. Illicit Discharge Detection and Elimination (IDDE) | 32 |
| 3. Construction Site Stormwater Runoff Control | 35 |
| 4. Post-Construction Stormwater Management in New Development and Redevelopment | 38 |
| 5. Pollution Prevention and Good Housekeeping for Municipal Operations | 40 |
| 6. Industrial Stormwater Sources | 45 |
| 7. Authorization for Construction Activities where the Small MS4 is the Site Operator | 46 |
| Section C. General Requirements | 47 |
| Part IV. Recordkeeping and Reporting | 47 |
| Section A. Recordkeeping..... | 47 |
| Section B. Reporting | 47 |
| 1. General Reporting Requirements | 47 |
| 2. Annual Report | 48 |
| Part V. Standard Permit Conditions | 49 |

Part VI. Authorization for Municipal Construction Activities – Applicable only if the 7th
Optional MCM is selected 51

Section A. Eligible Construction Sites 51

Section B. Discharges Eligible for Authorization 51

1. Stormwater Associated with Construction Activity 51

2. Discharges of Stormwater Associated with Construction Support Activities 51

3. Non-Stormwater Discharges 52

4. Other Permitted Discharges 52

Section C. Limitations on Permit Coverage 53

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements 53

Section E. Stormwater Runoff from Concrete Batch Plants 53

1. Benchmark Sampling Requirements 53

2. BMPs and SWP3 Requirements 55

3. Prohibition of Wastewater Discharges 57

4. Concrete Truck Wash Out Requirements 58

Section F. Effective Date of Coverage 58

Section G. Deadlines for SWP3 Preparation and Compliance 58

Section H. Plan Review and Making Plans Available 59

Section I. Keeping Plans Current 59

Section J. Contents of SWP3 59

1. Site Description 59

2. Structural and non-structural controls 60

3. Stabilization Practices 60

4. Structural Control Practices 61

5. Permanent Stormwater Controls 62

6. Other Controls 62

7. Effluent Limits 62

8. Approved State and Local Plans 62

9. Maintenance 62

10. Inspections of Controls 63

11. Pollution Prevention Measures..... 64

Section K. Additional Retention of Records 64

Part I. Definitions

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

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

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

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

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

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

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

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

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

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

(a) The entity or entities that have operational control over construction plans and

specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or

(b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution

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

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

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

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

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

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

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

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

(b) For individual lots in a residential construction site by either:

(1) The homebuilder completing final stabilization as specified in condition (a) above;

or

(2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

(c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed

that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

(d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

- (1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
- (2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Outfall - A point source at the point where a small MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources

such as curb cuts; traffic or right-of-way barriers with drainage slots that drain into open culverts, open swales or an adjacent property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

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

- (a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;
- (b) Designed or used for collecting or conveying stormwater;
- (c) Which is not a combined sewer;
- (d) Which is not part of a publicly owned treatment works (POTW) as defined in 40 CFR § 122.2; and
- (e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

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

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

runoff and drainage.

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

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

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

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

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

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

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

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

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

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

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

(f) The territorial sea; and

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

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

Part II. Permit Applicability and Coverage

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

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

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

1. Small MS4s Located in an Urbanized Area

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

2. Designated Small MS4s

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

3. Operators of Previously Permitted Small MS4s

Operators of small MS4s that were covered under the previous TPDES general permit for small MS4s (TXR040000, Issued and Effective on August 13, 2007) must reapply for permit coverage, or must obtain a waiver if applicable (see Part II.B, related to Obtaining a Waiver.)

4. Regulated Portion of Small MS4

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

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

5. Categories of Regulated Small MS4s

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

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

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

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

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

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

Section B. Available Waivers from Coverage

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

the waiver and require that permit coverage be obtained.

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

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

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

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

1. Waiver Option 1:

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

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

2. Waiver Option 2:

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

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

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

Section C. Allowable Non-Stormwater Discharges

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

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

Section D. Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

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

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

2. Discharges of Stormwater Mixed with Non-Stormwater

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

3. Compliance with Water Quality Standards

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

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

Requirements

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list, as not meeting Texas Surface Water Quality Standards. The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs as provided in sections (a) and (b) below, and shall assess the progress in controlling those pollutants.

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

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

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

(1) Targeted Controls

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

(2) Measurable Goals

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

(3) Identification of Benchmarks

The SWMP must identify a benchmark for the pollutant(s) of concern.

