Phase II Stormwater Management Program (SWMP)

Prepared for:

TXR040041

For
Stormwater Discharges from Phase II (Small)
Municipal Separate Storm Sewer Systems (MS4)

Per
Texas Pollution Discharge Elimination System (TPDES)
General Permit TXR040000

City of Tyler

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APPENDICES

LIST OF ACRONYMS

AST	Aboveground Storage Tank
BMP	Best Management Practice
BOD	Biochemical Oxygen Demand
C	Construction BMP
CFR	Code of Federal Regulations
CGP	Construction General Permit
CWA	Clean Water Act
EPA	Environmental Protection Agency
ETCOG	East Texas Council of Governments
ETJ	Extra-Territorial Jurisdiction
FBO	Fleet Based Operators
FOG	Fats, Oils, and Grease
GH	Good Housekeeping BMP
GIS	Geographic Information System
GP	General Permit
GRD	Grease/Grit Reduction Device
ID	Illicit Discharge BMP
IDDE	Illicit Discharge Detection and Elimination
ILA	Inter-Local Agreement
ISD	Independent School District
MCM	Minimum Control Measure
MS4	Municipal Separate Storm Sewer System
MEP	Maximum Extent Practicable
MSGP	Multi-Sector General Permit
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
OSSF	On-Site Sewage Facilities
PE	Public Education BMP
PI	Public Involvement BMP
PC	Post-Construction BMP
POTW	Publicly Owned Treatment Works
PP	Pollution Prevention
ROW	Right-of-Way
RUAA	Recreational Use Attainability Analysis
SDS	Safety Data Sheet
SOP	Standard Operating Procedures
SPCC	Spill Prevention Control and Countermeasure
SWMP	Stormwater Management Program
SWP3	Stormwater Pollution Prevention Plan
SWPPP	Stormwater Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality

TIAER	Texas Institute for Applied Environmental Research
TMDL	Total Maximum Daily Load
TPDES	Texas Pollutant Discharge Elimination System
TSS	Total Suspended Solids
TSWQS	Texas Surface Water Quality Standards
UA	Urbanized Area
UAA	Use Attainability Analysis
U.S.	United States
UST	Underground Storage Tank

1. PURPOSE OF PROGRAM

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

This revised plan for our fourth permit cycle is based on a review of the City's current program including an evaluation of the effectiveness of the Best Management Practices (BMPs) during the third permit cycle that utilized the plan developed in 2019. This revised SWMP has been modified as necessary to meet permit requirements as promulgated by the General Permit to Discharge Under the Texas Pollutant Discharge System, TXR040000 (GP), and became effective on 15 August 2024.

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

2. DESCRIPTION OF AREA PROPOSED FOR PERMIT COVERAGE

2.1. Tyler Area Description and Urbanized Area Boundaries

An urban area (UA), as defined in the GP, is "[a] statistical geographic entity consisting of a densely settled core created from census blocks and contiguous qualifying territory that together have at least 2,000 housing units or 5,000 persons as defined and used by the U.S. Census Bureau in the 2020 Decennial Census". The term "Urbanized Area" ("[a]n 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 2010 Decennial Census") was retired in the 2020 Decennial Census by the U.S. Census Bureau.

A figure depicting the regulated UA, as determined by the 2020 Decennial Census by the U.S. Bureau of Census for Tyler, Texas, is provided in ***Appendix B***. ***Figure 1*** depicts a comparison of the 2000, 2010 and 2020 UA extents. The regulated portion of the small MS4 is defined as the portions located within the 2000, 2010 or 2020 UA. The Tyler regulated portion is depicted in ***Figure 2***.

The Tyler, Texas urbanized area expanded from 36,877 acres in 2000, to 58,374 acres in 2010. The UA of Tyler is 52,755 acres in 2020. The regulated UA has decreased in area due to the population increases of Whitehouse and Lindale and the exclusion of Bullard by the Texas Commission on Environmental Quality (TCEQ), but still includes parts of Smith County.

2.2. Tyler Population and MS4 Classification

According to the U.S. Bureau of Census, in 2020 the population of Tyler, Texas was 105,995 (U.S. Census Bureau QuickFacts: Tyler city, Texas), and the UA had a population of 131,028 (Urban Area Maps for Phase II (Small) Municipal Separate Storm Sewer Systems (MS4s) - Texas Commission on Environmental Quality - www.tceq.texas.gov). The revised GP issued by the TCEQ on 15 August 2024 classifies MS4s based on their population served within the 2020 UA. Based on the 2020 census population data, the City of Tyler is a Level 4 MS4. Thus, the Level 4 MS4 requirements as defined in the GP, govern the requirements of the Tyler SWMP.

2.3. Adjacent/Enclave MS4s

Per the GP, an MS4 is "[a] conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)":

- that is owned and operated by a jurisdiction;
- for the collection and conveyance of stormwater;
- is not a combined sewer; and
- is not a publicly owned treatment works (POTW).

Non-traditional small MS4s that may also be regulated include military bases, large hospitals, prisons, counties, transportation authorities (e.g. Texas Department of Transportation), universities, municipal utility districts, and drainage districts.

The following jurisdictions are MS4s that are in Smith County:

- City of Bullard – No MS4 Permit per the TCEQ website (not an UA)
- City of Lindale – No MS4 Permit per the TCEQ website
- City of Tyler – TXR040041
- City of Whitehouse - TXR040496
- Smith County – TXR040040
- Texas Department of Transportation – TXS002101
- The University of Texas at Tyler – TXR040335

2.4. Receiving Waters

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

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

See ***Figure 3*** located in ***Appendix C, Receiving Waterbodies***.

2.5. Pollutants of Concern

A review of federal, state, and local water quality monitoring programs was conducted to identify any water quality impairments and pollutants of concern (POC). Three (3) designated waterbodies of the state receive stormwater runoff directly from the City of Tyler's UA. The TCEQ designated segments include West Mud Creek (unclassified segment 0611D) and Black Fork Creek (unclassified segments 0606C and 0606D). The most recent Environmental Protection Agency (EPA) approved 303(d) list, 2024 303(d) list (approved by the EPA on 13 November 2024) includes water quality impairments and concerns for these designated segments. ***Figure 4*** located in ***Appendix C*** depicts the classified and unclassified stream segments.

Black Fork Creek receives runoff from the northern portion of Tyler. The upper 3.2 miles of Black Fork Creek (unclassified segment 0606C) is defined by TCEQ as an "intermittent stream with perennial pools from a point 0.4 km downstream of FM 14 to a point 0.2 km upstream of SH 31 in Tyler". This upper unclassified segment has not been and is not included in the 2024 303(d) list for an impairment.

The lower 10.1 miles of Black Fork Creek (unclassified segment 0606D) is defined by TCEQ as a "perennial stream from the confluence with Prairie Creek to a point 0.4

km downstream of FM 14 in Tyler". This lower unclassified segment of Black Fork Creek is included in the 2024 303(d) list as being impaired for primary contact during recreational use due to elevated bacteria concentrations and was first listed on the 2012 303(d) list. Black Fork Creek segment 0606D is designated by the TCEQ as category 5b on the 303(d) list, meaning that a review of the standards for the water body (this segment) will be conducted by the TCEQ prior to selecting a management strategy. This impairment is carried forward from the 2022 303(d) list due to the lack of adequate data to re-assess in 2024. A Recreational Use Attainability Assessment (RUAA) was performed by the Texas Institute for Applied Environmental Research (TIAER) and completed in 2021 for this segment. It indicated very limited public access and seldom or not observed recreational activity. A Total Maximum Daily Load (TMDL) has not been developed for Segment 0606D.

West Mud Creek receives stormwater runoff from the southern portion of Tyler's UA. Designated by TCEQ as an unclassified segment 0611D, it is defined as a "perennial stream from the confluence with Mud Creek in Cherokee County upstream to the confluence of an unnamed tributary 300 meters upstream of the most northern crossing of US 69 (approximately 2.25 km south of the intersection of Loop 323) in the City of Tyler". West Mud Creek is listed on the 2024 303(d) list as being impaired for primary contact during recreational use due to elevated bacteria concentrations and was first listed on the 2010 303(d) list. West Mud Creek (unclassified segment 0611D) is designated by the TCEQ as category 5c on the 303(d) list, meaning that the TCEQ will collect and/or evaluate additional data and information before a management strategy is selected. This impairment is carried forward from the 2022 303(d) list due to the lack of adequate data to re-assess in 2024. A TMDL has not been developed for Segment 0611D.

Water quality concerns were identified based on a review of the TCEQ 2024 305(b) integrated water quality assessment report and the 2024 303(d) list. Based on this review, the following water quality parameters are perceived to be a concern in the Tyler area:

Black Fork Creek (0606D_02)
- Bacteria

West Mud Creek (0611D_01)
- Bacteria

According to TCEQ, the sources of bacteria in Black Fork Creek (unclassified segment 0606D) were unknown. The source of bacteria in West Mud Creek (unclassified segment 0611D) were identified by TCEQ as originating from nonpoint sources including wet weather discharges and wildlife sources other than waterfowl. Ammonia and nitrates were also concerns for water quality based on screening levels and were identified as coming from municipal point source discharges. However, they were not considered impairments at this time for West Mud Creek.

"POCs" as defined in the Small MS4 General Permit include:
- biochemical oxygen demand (BOD);
- sediment, 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”.

Based on this definition, ammonia and nitrogen are not considered POCs. The only POC identified as causing an impairment was bacteria.

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

1. The permittee shall determine whether the small MS4 may be a source of the POCs by referring to the Clean Water Act (CWA) §303(d) list and then determining if discharges from the MS4 would be likely to contain the POCs at levels of concern.
2. If the permittee determines that the small MS4 may discharge the POCs to an impaired water body without an approved TMDL, the permittee shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement to reduce the discharge of pollutant(s) of concern that contribute to the impairment of the water body.
3. In addition, the permittee shall submit a Notice of Change (NOC) to amend the SWMP in accordance with Part II.F.6 to include any additional BMPs to address the pollutant(s) of concern. Copies of said NOC(s), if required, will be kept in ***Appendix F***.

Additionally, if the impairment is for bacteria, the permittee must identify potential significant sources and develop and implement focused BMPs for those sources. According to the Small MS4 General Permit, the City shall implement the following BMPs (as listed in Part III.A.5) to address bacteria sources or propose alternative BMPs, as appropriate:

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

5. Residential Education
   Increase focus to educate residents on:
   a. Bacteria discharging from a residential site either during runoff events or directly;
   b. Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
   c. Maintenance and operation of decorative ponds; and
   d. Proper disposal of pet waste.

This updated SWMP includes BMPs that address each of the five (5) categories listed above.

1. Sanitary Sewer Systems
   a. **BMP ID-5** addresses sanitary sewer overflows through daily inspection and preventative maintenance of lift stations, CCTV inspection of sanitary sewer lines, and cleaning of over 400,000 feet of sanitary sewer pipe per year. Overflow causes and repairs are inspected and monitored
   b. The City has FOG literature that is used to educate the public regarding proper disposal. The literature is distributed at several locations throughout the City (**BMP PE-3**).
   c. The City educates the public about multiple topics, including causes of sanitary sewer overflows, using utility bill inserts (**BMP PE-1**), social media posts (**BMP PE-2**), Public Service Announcements (PSAs - **BMP PE-7**), and website (**BMP PE-4**). Other types of advertisements are being reviewed and may be implemented during this permit term (**BMP PE-7**).
   d. The City also has a FOG ordinance. Enforcement includes proper grease/grit reduction device (GRD) design, installation, operation, and maintenance, and is performed by plan review and inspections (**BMP ID-10**).

2. On-site Sewage Facilities
   a. The City addresses failing septic systems cooperatively with Smith County through educational literature that is distributed to septic tank owners/operators on the proper maintenance practices (**BMP PE-3**). The literature is given to septic tank pumpers to distribute to homeowners. The literature is cooperatively produced by both the City of Tyler and Smith County (**BMP ID-6**).

3. Illicit Discharges (Unauthorized Sewer Taps and/or Dumping)
   a. The City has an illicit discharge (ID) ordinance and aggressively investigates and prosecutes violators of the ordinance (**BMPs ID-3 and ID-7**) through surveillance cameras posted at problem areas. The City also has an active program to detect (**BMP ID-2**) and investigate illicit discharges (**BMP ID-3**).
   b. In addition, the City provides City-wide collection events (**BMP ID-8**) to deter illegal dumping, encourages recycling (**BMP GH-2**), offers opportunities to help (**BMPs PI-1, PI-2, and PI-3**), observe, and report on

such ID violations (**BMP C-5**), and promotes and educates (**BMPs PE-1, PE-2, PE-3, PE-4, PE-5, PE-7, PI-4, PI-5, and PI-6**).

4. Animal Sources
    a. The City has expanded its program to include animal sources through the implementation of a BMP to address pet waste (**BMP ID-9**). The City has installed 24 (twenty-four) pet waste stations at ten (10) of its city parks to address animal waste sources. Literature addressing pet waste is distributed and available (**BMP PE-3**) and is communicated in utility bill inserts (**BMP PE-1**), social media posts (**BMP PE-2**), and PSAs (**BMP PE-7**).

5. Residential Education
    a. The City has existing literature on FOG, yard waste, pet waste, failing septic systems, illicit discharges, general stormwater information, water conservation, hazardous waste, and chemical disposal that it distributes at several locations throughout the City (**BMP PE-3**) and is communicated in utility bill inserts (**BMP PE-1**), social media posts (**BMP PE-2**), and PSAs (**BMP PE-7**).

The City will continue to monitor and reevaluate all known sources of bacteria over the term of the permit to determine if additional targeted BMPs need to be added to the SWMP. Currently, all known sources of bacteria have been addressed through this revised SWMP.

2.6. Other City Activities Requiring Stormwater Permit Coverage

A Stormwater Pollution Prevention Plan (SWP3 or SWPPP) is in place for industrial activities at the Oakwood Municipal Complex located at 410 W. Oakwood, Tyler, Smith County, Texas as required for compliance with the requirements of the Texas Pollutant Discharge Elimination System (TPDES) Stormwater General Permit number TXR050000 relating to stormwater discharge associated with Industrial Activity. Said permit number is TXR05X206.

An SWP3 is in place for industrial activities at the Southside Waste Water Treatment Plant located at 400 Cumberland Road, Tyler, Smith County, Texas as required for compliance with the requirements of the TPDES Stormwater General Permit number TXR050000 relating to stormwater discharge associated with Industrial Activity. Said permit number is TXR05X204.

An SWP3 in in place for industrial activities at the Westside Waste Water Treatment Plant located at 14939 County Road 46, Tyler, Smith County, Texas as required for compliance with the requirements of the TPDES Stormwater General Permit number TXR050000 relating to stormwater discharge associated with Industrial Activity. Said permit number is TXR05X205.

An SWP3 in in place for industrial activities at the Tyler Pounds Regional Airport located at 700 Skyway Boulevard, Suite 201, Tyler, Smith County, Texas as required

for compliance with the requirements of the TPDES Stormwater General Permit number TXR050000 relating to stormwater discharge associated with Industrial Activity. Said permit number is TXR05BK36.

The City of Tyler will also be required to obtain a construction general permit for any city construction activity, which disturbs one (1) or more acres of land in accordance with conditions of the Construction General Permit (CGP) No. TXR150000 for Construction Stormwater Runoff covering eligible stormwater and certain types of non-stormwater discharges to surface water in the State.

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

3. ACTIVITIES CONDUCTED IN SUPPORT OF PROGRAM DEVELOPMENT

3.1. Activities in Support of SWMP Development

Activities conducted during the development and review of the SWMP, and updates to the same, included:

- Review of the City's existing stormwater management plan;
- Review of the City's stormwater related ordinances;
- Review of City facilities; and
- Conduction and attendance of meetings with City departments.

3.2. City Departmental Meetings

Meetings took place with various departments for the purpose of discussing what was working well, what needed to be adjusted to improve performance, and to train and educate about needed permit and enforcement changes. Meetings took place with:

- Engineering Services;
- Streets Department;
- Airport;
- Vehicle Equipment Services;
- Wastewater Treatment;
- Code Enforcement;
- Development Services (Building Inspection and Permits); and
- Solid Waste.

3.3. City Facility Review

Facilities inspected included:

- Tyler Pounds Regional Airport
- Oakwood Municipal Complex
    - Solid Waste Department
    - Recycling Facility
    - Vehicle Equipment Services Maintenance Garage
    - Vehicle Equipment Services Car Wash
    - Fuel Dispensing Area
    - Solid Waste Can/Truck Washing Facility
- Streets Department
    - Frankston Hwy Equipment/Material Storage Yard
    - Concrete Batch Plant
    - Northside Material Storage Area (across from Water Utilities Service Center on north side of Loop 323)
- Parks Department Locations
    - Oakwood Maintenance Service Center
    - Rose Hill Cemetery Maintenance Center
    - Rose Garden Maintenance Center

    - Faulkner Park Maintenance Facility
    - Lindsey Park Maintenance Facility
- Tyler Water Utilities Service Center
    - East Bow Street and North Beckham Avenue material storage area
    - East 5th Street and South Highland Avenue material storage area
- Westside Wastewater Treatment Plant
- Southside Wastewater Treatment Plant

4. SUMMARY OF PHASE II STORMWATER REGULATIONS AND PROGRAM REQUIREMENTS

4.1. Regulatory Chronology

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

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

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

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

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

The original general permit expired 12 August 2012 and the Small MS4 General Permit, TPDES Permit No. TXR040000, was reissued on 13 December 2013. Each subsequent permit is effective for five (5) years from the date of issuance. This is the fourth SWMP for the City of Tyler and its fourth permit period; each SWMP is updated as required to comply with any new requirements promulgated with the new TXR40000, Small MS4 General Permit.

4.2. TPDES Requirements

The TCEQ adopted the TPDES Small MS4 General Permit TXR040000 (GP) to authorize discharges of stormwater from small MS4s located in the state of Texas to Water of the U.S. This GP is briefly summarized below.

4.2.1. Permit Applicability and Coverage

This section of the GP states that an MS4 that is fully or partially within an urban area (UA) with a population of at least 50,000 people, as determined by the 2000, 2010 or 2020 Decennial Census by the U.S. Bureau of Census, is eligible for this permit and must obtain authorization for the discharge of stormwater runoff. Small MS4s seeking to obtain coverage pursuant to GP and authorization to discharge are required to develop a SWMP and submit a completed NOI.

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

The revised TPDES Small MS4 General Permit TXR040000 became effective on 15 August 2024 and the deadline for submission of the NOI and SWMP is 11 February 2025. The GP requires that an application fee of $400.00 be submitted with the NOI. New for this permit cycle, the NOI must be submitted electronically via the NeT-MS4 online permitting system. The NOI and Core Data form is provided in ***Appendix E.*** Documentation of the City Manager's signatory authority is included in ***Appendix A.***

The TCEQ will review the NOI, and the executive director may:

1. Determine that the submission is complete and approve the NOI;
2. Determine that the submission is incomplete, deny coverage, and require that a new complete NOI be submitted;
3. Determine that the NOI needs revisions, providing documentation and a compliance schedule; or
4. Deny coverage under this GP and provide a deadline to obtain coverage under a TPDES individual permit.

Upon approval of the NOI, with or without changes, authorization to discharge is communicated by the TCEQ.

4.2.2. Allowable Non-Stormwater Discharges

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

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 the Texas Surface Water Quality Standards (TSWQS);
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 TSWQS;
14. Street wash water (excluding street sweeper wastewater);
15. Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26 (d)(2)(iv)(B)(1);
17. Non-stormwater discharges 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.

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

4.2.3. Stormwater Management Program Requirements

This section of the GP states that "[t]he SWMP must be developed, implemented, and enforced to reduce the discharge of pollutants from the small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements

of the CWA and the TWC". The MEP standard is common in EPA's stormwater regulations and permits, and here is it intended to identify the effort needed to "protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act" (40 CFR §122.34). However, it is not defined, so it is a subjective standard for the operator of the Small MS4 to meet. EPA has stated, "Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard" (64 FR at 68754). As stated in the GP, a permittee that implements best management practices (BMPs) and measurable goals consistent with the provisions of this GP, complies with the standards of reducing pollutants to the MEP.