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

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

a. If the MS4 is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.D.4(a)(6).

b. Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark for the pollutant(s) of concern (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmarks for individual MS4s, each permittee is only responsible

for progress in meeting its sub-benchmark.

(4) Annual Report

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

(5) Impairment for Bacteria

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

The BMPs shall, as appropriate, address the following:

a. Sanitary Sewer Systems

- (i) Make improvements to sanitary sewers to reduce overflows;
- (ii) Address lift station inadequacies;
- (iii) Improve reporting of overflows; and
- (iv) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.

b. On-site Sewage Facilities (for entities with appropriate jurisdiction)

- (i) Identify and address failing systems; and
- (ii) Address inadequate maintenance of On-Site Sewage Facilities (OSSFs).

c. Illicit Discharges and Dumping

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

d. Animal Sources

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

e. Residential Education

Increase focus to educate residents on:

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

(6) Monitoring or Assessment of Progress

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

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

(i) Evaluating Program Implementation Measures

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

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

(ii) Assessing Improvements in Water Quality

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

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

(7) Observing no Progress Towards the Benchmark

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

Where the permittee originally used a benchmark based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark for the pollutant(s) of concern for their respective MS4s, as described in Part II.D.4(a)(3)(b) above.

Permittees must document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption of alternative sub benchmark for the pollutant(s) of concern for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

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

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

(1) Discharging a Pollutant of Concern

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

(2) Impairment of Bacteria

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

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

5. Discharges to the Edwards Aquifer Recharge Zone

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

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

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

copy of the MS4 NOI to the appropriate TCEQ regional office with each WPAP application submitted to TCEQ on or after August 13, 2012.

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

Contact:

TCEQ, Water Program Manager

San Antonio Regional Office

14250 Judson Road

San Antonio, Texas 78233-4480

(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact:

TCEQ, Water Program Manager

Austin Regional Office

12100 Park 35 Circle, Bldg. A, Rm 179

Austin, Texas 78753

(512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

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

7. Protection of Streams and Watersheds by Home Rule Municipalities

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

8. Indian Country Lands

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

9. Endangered Species Act

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

10. Other

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

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

Section E. Obtaining Authorization

1. Application for Coverage

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

(a) Small MS4s Located in a 2010 Urbanized Area (UA) (Newly regulated Small MS4s)
Operators of small MS4s described in Part II.A.1 that were not previously regulated under the TPDES General Permit TXR040000, shall submit an NOI and SWMP within 180 days following the effective date of this general permit.

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

(c) Designated Small MS4s

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

(d) Individual Permit Alternative

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

2. Late Submission of the NOI and SWMP

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

3. Stormwater Management Program (SWMP)

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

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

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

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

(a) The following changes may be implemented without submitting an NOC form. The changes may be made immediately following revision of the SWMP, and must be included in the annual report:

(1) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP. An equivalent BMP is one that is intended to address the same concern as the original BMP and is substantially similar in nature to the original BMP;

(2) Nonsubstantive changes, including:

a. A change in personnel, or a reorganization of departments responsible for implementing the SWMP;

b. Minor clarifications to the existing BMPs;

c. Correction of typographical errors;

d. Other similar administrative or nonsubstantive comments.

(3) Adding or subtracting area(s) during the permit term, such as by annexing land or if land is de-annexed.

(b) The permittee may replace a less effective or infeasible BMP specifically identified in the SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP). Such a change may be implemented within 60 days following submittal of an NOC form, unless the NOC is denied in writing by TCEQ. Such requests must include the following:

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

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

(3) An explanation of how the replacement BMP is expected to achieve the goals of the previous BMP.

(c) All other changes must be submitted on an NOC form and may only be implemented following written approval by TCEQ (See Part II.E.5).

4. Contents of the NOI

The NOI must contain the following minimum information:

(a) MS4 Operator Information

(1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and

(2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).

(b) Site Information

(1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;

(2) County or counties where the small MS4 is located;

(3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;

(4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;

(5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this permit;

(6) A statement that the applicant will comply with the Public Participation requirements described in Part II.E.12.;

(7) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;

(8) The name of any MS4 receiving the discharge prior to discharge into waters of the U.S.;

(9) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters;

(10) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and

(11) Any other information deemed necessary by the executive director.

5. Notice of Change (NOC)

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

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

6. Change in Operational Control of a Small MS4

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

7. Notice of Termination (NOT)

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

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

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

9. Fees

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

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

10. Permit Expiration

(a) This general permit is effective for five (5) years from the permit effective date.