The TPDES Small MS4 General Permit (TXR040000) identified eight (8) minimum control measures (MCMs), which are as follows:

1. Public Education and Outreach;
2. Public Involvement/Participation;
3. Illicit Discharge Detection and Elimination (IDDE);
4. Construction Site Stormwater Runoff Control;
5. Post-Construction Stormwater Management in New Development and Redevelopment;
6. Pollution Prevention/Good Housekeeping for Municipal Operations;
7. Industrial Stormwater Sources; and
8. Authorization for Municipal Construction Activities where the Small MS4 is the Site Operator.

The first seven (7) MCMs are required components of the SWMP for a Level 4 MS4 operator; however, the eighth (8^{th}) measure is optional and is an alternative to the MS4 operator seeking separate coverage under the TPDES Construction General Permit (TXR150000). The seventh (7^{th}) MCM is now required for Tyler since Tyler is now considered a Level 4 MS4 operator after the 2020 Decennial Census.

As part of the general requirements for the SWMP, the permittee must provide documentation, implementation, and evaluation of the SWMP. This information is provided in detail in ***Section 5 Tyler's Program for the Required Minimum Control Measures (MCMs).***

4.2.4. Record Keeping and Reporting

The Small MS4 General Permit requires the operator of the Small MS4 to retain all records, a copy of the Small MS4 General Permit, and records of all data to complete the NOI and satisfy the public participation requirements, for a period of at least three (3) years or for the remainder of the term of the Small MS4 General Permit, whichever is longer. Because the permit term is five (5) years, the minimum period of time to maintain such information will be five (5) years.

The Small MS4 General Permit also contains provisions regarding how records related to the SWMP are to be made available to the public. The Small MS4

General Permit requires the operator of the Small MS4 to make the records, including the NOI and the SWMP, available to the public if requested to do so in writing. The Small MS4 General Permit states:

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

A concise annual report must be submitted by the City of Tyler to the Executive Director of TCEQ by March 31st of each year for the previous calendar year. The annual report must be prepared and submitted regardless of whether the City's SWMP and NOI have been approved by TCEQ. The permit term began when authorization to discharge is obtained by acceptance of the NOI. The NOI was submitted February 2025. The reporting years and deadlines for annual reports are specified below.

Year	Reporting Cycle	Annual Report Due Date
1	01/01/2025 – 12/31/2025	03/31/2026
2	01/01/2026 – 12/31/2026	03/31/2027
3	01/01/2027 – 12/31/2027	03/31/2028
4	01/01/2028 – 12/31/2028	03/31/2029
5	01/01/2029 – 12/31/2029	03/31/2030

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

- Status of compliance with permit conditions, assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- A summary of the results of the information 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;
- If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;
- A summary of activities planned for the next reporting year;
- Proposed changes to the SWMP, including BMPs or goals;
- Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;
- Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);
- Number of municipal construction activities authorized under the 8th (eighth) optional MCM and total number of acres disturbed; and

- The number of construction activities that occurred within the jurisdictional area of the Small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 8th (eighth) MCM.

4.2.5. Standard Permit Conditions

1. The permittee has a duty to comply with all permit conditions and failure to so is a violation of the permit.
2. The fact that compliance with the permit conditions may require the permitted activity to be halted or reduced is not a defense for a permittee in an enforcement action.
3. 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.
4. The executive director may revoke or suspend the authorization under this general permit for cause.
5. The permittee shall at all times properly operate and maintain all facilities and system of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP.
6. The TCEQ shall be allowed inspection and entry to any part of a facility or site as provided in Texas Water Code Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i).
7. The discharger is subject to administrative, civil, and criminal penalties under Texas Water Code Chapters 26 – 28, and the Texas Health and Safety Code, Chapter 361 for certain violations.
8. Signatory and authorized person(s) requirements set forth in 30 TAC § 305.128 must be followed for all reports and other information requested by the executive director.
9. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
10. The permittee must implement its SWMP on any new areas under its jurisdiction that are located in a UA within three (3) years of acquiring the new area or five (5) years from the date of the initial permit coverage.

A complete copy of the Small MS4 General Permit is in ***Appendix*** G***.***

5. TYLER'S PROGRAM FOR THE REQUIRED MINIMUM CONTROL MEASURES (MCMS)

5.1. MCM #1 – Public Education and Outreach

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

As specified in the GP, all permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the community of the impacts of stormwater discharges on the local stormwater system, waterways, and waterbodies, as well as the steps that the public can take to reduce pollutants in stormwater.

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

At a minimum, the Public Education and Outreach (PE) program shall:

1. Address the appropriate target audiences (the residents for a traditional small MS4);
2. Address additional target audiences within the small MS4 service area based on the small MS4 Level (for a Level 4, that is two (2) additional audiences;
3. Target specific pollutants;
4. Utilize appropriate educational materials;
5. Post the SWMP on the City's website withing 90 (ninety) days of the NOI or NOC approval date; and
6. Implement a minimum number of BMPs based on the small MS4 level (for Level 3 and 4 MS4s, five (5) BMPs).

The City originally utilized a stakeholder group to select appropriate BMPs based on community-wide issues. City staff accessed the efficacy of the original BMPs based on performance during the first permit term and determined that the original BMPs with some slight modifications were still appropriate.

Two (2) additional BMPs were added to the PE portion of the SWMP. These BMPs include and advertising campaign (PE-7) and formalize the construction site discharge training (PE-8).

Three (3) of the former PE/PI BMPs were moved to the Public Involvement portion of the SWMP were they were more applicable in order to comply with the revised GP.

To comply with the regulatory requirements for this program element, the following BMPs have been selected by the City of Tyler:

- PE-1 Utility Bill Messages;
- PE-2 Social Media Posts;
- PE-3 Stormwater Literature;
- PE-4 Stormwater Website;
- PE-5 School Take Home Folders;
- PE-6 Storm Drain Marking by City Staff;
- PE-7 Public Service Announcements (NEW); and
- PE-8 Stormwater Pollution Prevention Training (NEW).

Target audiences, pollutants, and BMPs are planned as follows:

- Residential audiences have the potential to generate, and are therefore targeted for (PE-1, -2, -3, -4, -6, and -7):
    - Grass clippings and leaf litter;
    - Fertilizers and pesticides;
    - Litter, trash, containments, balloon releases;
    - Dumping of solid waste;
    - Illegal disposal of household hazardous waste;
    - Pet waste;
    - Swimming pool discharge, including saltwater pools;
    - Oil, grease, fluids from vehicles;
    - Vehicle washing; and
    - Washwater/grey water.
- School audiences are generally similar to residential customers, and have the potential to generate, and are therefore targeted for:
    - Grass clippings and leaf litter;
    - Fertilizers and pesticides;
    - Litter, trash, containments, balloon releases;
    - Illegal disposal of household hazardous waste; and
    - Oil, grease, fluids from vehicles.
- Developers or construction site operators have the greatest potential to generate, and are therefore targeted for:
    - Litter, trash, containments; and
    - Sediment runoff from construction activities.

The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "*" and any support departments are listed as un-bolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. The target audiences are listed in the left column and discussed in the "Rationale for Selection / BMP Details".

	UTILITY BILL MESSAGES	**PE-1**

RESPONSIBLE AUTHORITY

***Water Utilities**
Public Relations
Stormwater

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

These are messages that mirror information in existing literature, public service announcements, and social media posts. Messages are short and to the point, conveying precise information to have the target audience read and digest the information.

SPECIAL MESSAGE

For Customer Service call (903) 531-1230
Effective October 1, 2023 City Council approved a rate increase for water, sewer, and trash. Detailed information can be found on our website. Prevent stormwater pollution by keeping household chemicals in sealed labeled containers. Take antifreeze, hydraulic fluid, motor oil and batteries to the recycling center.

RATIONALE FOR SELECTION / BMP DETAILS

- Target audience is all water utility customers.
- Target pollutant and sources will change monthly.
- Messaging is tailored to each target audience and pollutant(s).
  - Residential customers are targeted for yard waste, fertilizers and pesticides, litter containment, solid waste, household hazardous waste, pet waste, swimming pool discharge, vehicular fluids, vehicle washing, and gray water.
  - Business/Industrial customers are targeted for fertilizers and pesticides, litter containment, solid waste, vehicular fluids, restaurant waste, and vehicle washing.
  - Developers/Contractors are targeted for litter containment, solid waste, and construction site sediment.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Utilize existing utility bills to convey information	12 Messages
01/01/26 - 12/31/26	• Utilize existing utility bills to convey information	12 Messages
01/01/27 - 12/31/27	• Utilize existing utility bills to convey information	12 Messages
01/01/28 - 12/31/28	• Utilize existing utility bills to convey information	12 Messages
01/01/29 - 12/31/29	• Utilize existing utility bills to convey information	12 Messages

Reference: TXR040000, Part IV.D.1.(a)(1), (2), (3), Table 3, and Table 4

	SOCIAL MEDIA POSTS	**PE-2**

RESPONSIBLE AUTHORITY

***Public Relations**
Stormwater

DESCRIPTION

The City is using social media to educate the public through Facebook and Twitter, and the more focused Nextdoor apps. Social media reaches a larger and often younger audience than other types of advertising. Social media can be viewed on computers and smart phones, so it is more accessible to the public, easier to update, and easy to track.

APPLICABILITY / AUDIENCE

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- X Visitors
- City Staff

RATIONALE FOR SELECTION / BMP DETAILS

- This BMP is important since it has greatest potential to reach all groups that the TPDES general permit requires to be informed, including visitors to the City of Tyler.
- This BMP was effective during previous permit terms and has allowed near real time interaction with the public.
- Messaging is tailored to each target audience and pollutant(s).
- Additional target audiences: developers/contractors, homeowners/neighborhood associations, and visitors/tourists.
  - Residential customers are targeted for yard waste, fertilizers and pesticides, litter containment, solid waste, household hazardous waste, pet waste, swimming pool discharge, vehicular fluids, vehicle washing, and gray water.
  - Developers/Contractors are targeted for litter containment, solid waste, and construction site sediment.
  - Business/Industrial customers are targeted for fertilizers and pesticides, litter containment, solid waste, vehicular fluids, restaurant waste, and vehicle washing.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain Facebook and Twitter seasonally appropriate feeds • Use Nextdoor for more targeted geographical communication	2 social media post/month Report Nextdoor messaging
01/01/26 - 12/31/26	• Maintain Facebook and Twitter seasonally appropriate feeds • Use Nextdoor for more targeted geographical communication	2 social media post/month Report Nextdoor messaging
01/01/27 - 12/31/27	• Maintain Facebook and Twitter seasonally appropriate feeds • Use Nextdoor for more targeted geographical communication	2 social media post/month Report Nextdoor messaging
01/01/28 - 12/31/28	• Maintain Facebook and Twitter seasonally appropriate feeds • Use Nextdoor for more targeted geographical communication	2 social media post/month Report Nextdoor messaging
01/01/29 - 12/31/29	• Maintain Facebook and Twitter seasonally appropriate feeds • Use Nextdoor for more targeted geographical communication	2 social media post/month Report Nextdoor messaging
Reference: TXR040000, Part IV.D.1.(a)(1), (2), (3), Table 3, and Table 4		

STORMWATER LITERATURE

PE-3

RESPONSIBLE AUTHORITY

***Stormwater**
Solid Waste

APPLICABILITY / TARGET

- X Residents
- Schools
- X Business
- Institutions
- X Developers / Contractors
- X Homeowners
- Industrial
- Visitors
- City Staff

DESCRIPTION

These are multi-page printed materials used to convey detailed information on specific topics related to stormwater management. The City has developed literature and will continue to distribute existing literature and develop new literature as needed.

Existing literature includes:

- After the Storm;
- Proper Disposal of Fat, Oils and Grease;
- Illicit Discharge Ordinance;
- Proper Disposal of Household Chemicals;
- A Homeowner's Guide to Septic Systems;
- Don't Feed the Storm Drain;
- Understanding Stormwater / Pet Waste;
- Taking Care of Your Household Hazardous Waste; and
- How Does My Yard Affect Water Quality?

Brochures are maintained at Water Utilities Admin/Engineering, Water Billing Office, Neighborhood Services, and Solid Waste/Vehicle Services.

RATIONALE FOR SELECTION / BMP DETAILS

- This literature is available at multiple locations and primarily targets residents and small contractors.
- It addresses pollutants in more detail and with more information.
- Additional target audiences: businesses and homeowners/neighborhood associations.
  - Residential customers are targeted for yard waste, fertilizers and pesticides, litter containment, solid waste, household hazardous waste, pet waste, swimming pool discharge, vehicular fluids, vehicle washing, and gray water.
  - Business/Industrial customers are targeted for fertilizers and pesticides, litter containment, solid waste, vehicular fluids, restaurant waste, and vehicle washing.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Distribute existing literature as needed • Track number of literature items printed and replenished	Keep literature racks full Report type and quantity printed
01/01/26 - 12/31/26	• Distribute existing literature as needed • Track number of literature items printed and replenished	Keep literature racks full Report type and quantity printed
01/01/27 - 12/31/27	• Distribute existing literature as needed • Track number of literature items printed and replenished	Keep literature racks full Report type and quantity printed
01/01/28 - 12/31/28	• Distribute existing literature as needed • Track number of literature items printed and replenished	Keep literature racks full Report type and quantity printed
01/01/29 - 12/31/29	• Distribute existing literature as needed • Track number of literature items printed and replenished	Keep literature racks full Report type and quantity printed

Reference: TXR040000, Part IV.D.1.(a)(1), (2), (3), Table 2, Table 3, and Table 4

STORMWATER WEBSITE

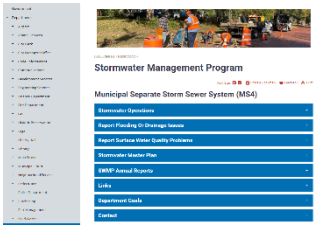
PE-4

RESPONSIBLE AUTHORITY

***Stormwater**
Public Relations

DESCRIPTION

The City will maintain their existing storm water website that specifically addresses stormwater related issues. These pages provides a great deal of information including links to various state and federal related sites. The webpage provides a link to Activities for Kids that specifically appeals to school aged children. The webpage describes the City's Storm Water Management Program, Frequently Asked Questions, advertises the City's Storm Water Hotline and provides links to SWMP and annual reports.



APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- X Visitors
- X City Staff

RATIONALE FOR SELECTION / BMP DETAILS

- A web site is an excellent tool for relaying an unlimited amount of information, including pages for frequently asked questions, household hazardous waste, septic system maintenance, and current public involvement activity schedules.
- The Storm Water Stakeholders Group selected this BMP as the fourth highest priority BMP for Public Education.
- This BMP was effective during the previous permit terms.
- This BMP allows the public easy access to the SWMP as required by the permit.
  - Stormwater Management Program | Tyler, TX
- Additional target audiences: schools, businesses, institutions, developers/construction site operators, homeowners/neighborhood associations, industrial facilities, and visitors/tourists.
  - Residential customers are targeted for yard waste, fertilizers and pesticides, litter containment, solid waste, household hazardous waste, pet waste, swimming pool discharge, vehicular fluids, vehicle washing, and gray water.
  - Developers/Contractors are targeted for litter containment, solid waste, and construction site sediment.
  - Business/Industrial customers are targeted for fertilizers and pesticides, litter containment, solid waste, vehicular fluids, restaurant waste, and vehicle washing.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain, check links, and revise content as necessary • Provide links to annual reports	Provide current webpage screen shot and link
01/01/26 - 12/31/26	• Maintain, check links, and revise content as necessary • Provide links to annual reports	Provide current webpage screen shot and link
01/01/27 - 12/31/27	• Maintain, check links, and revise content as necessary • Provide links to annual reports	Provide current webpage screen shot and link
01/01/28 - 12/31/28	• Maintain, check links, and revise content as necessary • Provide links to annual reports	Provide current webpage screen shot and link
01/01/29 - 12/31/29	• Maintain, check links, and revise content as necessary • Provide links to annual reports	Provide current webpage screen shot and link

Reference: TXR040000, Part IV.D.1.(a)(1), (2), (3), Table 3, and Table 4

SCHOOL TAKE HOME FOLDERS

PE-5

RESPONSIBLE AUTHORITY

***Stormwater**

APPLICABILITY / TARGET

- X Residents
- X Schools
- Business
- Institutions
- Developers / Contractors
- X Homeowners
- Industrial
- Visitors
- City Staff

DESCRIPTION

These are folders that elementary children take home with them and are an excellent tool for communication between teachers and parents. One side is stamped with "Take Home" and the other side is stamped with "Return to School." The information is presented in an eye-catching manner that will appeal to children. The messages on these folders can be tailored to specific educational levels and subjects.

RATIONALE FOR SELECTION / BMP DETAILS

- Take home folders will be provided by Tyler's Stormwater Management Program at the start of each school year to inform Tyler ISD school children on several issues.
- Elementary schools are targeted on a rotating basis to cover each campus every 2-3 years.
- These take home folders can be easily modified to include graphic designs and messages related to storm water and are an economical way of reaching many people since children, parents, and teachers will see the folders.
- This folder BMP was effective during past permit terms.
- Additional target audience: schools. However, residents are reached indirectly.
  - Target pollutants: fertilizers and pesticides, grass clippings and leaves, vehicular fluids, pet waste, and home chemicals.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Print and distribute folders	1 folder per student at ~½ of Tyler ISD elementary schools Report print quantity
01/01/26 - 12/31/26	• Print and distribute folders	1 folder per student at ~½ of Tyler ISD elementary schools Report print quantity
01/01/27 - 12/31/27	• Print and distribute folders	1 folder per student at ~½ of Tyler ISD elementary schools Report print quantity
01/01/28 - 12/31/28	• Print and distribute folders	1 folder per student at ~½ of Tyler ISD elementary schools Report print quantity
01/01/29 - 12/31/29	• Print and distribute folders	1 folder per student at ~½ of Tyler ISD elementary schools Report print quantity
Reference: TXR040000, Part IV.D.1.(a)(1), (2), (3), Table 2, Table 3, and Table 4		

STORM DRAIN MARKING BY CITY STAFF

PE-6

RESPONSIBLE AUTHORITY

***Development/ Permitting**
Stormwater

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- Developers / Contractors
- X Homeowners
- X Industrial
- X Visitors
- City Staff

DESCRIPTION

This BMP consists of City staff affixing plastic buttons with a "don't dump" message to curb inlets along city streets. City construction inspectors mark storm drains associated with new development projects. Existing storm drain inlets in highly visible areas are also marked by City staff. Ultimately our goal is to mark all storm drains. These drain markers serve to educate the public that storm drains convey storm water directly to waterbodies.

A common misconception is that the curb inlets drain to a treatment plant. These markers remind the public to prevent illegal dumping of anything other than stormwater into inlets.

RATIONALE FOR SELECTION / BMP DETAILS

- Storm drain buttons have been used by many municipalities and is generally a very effective BMP that is relatively inexpensive and easy to implement.
- This BMP is the easiest way to remind the public that stormwater quality is easily affected by what enters stormwater flows into storm inlets.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Mark curb inlets (10% / year); Maintain (15% / year) • Track and update/maintain GIS map	Mark and/or maintain 200 inlets/year Maintain GIS map
01/01/26 - 12/31/26	• Mark curb inlets (10% / year); Maintain (15% / year) • Track and update/maintain GIS map	Mark and/or maintain 200 inlets/year Maintain GIS map
01/01/27 - 12/31/27	• Mark curb inlets (10% / year); Maintain (15% / year) • Track and update/maintain GIS map	Mark and/or maintain 200 inlets/year Maintain GIS map
01/01/28 - 12/31/28	• Mark curb inlets (10% / year); Maintain (15% / year) • Track and update/maintain GIS map	Mark and/or maintain 200 inlets/year Maintain GIS map
01/01/29 - 12/31/29	• Mark curb inlets (10% / year); Maintain (15% / year) • Track and update/maintain GIS map	Mark and/or maintain 200 inlets/year Maintain GIS map

Reference: TXR040000, Part IV.D.1.(a)(1), (3), and Table 4

PUBLIC SERVICE ANNOUNCEMENTS

PE-7

RESPONSIBLE AUTHORITY

***Public Relations**
Stormwater

APPLICABILITY / AUDIENCE

- X Residents
- X Schools
- X Business
- X Institutions
- Developers / Contractors
- X Homeowners
- Industrial
- X Visitors
- City Staff

DESCRIPTION

Currently public service announcements (PSAs) are broadcast on local media that address stormwater related topics. The City of Tyler will continue to utilize spots on the City's cable access Channel 3.