Authorizations for discharge under the provisions of this general permit will continue until the expiration date of the general permit. This general permit may be amended, revoked, or canceled by the commission or renewed by the TCEQ for an additional term not to exceed five (5) years.

(b) If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect until the date on which the commission takes final action on the proposal to reissue this general permit. For existing permittees, general permit coverage will remain in effect after the expiration date of the existing general permit, in accordance with 30 TAC, Chapter 205. No new NOIs will be accepted and no new authorizations will be processed under the general permit after the expiration date.

(c) Following issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges. The renewed permit will include a deadline to apply for coverage, and authorization for existing permittees will be automatically extended until the deadline to apply for coverage, or until an application is submitted for renewal, whichever occurs first.

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

11. Suspension of Permit Coverage

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

12. Public Notice Process for NOI submittal

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

(a) The applicant shall submit an NOI and SWMP to the executive director. The SWMP must include information about:

(1) BMPs the applicant will implement for each of the six MCMs, as appropriate;

(2) The measurable goals for each of the BMPs, including, as appropriate the months

and years in which the applicant will take the required actions, including interim milestones and the frequency of the action; and

(3) The person or persons responsible for implementing or coordinating the applicants SWMP.

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

(c) The notice will include the following information, at a minimum:

(1) The legal name of the MS4 operator;

(2) Indication of whether the NOI is for a new authorization or is a renewal of an existing authorization;

(3) The address of the applicant;

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

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

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

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

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

(e) The public comment period begins on the first date the notice is published and lasts for at least 30 days. If a public meeting is held, the comment period will end at the closing of the public meeting (see paragraph (f) below). The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.

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

(g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under

this general permit is not an evidentiary proceeding.

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

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

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

Section F. Permitting Options

1. Authorization Under the General Permit

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

(a) Participants

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

(b) Responsibilities

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

2. Alternative Coverage under an Individual TPDES Permit

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

performer” according to commission rules in 30 TAC §60.3, Use of Compliance History. An applicant who owns or operates a facility classified as an “unsatisfactory performer” is

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

Part III. Stormwater Management Program (SWMP)

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

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

Section A. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing regulated small MS4s

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

(b) New regulated small MS4s

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

(c) Implementation of the SWMP

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

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

2. Content of the SWMP

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

(a) A description of Minimum Control Measures (MCM) with measureable goals, including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action for each MCM described in Part III, Section B.

(b) A measurable goal that includes the development of ordinances or other regulatory mechanisms, allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;

(c) A summary of written procedures describing how the permittee will implement the provisions in Parts III and IV of this general permit.

(d) A description of a program or a plan of compliance with the requirements in Part II.D.4. (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements)

3. Legal Authority

(a) Traditional small MS4s, such as cities

(1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.

(2) To be considered adequate, this legal authority must, at a minimum, address the following:

- a. Authority to prohibit illicit discharges and illicit connections;
- b. Authority to respond to and contain other releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4;
- c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
- d. Authority to require installation, implementation, and maintenance of control measures;
- e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
- f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;
- g. Authority to respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);
- h. Authority to assess penalties, including monetary, civil, or criminal penalties; and
- i. Ability to enter into interagency or interlocal agreements or other

maintenance agreements, as necessary.

(b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons and universities

(1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UA under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.

(2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:

a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or,

b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or TCEQs Field Operations Support Division as needed to report discharges or incidents that it cannot itself enforce against. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

4. Resources

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

5. Effluent Limitations

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

6. Enforcement Measures

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

Section B. Minimum Control Measures

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

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

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

1. Public Education, Outreach, and Involvement

(a) Public Education and Outreach

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

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

- a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);
- b. Identify the target audience(s);
- c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;
- d. Determine cost effective and practical methods and procedures for distribution of materials.

(2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.

(3) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(4) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(b) Public Involvement

All permittees shall involve the public, and, at minimum, comply with any state and

local public notice requirements in the planning and implementation activities related

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

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

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

2. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

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

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

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

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

(2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ regional office of the possible illicit connection.

(3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).

(4) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

(b) Allowable Non-Stormwater Discharges

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

(c) Requirements for all Permittees

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

(1) MS4 mapping

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

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

(2) Education and Training

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

(3) Public Reporting of Illicit Discharges and Spills

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

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

(5) Source Investigation and Elimination

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

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

(ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.

(iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee’s boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ’s Field Operation Support Division according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

(i) If and when the source of the illicit discharge has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.

(6) Inspections –The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

(d) Additional Requirements for Level 3 and 4 small MS4s

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

(1) Source Investigation and Elimination

Permittees who operate level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C, no further action is required.