During the permit term, City Staff will review the PSAs and discuss with Smith County to determine if this is still the best media to for this advertising campaign to reach the target audiences. Other media will also be considered such as signage at bus stops and in parks and other areas in Tyler's UA.

RATIONALE FOR SELECTION / BMP DETAILS

- This BMP is important since it has greatest potential to reach all groups that the TPDES general permit requires to be informed, including visitors to the City of Tyler.
- This BMP was effective during previous permit terms and has allowed near real time interaction with the public.
- Additional target audiences: developers/contractors, homeowners/neighborhood associations, and visitors/tourists.
  - Residential customers are targeted for yard waste, fertilizers and pesticides, litter containment, solid waste, household hazardous waste, pet waste, swimming pool discharge, vehicular fluids, vehicle washing, and gray water.
  - Developers/Contractors are targeted for litter containment, solid waste, and construction site sediment.
  - Business/Industrial customers are targeted for fertilizers and pesticides, litter containment, solid waste, vehicular fluids, restaurant waste, and vehicle washing.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Continue existing PSAs on local cable access channel • Evaluate and determine media for future advertising	12 messages
01/01/26 - 12/31/26	• Implement advertising campaign, as needed	12 messages
01/01/27 - 12/31/27	• Maintain updated advertising campaign • Evaluate campaign	12 messages
01/01/28 - 12/31/28	• Maintain or update advertising campaign, as needed	12 messages
01/01/29 - 12/31/29	• Maintain updated advertising campaign • Evaluate campaign	12 messages
Reference: TXR040000, Part IV.D.1.(a)(1), (2), (3), Table 3, and Table 4		

STORMWATER POLLUTION PREVENTION EDUCATION

PE-8

RESPONSIBLE AUTHORITY

***Stormwater**
Development/Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

City staff has hosted training for developers and contractors regarding the TXR150000 General Permit for Stormwater Discharges Associated with Construction Activities and invited TCEQ personnel to both support and lead. This training has been successful at teaching attendees about preventing sediment runoff from construction sites.

Training for industrial and commercial site personnel relative to stormwater discharges from their facilities is now needed. A training for the TXR050000 General Permit for Multi Sector activities will be developed and offered.

RATIONALE FOR SELECTION / BMP DETAILS

- Sediment discharge in stormwater from construction site activities is the most visible and problematic pollutant in Tyler.
- Tyler now has a population over 100,000 and must now engage the industrial and commercial facilities that discharge stormwater into it MS4 system.
- Prevention is the best way to prevent discharges of pollutants.
- Training is an effective way to teach a target audience how to comply with the general permit requirements and prevent discharges of pollutants.
- Additional target audience: developers/contractors (TXR150000) and industrial sites (TXR050000.
  - Target pollutants: grass clippings and leaves, litter and trash containment, vehicular fluids, sediment runoff, and vehicle washing.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Host TXR150000 training • Develop TXR050000 training	Conduct 2 trainings, 1 per audience
01/01/26 - 12/31/26	• Host TXR150000 training • Host TXR050000 training	Conduct 2 trainings, 1 per audience
01/01/27 - 12/31/27	• Host TXR150000 training • Host TXR050000 training	Conduct 2 trainings, 1 per audience
01/01/28 - 12/31/28	• Host TXR150000 training • Host TXR050000 training	Conduct 2 trainings, 1 per audience
01/01/29 - 12/31/29	• Host TXR150000 training • Host TXR050000 training	Conduct 2 trainings, 1 per audience

Reference: TXR040000, Part IV.D.1.(a)(1), (2), (3), Table 2, Table 3, and Table 4

5.2. MCM #2 – Public Involvement/Participation

An effective public involvement/participation program can significantly reduce other program costs, such as inspection and enforcement costs for the illicit discharge program. Involved citizens and business owners will usually have taken steps to reduce potential pollution from their own activities and are generally more willing to encourage others to do so as well.

As specified in the GP, 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. The MS4 operator shall create opportunities, or support activities, and that are coordinated by citizen groups such that residents and/or others can become involved with the SWMP.

These BMPs must show an impact on stormwater runoff that improves water quality. A minimum number of these public involvement/participation BMPs must be implemented by the MS4 operator, based on its Level. Tyler is a Level 4 Small MS4 and must implement a minimum of four (4) BMPs.

To comply with the regulatory requirements for this program element, the following BMPs have been selected by the City of Tyler:

- PI-1 Stream Cleanup Projects;
- PI-2 Other Clean-up Projects;
- PI-3 Adopt-A-Spot;
- PI-4 Educational Display / Booth (NEW);
- PI-5 Training Event (NEW); and
- PI-6 Public / Stakeholder Meeting (NEW).

In addition to these six (6) BMPs, the Stormwater Hotline, which is included in MCM 4 (Construction Site Stormwater Runoff Control) allows the public to be involved in implementation of the program and to provide input and comments regarding all aspects of the City's stormwater program.

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

	STREAM CLEANUP PROJECTS	**PI-1**

RESPONSIBLE AUTHORITY

***Parks**
Stormwater

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

The City of Tyler coordinates stream cleanup projects with various local volunteer groups and organizations. Clean ups generally occur along West Mud Creek because of the trail system.

RATIONALE FOR SELECTION / BMP DETAILS

- Stream cleanup projects are a great way to improve aquatic habitat, water quality, and aesthetics.
- Improved stormwater and water quality are promoted during these events.
- This BMP is generally inexpensive, and the City of Tyler can coordinate the participation of volunteer groups and organizations through the "Keep Tyler Beautiful" committee.
- This BMP was effective during the last permit term and is recognized as a great way of getting the public involved.
- This BMP can be coordinated with other national and statewide events such as the Great American Cleanup.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Advertise program to stakeholders • Schedule and hold one (1) cleanup event	Hold 1 event
01/01/26 - 12/31/26	• Advertise program to stakeholders • Schedule and hold one (1) cleanup event	Hold 1 event
01/01/27 - 12/31/27	• Advertise program to stakeholders • Schedule and hold one (1) cleanup event	Hold 1 event
01/01/28 - 12/31/28	• Advertise program to stakeholders • Schedule and hold one (1) cleanup event	Hold 1 event
01/01/29 - 12/31/29	• Advertise program to stakeholders • Schedule and hold one (1) cleanup event	Hold 1 event
Reference: TXR040000, Part IV.D.2.(a) and Table 5		

OTHER CLEANUP PROJECTS

PI-2

DESCRIPTION

The City of Tyler coordinates cleanup projects with various local volunteer groups and organizations. Cleanups take place as part of the Great Tyler Cleanup and Parks Service Day. These cleanup events take place twice per year, once in the spring and again in the fall.

RESPONSIBLE AUTHORITY

***Parks**
Stormwater

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- City Staff

RATIONALE FOR SELECTION / BMP DETAILS

- Cleanup projects are a great way to improve water quality by preventing trash and debris from finding their way into waterbodies and removing pollutants from stormwater runoff.
- These activities promote stormwater quality awareness.
- This BMP is generally inexpensive, and the City of Tyler can coordinate the participation of volunteer groups and organizations through the "Keep Tyler Beautiful" committee.
- This BMP was effective during the last permit term and is recognized as a great way of getting the public involved.
- This BMP can be coordinated with other area, statewide, and nationwide events such as Don't' Mess with Texas.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Advertise program to stakeholders • Schedule and hold at least two (2) cleanup events	Hold 2 events
01/01/26 - 12/31/26	• Advertise program to stakeholders • Schedule and hold at least two (2) cleanup events	Hold 2 events
01/01/27 - 12/31/27	• Advertise program to stakeholders • Schedule and hold at least two (2) cleanup events	Hold 2 events
01/01/28 - 12/31/28	• Advertise program to stakeholders • Schedule and hold at least two (2) cleanup events	Hold 2 events
01/01/29 - 12/31/29	• Advertise program to stakeholders • Schedule and hold at least two (2) cleanup events	Hold 2 events

Reference: TXR040000, Part IV.D.2.(a) and Table 5

ADOPT-A-SPOT

PI-3

RESPONSIBLE AUTHORITY

***Parks**
Stormwater

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

The City of Tyler in cooperation with Keep Tyler Beautiful has an Adopt-A-Spot program. This Tyler's version of Texas's "Adopt-A-Highway". The Adopt-a-Highway program began right here in Tyler in 1985 with the Tyler Citivan Club.

This BMP allows families, groups or organizations to adopt an area for litter cleanup. Keep Tyler Beautiful works with the groups to determine the specific section of the City to be adopted. Keep Tyler Beautiful erects a sign at the adopted area with the group's name or acronym.

Keep Tyler Beautiful provides safety vests, trash bags, portable traffic control signs, a first aid kit and safety literature. Tyler Solid Waste removes the filled trash bags.

RATIONALE FOR SELECTION / BMP DETAILS

- Cleanup projects are a great way to improve water quality by preventing trash and debris from finding their way into waterbodies and removing pollutants from stormwater runoff.
- These activities promote stormwater quality awareness.
- This BMP is generally inexpensive, and the City of Tyler can coordinate the participation of volunteer groups and organizations through the "Keep Tyler Beautiful" committee.
- This BMP was effective during the last permit term and is recognized as a great way of keeping the public involved.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Advertise and promote program	Maintain 25 adoptions Report the total annually
01/01/26 - 12/31/26	• Advertise and promote program	Maintain 25 adoptions Report the total annually
01/01/27 - 12/31/27	• Advertise and promote program	Maintain 25 adoptions Report the total annually
01/01/28 - 12/31/28	• Advertise and promote program	Maintain 25 adoptions Report the total annually
01/01/29 - 12/31/29	• Advertise and promote program	Maintain 25 adoptions Report the total annually

Reference: TXR040000, Part IV.D.2.(a) and Table 5

EDUCATIONAL DISPLAY / BOOTH

PI-4

RESPONSIBLE AUTHORITY

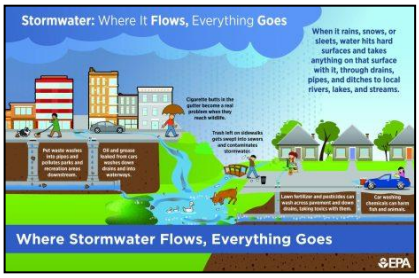
***Stormwater**
Engineering

APPLICABILITY / TARGET

- X Residents
- X Schools
- Business
- Institutions
- Developers / Contractors
- X Homeowners
- Industrial
- X Visitors
- X City Staff

DESCRIPTION

The City of Tyler is implementing a new BMP to involve the public by interacting with them at a booth or display. This booth/display will provide an opportunity to speak to the residents about stormwater pollution prevention, things that they do, or might do, that could impact water quality, and how they can help.



The topics to discuss can be varied based on the audience size and type, any ongoing problems or issues, location of the display, etc. The booth/display will be manned during the time that it is open to the public.

This is a new BMP and will be developed during the first year of the permit.

RATIONALE FOR SELECTION / BMP DETAILS

- This is a great way to interact with people in a small group setting.
- Discussions about what affects stormwater quality can get as detailed as the listener(s) guide.
- This BMP is generally inexpensive, and Staff can possibly support multiple events annually.
- Opportunities include the Smith Co. Fair, Earth Day, School is Cool, and others.
- Training is very important to provide residents with the knowledge to improve water quality.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Determine event(s) for booth/display • Set up and staff booth/display	Staff 1 booth/display
01/01/26 - 12/31/26	• Set up and staff booth/display	Staff 1 booth/display
01/01/27 - 12/31/27	• Set up and staff booth/display	Staff 1 booth/display
01/01/28 - 12/31/28	• Set up and staff booth/display	Staff 1 booth/display
01/01/29 - 12/31/29	• Set up and staff booth/display	Staff 1 booth/display

Reference: TXR040000, Part IV.D.2.(a) and Table 5

	TRAINING EVENT	**PI-5**

RESPONSIBLE AUTHORITY

***Stormwater**
Engineering

APPLICABILITY / TARGET

- X Residents
- Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

The City of Tyler is implementing a new BMP to involve the public by providing training to the public. This training will focus on one or more stormwater issues such as: pesticide and fertilizer use, pet waste management, yard debris management, recycling, properly reporting stormwater issues, and others.

The location(s) and timing of the training will be developed during the first year of the permit period This training may be in partnership with local businesses.

This is a new BMP and will be developed during the first year of the permit.

RATIONALE FOR SELECTION / BMP DETAILS

- This is a great way to interact with people in a small group setting.
- Discussions about what affects stormwater quality can get as detailed as the listener(s) guide.
- This BMP could be in partnership with another business or entity to increase the draw and public interaction.
- Training is very important to provide residents with the knowledge to improve water quality.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Determine place, time, and setting of training	Report plan
01/01/26 - 12/31/26	• Plan, prepare, and host annual training	Hold 1 training
01/01/27 - 12/31/27	• Plan, prepare, and host annual training	Hold 1 training
01/01/28 - 12/31/28	• Plan, prepare, and host annual training	Hold 1 training
01/01/29 - 12/31/29	• Plan, prepare, and host annual training	Hold 1 training

Reference: TXR040000, Part IV.D.2.(a) and Table 5

PUBLIC / STAKEHOLDER MEETING

PI-6

RESPONSIBLE AUTHORITY

***Stormwater** Engineering

APPLICABILITY / TARGET

- X Residents
- Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

The City of Tyler is implementing a new BMP to involve the public by inviting them to participate in a public meeting to gain their input in the City's SWMP. This meeting will likely take place adjacent to a "Call for Projects" meeting to increase attendance and participation.

This meeting can also be educational in nature as questions and answers and small group interactions take place.

This is a new BMP and will be developed during the first year of the permit.

RATIONALE FOR SELECTION / BMP DETAILS

- This is a great way to interact with people in a small group setting.
- Discussions about what affects stormwater quality can get as detailed as the listener(s) guide.
- This BMP is generally inexpensive, and Staff can coordinate this with a "Call for Projects" meeting to increase attendance by giving stakeholders the opportunity to take advantage of two (2) types of meetings the same evening.
- This could take place simultaneously with the Half Cent Sales Tax Program annual call for projects meeting.
- Ownership by stakeholders is very important to increase the success of any program's success.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Determine place, time, and setting of meeting	Report plan
01/01/26 - 12/31/26	• Plan, prepare, and host annual meeting	Hold 1 meeting
01/01/27 - 12/31/27	• Plan, prepare, and host annual meeting	Hold 1 meeting
01/01/28 - 12/31/28	• Plan, prepare, and host annual meeting	Hold 1 meeting
01/01/29 - 12/31/29	• Plan, prepare, and host annual meeting	Hold 1 meeting

Reference: TXR040000, Part IV.D.2.(a) and Table 5

5.3. MCM #3 – Illicit Discharge Detection and Elimination (IDDE)

This program element is designed to ensure the elimination of illicit discharges such as illegal plumbing connections or a lack of a legal plumbing connection. It is also intended to reduce illegal dumping. These activities put pollutants into contact with stormwater that flows into and through to the City of Tyler's MS4.

As specified in the Small MS4 General Permit, all permittees shall develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

The IDDE program must include the following elements:

a. A current and accurate MS4 map;
b. Methods for informing and training MS4 field staff;
c. Methods to facilitate public reporting of illicit discharges and/or illegal dumping;
d. Procedures for responding to illicit discharges and/or illegal dumping;
e. Procedures for tracing the source of an illicit discharge and/or illegal dumping;
f. Procedures for removing the source of the illicit discharge and/or illegal dumping;
g. Conduct inspections in response to complaints, follow-up inspections, and procedures for inspections;
h. For Level 2, 3, and 4 small MS4s, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
i. For Level 4, procedures for identify priority areas likely to have illicit discharges and/or illegal dumping, and a list of said areas;
j. For Level 4, dry weather field screening to detect illicit discharges and/or illegal dumping; and
k. For Level 4, procedures to reduce the discharge of floatables.

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.

To comply with the regulatory requirements for this program element, the following BMPs have been selected by the City of Tyler:

- ID-1 Storm Drain System Outfall Mapping;
- ID-2 Dry Weather Screening;
- ID-3 Illicit Discharge Ordinance and Enforcement;
- ID-4 Illicit Discharge Training;
- ID-5 Reduce Sanitary Sewer Overflows;
- ID-6 Reduce Failing Septic Systems;
- ID-7 Reduce Illegal Dumping;
- ID-8 Reduce Waste with Collection Events;
- ID-9 Reduce Pet Waste;
- ID-10 FOG Ordinance and Enforcement; and
- ID-11 Reduce Floatable Waste (NEW).

The public reporting methods include phone, website, and the My Tyler App. These methods are found on the City's website (Stormwater Management Program | Tyler, TX) and is part of the BMP C-5, "Discharge Reporting (Construction Site and Illicit Discharge).

The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "*" and any support departments are listed as nonbolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP.

STORM DRAIN SYSTEM OUTFALL MAPPING

ID-1

RESPONSIBLE AUTHORITY

***GIS**
Stormwater Engineering

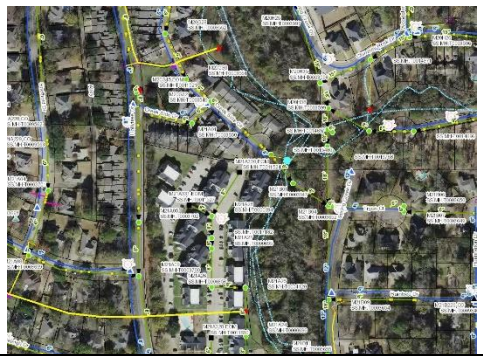
APPLICABILITY / TARGET

- Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

The City of Tyler uses a city-wide GIS system and an asset management system.

The locations of the outfalls may be recorded using a Global Positioning System (GPS) during dry weather screening (ID-2), surveys, the incorporation of data from construction plans, and by field mapping when working on and/or investigating problems.



RATIONALE FOR SELECTION / BMP DETAILS

- A storm drain system and an accurate MS4 map is a required component of this MCM.
- The MS4 must identify the locations of all outfalls from the MS4 and the names and locations of the surface waters to which they drain.
- Priority areas are areas likely to have illicit discharges or illegal dumping. Their identification is a required component of this MCM for a Level 4 MS4.
- Identification of these areas demonstrates that special attention

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain and update map • Identify priority areas	Report number of map edits
01/01/26 - 12/31/26	• Maintain and update map • Identify priority areas	Report number of map edits
01/01/27 - 12/31/27	• Maintain and update map • Identify priority areas	Report number of map edits
01/01/28 - 12/31/28	• Maintain and update map • Identify priority areas	Report number of map edits
01/01/29 - 12/31/29	• Maintain and update map • Identify priority areas	Report number of map edits

Reference: TXR040000, Part IV.D.3.(c)(1) and Table 6; Part IV.D.3(e(1) and Table 8

DRY WEATHER SCREENING

ID-2

RESPONSIBLE AUTHORITY

***Stormwater**
Engineering

APPLICABILITY / TARGET

- X Residents
- Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

The City of Tyler staff will visually inspect each regulated outfall during dry weather periods to confirm the absence of flow. If flow is observed during dry weather, limited chemical analysis with field test kits will be performed to determine the presence of certain chemicals or pollutants. If the chemical analysis indicates a concentration of pollutant that is above the allowable threshold limits, further investigation will be required.

The City's existing GPS equipment will be used to document the location of the field tests, allowing them to be related to locations on the GIS storm drain system outfall map for future reference and to document precise locations if environmental concerns are identified.