(e) Additional Requirements for Level 4 small MS4s

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

(1) Identification of Priority Areas

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

(2) Dry Weather Field Screening

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

If dry weather field screening is necessary, at a minimum, the permittee shall:

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

3. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

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

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the

MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the the program fully implemented by the end of this permit term.

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

(b) Requirements for all Permittees

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

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.

(2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.

a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.

b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.

c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:

(i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;

(ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and

(iii) Minimize the discharge of pollutants from spills and leaks.

d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as

practicable.

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

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

(4) Construction Plan Review Procedures

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

- a. The site plan review procedures must incorporate consideration of potential water quality impacts.
- b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000. The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

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

- a. Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.
- b. Inspections must occur during the active construction phase.
 - (i) All permittees shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on site or in the SWMP and be made available to TCEQ.

(ii) Inspections of construction sites must, at a minimum:

1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage.
 2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements.
 3. Assess compliance with the permittee's ordinances and other regulations.
 4. Provide a written or electronic inspection report.
- c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ. For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the TCEQ's Field Operations Support Division according to Part III.A.3(b).

(6) Information submitted by the Public

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

(7) MS4 Staff Training

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

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

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

(1) Construction Site Inventory

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

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

(a) Post-Construction Stormwater Management Program

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

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

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

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

(b) Requirements for all Permittees

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

(1) All permittees shall review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2.. Any changes must be included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.

(2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures

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

a. Maintenance performed by the permittee. See Part III.B.5

b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is

documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

(c) Additional Requirements for Level 4 small MS4s

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

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

a. Inspection Reports - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

5. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program development

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

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

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

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

- a. Composting facilities;
- b. Equipment storage and maintenance facilities;
- c. Fuel storage facilities;
- d. Hazardous waste disposal facilities;

e. Hazardous waste handling and transfer facilities;

- f. Incinerators;
- g. Landfills;
- h. Materials storage yards;
- i. Pesticide storage facilities;
- j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
- k. Parking lots;
- l. Golf courses;
- m. Swimming pools;
- n. Public works yards;
- o. Recycling facilities;
- p. Salt storage facilities;
- q. Solid waste handling and transfer facilities;
- r. Street repair and maintenance sites;
- s. Vehicle storage and maintenance yards; and
- t. Structural stormwater controls.

(2) Training and Education

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

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

(4) Contractor Requirements and Oversight

a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts III B.5.(2)-(6).

b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

a. Assessment of permittee-owned operations

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

(i) Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;

(ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;

(iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and

(iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.

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

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

(i) Replacing materials and chemicals with more environmentally benign materials or methods;

(ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and

(iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the permittee and consistent with maintaining the effectiveness of the BMP.

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

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

(1) Storm Sewer System Operation and Maintenance

a. Permittees who operate level 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures.

b. Permittees who operate level 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

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

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

that includes, if feasible and practicable, a street sweeping and cleaning program,

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

- a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program.
- b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.
- c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

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

(4) Facility Assessment

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

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

materials have a high potential to be discharged in stormwater.

c. Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results

of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility Specific SOPs

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

a. For each high priority facility identified in Part III.B.5.(c)(4)b., the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.

b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.

(6) Stormwater Controls for High Priority Facilities

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

a. General good housekeeping – Material with a potential to contribute to stormwater pollution should be sheltered from exposure to stormwater when feasible.

b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.

c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) which address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.

d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate level 3 or 4 small Ms4s shall develop and implement an

inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

(d) Additional Requirements for Level 4 small MS4s:

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

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

a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.

b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:

(i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.

(ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:

(a) Use of native plants or xeriscaping;

(b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling;

(c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions;

(d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.

c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation.

d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.

6. Industrial Stormwater Sources

(a) Permittees operating a level 4 small MS4 shall include the requirements described below in Part III. B.6.(1) – this requirement is only applicable to level 4 MS4s

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

for such discharges.

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

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

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

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

(a) The MCM must include:

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

(5) Records of municipal construction activities authorized under this optimal MCM, in accordance with Part VI of this general permit.

Section C. General Requirements

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

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

Part IV. Recordkeeping and Reporting

Section A. Recordkeeping

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

Section B. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

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

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

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

(b) Other Information

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

2. Annual Report

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

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

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

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

used to address the pollutant of concern;

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

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

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

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

The annual report must be submitted to the following address:

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

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

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

Part V. Standard Permit Conditions

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

B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.

E. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.

F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

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

1. Negligently or knowingly violating CWA, §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and
2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.

H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

I. Authorization under this general permit does not convey property or water rights of

any sort and does not grant any exclusive privilege.

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

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

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

Section A. Eligible Construction Sites

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

Section B. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

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

2. Discharges of Stormwater Associated with Construction Support Activities

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

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

3. Non-Stormwater Discharges

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

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

4. Other Permitted Discharges

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

Section C. Limitations on Permit Coverage

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

Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

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

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

Section E. Stormwater Runoff from Concrete Batch Plants

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

1. Benchmark Sampling Requirements

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

Table 1. Benchmark Monitoring

Benchmark

Parameters Benchmark Value Sampling

Frequency Sample Type

Oil and Grease 15 mg/L 1/quarter (*1)(*2) Grab (*3)

Benchmark

Parameters Benchmark Value Sampling

Frequency Sample Type

Total Suspended Solids 100 mg/L 1/quarter (*1)(*2) Grab (*3)

pH 6.0-9.0 S.U. 1/quarter (*1)(*2) Grab (*3)

Total Iron 1.3 mg/L 1/quarter (*1)(*2) Grab (*3)

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

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

January through March

April through June

July through September

October through December

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

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

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

The operator's investigation must identify the following:

(1) Any additional potential sources of pollution, such as spills that might have occurred;

- (2) Necessary revisions to good housekeeping measures that are part of the SWP3;
- (3) Additional BMPs, including a schedule to install or implement the BMPs; and

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

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

2. BMPs and SWP3 Requirements

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

(a) Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:

(1) Drainage – The site map must include the following information:

- a. The location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;
- b. A depiction of the drainage area and the direction of flow to the outfall(s);
- c. Structural controls used within the drainage area(s);
- d. The locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes listed in the TPDES Construction General Permit TXR150000; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and
- e. The locations of the following: any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

(2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.

(3) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to

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

(4) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.

(b) Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part VI.E.2.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:

(1) Good Housekeeping - Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.

a. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

b. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

(2) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

(3) Inspections - Qualified facility personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.

(4) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a

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

(5) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3.

Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

(6) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

(c) Comprehensive Compliance Evaluation – At least once per year, one (1) or more qualified personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following:

(1) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, and truck wash down and equipment cleaning areas.

Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.

(2) Based on the results of the evaluation, the following must be revised as appropriate within two (2) weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VI.E.2(a), "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part VI.E.2.(b) "Measures and Controls").

The revisions may include a schedule for implementing the necessary changes.

(3) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC Section 305.128, relating to Signatories to Reports.

(4) The Comprehensive Compliance Evaluation may substitute for one of the required

inspections delineated in Part VI.E.2.(b)(3) of this general permit.

3. Prohibition of Wastewater Discharges

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

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

4. Concrete Truck Wash Out Requirements

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

(a) Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.

(b) Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.

(c) Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.

(d) The discharge of wash out water shall not cause or contribute to groundwater contamination.

(e) If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated map.

Section F. Effective Date of Coverage

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

Section G. Deadlines for SWP3 Preparation and Compliance

The SWP3 must:

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

Section H. Plan Review and Making Plans Available

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

Section I. Keeping Plans Current

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

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

Section J. Contents of SWP3

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

1. Site Description

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

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

(7) Locations where stormwater discharges from the site directly to a surface water body or a MS4; and

(8) Vehicle wash areas.

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

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

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

2. Structural and non-structural controls

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

(a) Erosion and Sediment Controls

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

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

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

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

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

3. Stabilization Practices

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

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

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

(1) The dates when major grading activities occur;

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

(3) The dates when stabilization measures are initiated.

(c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.

(1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

4. Structural Control Practices

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

(a) Sites with a drainage area of ten (10) or more acres:

(1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, but must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations must be included in the SWP3.

(2) Where rainfall data is not available or a calculation cannot be performed the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until the site reaches final stabilization.

(3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until the site reaches final stabilization. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation pattern, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.

(4) Perimeter Controls – At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(b) Controls for sites with drainage areas less than ten acres:

(1) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt

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

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

5. Permanent Stormwater Controls

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

6. Other Controls

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

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

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

7. Effluent Limits

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

8. Approved State and Local Plans

(a) The permittee shall ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.

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

9. Maintenance

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

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

10. Inspections of Controls

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

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

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

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

conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

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

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

(c) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

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

(e) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed. Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

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

11. Pollution Prevention Measures

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

Section K. Additional Retention of Records

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

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