RATIONALE FOR SELECTION / BMP DETAILS

- Dry weather screening is a required component of this MCM for a Level 4 MS4.
- This BMP allows for the City to identify illicit connections to the MS4 system.
- Tyler has developed a My Tyler App that makes reporting many types of issues, including code violations like illegal dumping, easy.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Walk accessible reaches of stream, performing testing, documenting testing locations, and verifying GIS outfall map	Screen at least 8 outfalls per month
01/01/26 - 12/31/26	• Walk accessible reaches of stream, performing testing, documenting testing locations, and verifying GIS outfall map	Screen at least 8 outfalls per month
01/01/27 - 12/31/27	• Walk accessible reaches of stream, performing testing, documenting testing locations, and verifying GIS outfall map	Screen at least 8 outfalls per month
01/01/28 - 12/31/28	• Walk accessible reaches of stream, performing testing, documenting testing locations, and verifying GIS outfall map	Screen at least 8 outfalls per month
01/01/29 - 12/31/29	• Walk accessible reaches of stream, performing testing, documenting testing locations, and verifying GIS outfall map	Screen at least 8 outfalls per month

Reference: TXR040000, Part IV.D.3.(e)(2) and Table 8

ILLICIT DISCHARGE ORDINANCE AND ENFORCEMENT

ID-3

RESPONSIBLE AUTHORITY

***Code Enforcement**
Stormwater

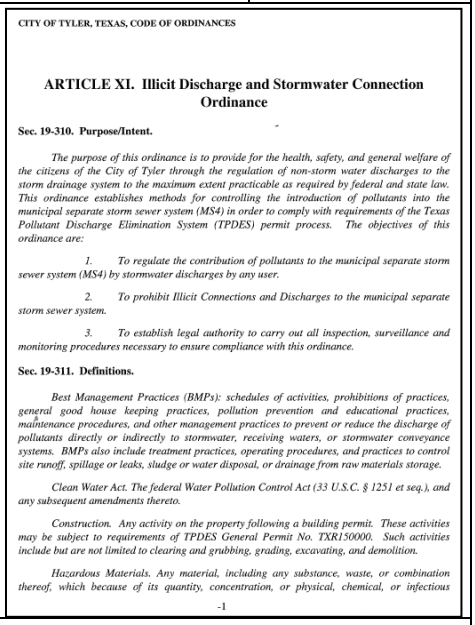
APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

The City has an illicit discharge ordinance that is intended to prohibit illicit discharges and illegal connections to the MS4, as well as sanctions to ensure compliance, to the extent allowable under State and local law. The City will continue to enforce its ordinance Article XI. Illicit Discharge and Stormwater Connection Ordinance.

Public notifications can be reported through our Stormwater hotline on the City website.



CITY OF TYLER, TEXAS, CODE OF ORDINANCES

ARTICLE XI. Illicit Discharge and Stormwater Connection Ordinance

Sec. 19-310. Purpose/Intent.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Tyler through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.

2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Sec. 19-311. Definitions.

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction. Any activity on the property following a building permit. These activities may be subject to requirements of TPDES General Permit No. TXR150000. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious

-1

RATIONALE FOR SELECTION / BMP DETAILS

- A regulatory mechanism to specifically prohibit illicit discharges and illegal dumping is needed to provide the legal authority for the City to require correction of illicit discharges and illegal dumping.
- The ordinance was adopted (Ord. No. 0-2010-93), on 9/8/2010.
- The ordinance will be reviewed during each permit cycle for needed updates.
- Tyler has developed a My Tyler App that makes reporting many types of issues, including code violations like illicit discharges, easy.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Continue to enforce existing ordinance • Respond, investigate, trace, and remove IDs • Reinspect and field screen as needed	Report investigations Report enforcements
01/01/26 - 12/31/26	• Continue to enforce existing ordinance • Respond, investigate, trace, and remove IDs • Reinspect and field screen as needed • Review existing ordinance	Report investigations Report enforcements
01/01/27 - 12/31/27	• Continue to enforce existing ordinance • Respond, investigate, trace, and remove IDs • Reinspect and field screen as needed	Report investigations Report enforcements
01/01/28 - 12/31/28	• Continue to enforce existing ordinance • Respond, investigate, trace, and remove IDs • Reinspect and field screen as needed	Report investigations Report enforcements
01/01/29 - 12/31/29	• Continue to enforce existing ordinance • Respond, investigate, trace, and remove IDs • Reinspect and field screen as needed	Report investigations Report enforcements
Reference: TXR040000, Part IV.D.3.(c)(4), (5), and Table 6; Part IV.D.3.(d) and Table 7		

ILLICIT DISCHARGE TRAINING

ID-4

RESPONSIBLE AUTHORITY

***Code Enforcement**
Stormwater

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The GP requires that all permittees implement a method for informing or training all the permittee's field staff that may encounter 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.

The City of Tyler currently conducts pollution prevention training as one of the Good Housekeeping BMPs. The City also trains field staff on what is considered an illicit discharge, how to recognize an illicit discharge, and who to notify to follow up on illicit discharges.

RATIONALE FOR SELECTION / BMP DETAILS

- A training program for City Staff to be able to identify illicit discharge and illegal dumping is a required component of this MCM.
- Utilities crews and Code Enforcement are the most likely to encounter illicit discharges and illegal dumpling.
- Engineers and Project Managers and Parks Department staff are other Staff groups that may encounter illicit discharges and illegal dumpling.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Conduct training to identify discharges and dumping	1 training
01/01/26 - 12/31/26	• Conduct training to identify discharges and dumping • Review training data and update as necessary	1 training
01/01/27 - 12/31/27	• Conduct training to identify discharges and dumping	1 training
01/01/28 - 12/31/28	• Conduct training to identify discharges and dumping	1 training
01/01/29 - 12/31/29	• Conduct training to identify discharges and dumping	1 training

Reference: TXR040000, Part IV.D.3.(c)(2) and Table 6

REDUCE SANITARY SEWER OVERFLOWS

ID-5

RESPONSIBLE AUTHORITY

***Water Utilities**

APPLICABILITY / TARGET

- X Residents
- Schools
- X Business
- X Institutions
- Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

The City will continue to work towards eliminating sanitary sewer overflows. These overflows can be caused by several factors including temporary blockages, flooding, and insufficient sewer capacity. Extensive investigations have been conducted by the City to determine the causes of the SSOs and great progress has been made in reducing these overflows.

Tyler Water Utilities (TWU) has established procedures to identify, inspect, and monitor locations of sanitary sewer overflow. These processes and others for the functioning of the sanitary sewer collection system are detailed in the Capacity, Management, Operation, and Maintenance (CMOM) Program manual.

RATIONALE FOR SELECTION / BMP DETAILS

- The detection, investigation, and correction of sanitary sewer overflow are required components of the GP to target bacteria because receiving waterbodies are impaired for bacteria.
- This program proactively cleans and inspects problem lines to prevent blockages and the possible resulting overflows.
- Lines are added and removed based on more recent data and/or maintenance work on the sanitary sewer collections system.
- Lift stations are continuously monitored.
- Tyler has developed a My Tyler App that makes reporting many types of issues, including code violations like sanitary sewer overflows, easy.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Cleaning of existing sanitary sewer system • TV inspection of sanitary sewer mains • Preventative maintenance of lift stations	Clean 400,000 ft CCTV Inspect 40,000 ft
01/01/26 - 12/31/26	• Cleaning of existing sanitary sewer system • TV inspection of sanitary sewer mains • Preventative maintenance of lift stations	Clean 400,000 ft CCTV Inspect 40,000 ft
01/01/27 - 12/31/27	• Cleaning of existing sanitary sewer system • TV inspection of sanitary sewer mains • Preventative maintenance of lift stations	Clean 400,000 ft CCTV Inspect 40,000 ft
01/01/28 - 12/31/28	• Cleaning of existing sanitary sewer system • TV inspection of sanitary sewer mains • Preventative maintenance of lift stations	Clean 400,000 ft CCTV Inspect 40,000 ft
01/01/29 - 12/31/29	• Cleaning of existing sanitary sewer system • TV inspection of sanitary sewer mains • Preventative maintenance of lift stations	Clean 400,000 ft CCTV Inspect 40,000 ft
Reference: TXR040000, Part III.A.5.(a) and Table 1; Part IV.D.3.(c)(4), (5), (6), and Table 6		

REDUCE FAILING SEPTIC SYSTEMS

ID-6

RESPONSIBLE AUTHORITY

***Stormwater**
Engineering

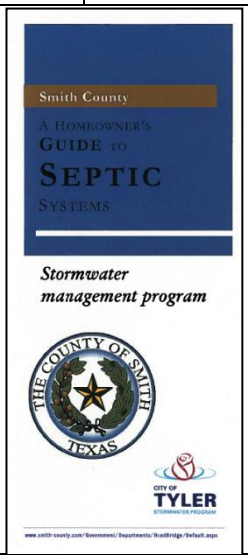
APPLICABILITY / TARGET

- X Residents
- Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

This BMP consists of public education using brochures to promote the proper operation and maintenance of septic tanks. The City and Smith County jointly produce a septic system maintenance brochure and distribute the brochures to septic haulers to disseminate to homeowners. These brochures are also available at literature stations with other informational brochures.

The Interlocal Agreement between the City of Tyler and Smith County is in Appendix A.



RATIONALE FOR SELECTION / BMP DETAILS

- Targeting failing On-site Sewage Facilities (OSSFs) is a required component of this MCM.
- Addressing failing OSSFs is also a requirement by the GP to target bacteria because receiving waterbodies are impaired for bacteria.
- The Smith County Public Health District currently regulates septic systems, both inside the Tyler city limits and in the unincorporated areas, administering the TCEQ's OSSF program.
- Since most septic systems occur out in the County, the County will continue to be the primary oversight for these systems, as described in their interlocal agreement with the City of Tyler.
- Some septic systems are in Tyler's regulated UA and the City will participate in public education activities to inform the public of proper maintenance.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Distribute existing brochures in coordination with Smith County	Keep literature racks full Report quantity printed
01/01/26 - 12/31/26	• Distribute existing brochures in coordination with Smith County	Keep literature racks full Report quantity printed
01/01/27 - 12/31/27	• Distribute existing brochures in coordination with Smith County	Keep literature racks full Report quantity printed
01/01/28 - 12/31/28	• Distribute existing brochures in coordination with Smith County	Keep literature racks full Report quantity printed
01/01/29 - 12/31/29	• Distribute existing brochures in coordination with Smith County	Keep literature racks full Report quantity printed

Reference: TXR040000, Part III.A.5.(b) and Table 1; Part IV.D.3.(c)(4), (5), (6), and Table 6

REDUCE ILLEGAL DUMPING

ID-7

RESPONSIBLE AUTHORITY

***Code Enforcement**
Stormwater

APPLICABILITY / TARGET

- X Residents
- Schools
- X Business
- Institutions
- Developers / Contractors
- X Homeowners
- Industrial
- X Visitors
- X City Staff

DESCRIPTION

The reduction and elimination of illegal dumping in Tyler depends on the successful implementation of many of the previously discussed BMPs. Tyler relies heavily on public education to inform citizens of the environmental concerns and legal implications of illegal dumping.

The City maintains a Hotline for citizens to report illegal dumping and has a link on the City's website to the Code Enforcement Department. Tyler has developed a My Tyler App that makes reporting illegal dumping easy.

The City also maintains camera surveillance at problem dump sites to capture and prosecute offenders.

RATIONALE FOR SELECTION / BMP DETAILS

- The detection, investigation, and correction of illegal dumping are required components of the GP to target bacteria because receiving waterbodies are impaired for bacteria.
- Reducing illegal dumping is a required component of this MCM.
- Tyler has implemented a targeted public education program, using several of the recommended BMPs for the public education minimum control measure.
- Use of cameras for surveillance of problem dump sites has been extremely successful in prosecuting offenders and reducing illegal dumping.
- Tracking of problem areas is helpful in making this BMP successful.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Continue to enforce existing ordinance • Maintain surveillance cameras at problem sites • Respond, investigate, trace, and remove IDs	Report investigations Report enforcements Maintain 6 cameras
01/01/26 - 12/31/26	• Continue to enforce existing ordinance • Maintain surveillance cameras at problem sites • Respond, investigate, trace, and remove IDs	Report investigations Report enforcements Maintain 6 cameras
01/01/27 - 12/31/27	• Continue to enforce existing ordinance • Maintain surveillance cameras at problem sites • Respond, investigate, trace, and remove IDs	Report investigations Report enforcements Maintain 6 cameras
01/01/28 - 12/31/28	• Continue to enforce existing ordinance • Maintain surveillance cameras at problem sites • Respond, investigate, trace, and remove IDs	Report investigations Report enforcements Maintain 6 cameras
01/01/29 - 12/31/29	• Continue to enforce existing ordinance • Maintain surveillance cameras at problem sites • Respond, investigate, trace, and remove IDs	Report investigations Report enforcements Maintain 6 cameras
Reference: TXR040000, Part III.A.5.(c) and Table 1; Part IV.D.3.(c)(4), (5), (6), and Table 6		

REDUCE WASTE WITH COLLECTION EVENTS

ID-8

RESPONSIBLE AUTHORITY

***Parks**
Keep Tyler Beautiful

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- X Visitors
- X City Staff

DESCRIPTION

The City of Tyler currently holds City-Wide Cleanup Events twice per year, hosts a paint collection event annually, and "Drug Day Dropoff" for unused medications once per year.

Recycling is promoted and collected on a daily basis. Metals, plastics, glass, batteries, antifreeze, oils, electronics, and paper are accepted; Christmas trees are also collected yearly. Furniture and appliances are also accepted. Customers are allowed two (2) special bulk item collections at the curb annually.

The City promotes these collection events and services utilizing multiple media forms, including social, to make more citizens aware of this service. The City currently tracks the amount of material collected at the annual events and will report this quantity as a measurable goal.

RATIONALE FOR SELECTION / BMP DETAILS

- Proactive waste collection and recycling aids in preventing illegal dumping.
  - The detection, investigation, and correction of illegal dumping are required components of the GP to target bacteria because receiving waterbodies are impaired for bacteria.
  - Reducing illegal dumping is a required component of this MCM.
- The City of Tyler currently performs collection events throughout the City.
- Improper disposal of prescription drugs in the landfill or down the sanitary sewer can cause water quality problems and can pose significant risks to human health and the environment.
- Recycling is effective; the more that is collected, the less ends up in landfills and potentially our surface waters.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Promote Collection Events and Recycling • Track material and quantities collected	2 Events Report Quantities
01/01/26 - 12/31/26	• Promote Collection Events and Recycling • Track material and quantities collected	2 Events Report Quantities
01/01/27 - 12/31/27	• Promote Collection Events and Recycling • Track material and quantities collected	2 Events Report Quantities
01/01/28 - 12/31/28	• Promote Collection Events and Recycling • Track material and quantities collected	2 Events Report Quantities
01/01/29 - 12/31/29	• Promote Collection Events and Recycling • Track material and quantities collected	2 Events Report Quantities

Reference: TXR040000, Part III.A.5.(c) and Table 1

REDUCE PET WASTE

ID-9

RESPONSIBLE AUTHORITY

***Parks**
Keep Tyler Beautiful

APPLICABILITY / TARGET

- X Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- X Homeowners
- Industrial
- X Visitors
- City Staff

DESCRIPTION

The City of Tyler has 30 park areas and two (2) dog parks located throughout the City. All of the parks except Lindsey Park are located within the UA. Pet waste in parks can be a source of fecal (E. coli) pollution in area waterways particularly if the park is located near a waterbody. The City maintains 24 (twenty-four) Pet Waste Stations at ten (10) city parks, besides the two (2) dog parks: Bergfeld Park, Children's Park, Lindsey Park, Noble E. Young Park, Pollard Park, P.T. Cole Park, Rose Rudman Trail, Rose Complex, South Tyler Trail, and Woldert Park.

Parks and Recreation Department staff checks and maintains supplies on a daily basis. This is an important BMP to reduce bacterial contamination in area creeks. In addition, City staff checks in with Caldwell Zoo to make sure that good housekeeping practices are in place to minimize the contact of animal waste and stormwater.

RATIONALE FOR SELECTION / BMP DETAILS

- Woldert Park is located adjacent to Black Fork Creek. Rose Rudman Park, Southside Park, and Faulkner Park are located adjacent to West Mud Creek.
- Both Black Fork Creek and West Mud Creek are impaired for bacteria, recreational use.
- The Small MS4 General Permit requires that permittees that discharge directly to impaired waterbodies, without an approved TMDL, to ensure that their SWMP includes focused BMPs to reduce the pollutant of concern.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Add pet waste stations as needed • Maintain existing pet waste stations • Contact Caldwell Zoo	Maintain station map Report supplies ordered Report on contact
01/01/26 - 12/31/26	• Add pet waste stations as needed • Maintain existing pet waste stations • Contact Caldwell Zoo	Maintain station map Report supplies ordered Report on contact
01/01/27 - 12/31/27	• Add pet waste stations as needed • Maintain existing pet waste stations • Contact Caldwell Zoo	Maintain station map Report supplies ordered Report on contact
01/01/28 - 12/31/28	• Add pet waste stations as needed • Maintain existing pet waste stations • Contact Caldwell Zoo	Maintain station map Report supplies ordered Report on contact
01/01/29 - 12/31/29	• Add pet waste stations as needed • Maintain existing pet waste stations • Contact Caldwell Zoo	Maintain station map Report supplies ordered Report on contact
Reference: TXR040000, Part III.A.5.(d) and Table 1		

FOG
ORDINANCE AND ENFORCEMENT

ID-10

RESPONSIBLE AUTHORITY

***Water Utilities**

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

The Fats, Oils, and Grease (FOG) ordinance gives the City the ability to regulate FOG from certain food service establishments, or FSEs, (restaurants, cafeterias, etc.) and non-FSEs such as a car wash or equipment dealership with a grit trap.

These grease/grit reduction devices (GRD) will be inspected at least annually, and service records will be checked for the required minimum quarterly servicing. Follow up inspections and enforcement will take place as necessary.

RATIONALE FOR SELECTION / BMP DETAILS

- A FOG ordinance gives the city the legal authority to enforce minimum size requirements for new construction, and an avenue to force non-compliant operators to come into compliance
- When inspecting GRDs, the City has the authority take steps as necessary if entities are not compliant.
- A FOG Control Program is an integral part of the sanitary sewer collection system's Capacity, Management, Operation, and Maintenance (CMOM) program.
- FOG is a major cause of sanitary sewer overflows.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Continue to enforce existing ordinance • Review permit requests for GRDs • Inspect GRDs, map location, and respond to complaints	Report investigations Report enforcements
01/01/26 - 12/31/26	• Continue to enforce existing ordinance • Review permit requests for GRDs • Inspect GRDs, map location, and respond to complaints	Report investigations Report enforcements
01/01/27 - 12/31/27	• Continue to enforce existing ordinance • Review permit requests for GRDs • Inspect GRDs, map location, and respond to complaints	Report investigations Report enforcements
01/01/28 - 12/31/28	• Continue to enforce existing ordinance • Review permit requests for GRDs • Inspect GRDs, map location, and respond to complaints	Report investigations Report enforcements
01/01/29 - 12/31/29	• Continue to enforce existing ordinance • Review permit requests for GRDs • Inspect GRDs, map location, and respond to complaints	Report investigations Report enforcements

Reference: TXR040000, Part IV.D.3.(c)(4), (5), (6), and Table 6

REDUCE FLOATABLE WASTE

ID-11

RESPONSIBLE AUTHORITY

***Stormwater Engineering**

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- X Visitors
- X City Staff

DESCRIPTION

Floatable waste such as water bottles, Styrofoam, plastic bags, plastics, paper, wood, and other wastes can clog drainage structures, causing water to stagnate and increase bacteria levels in stormwater. These backups can also cause flooding.

Floatable waste is a major contributor to water quality issues. Floatable waster is also dangerous to birds and aquatic life.

The is a new requirement for the City of Tyler and is required of a Level 4 MS4.

RATIONALE FOR SELECTION / BMP DETAILS

- The GP requires permittees with receiving waters impaired for bacteria, to target bacteria.
- Reducing floatables is a required component of this MCM for Level 4 MS4s.
- The location(s) and type(s) of floatable removal technologies will be studied and researched during the first year of this permit cycle.
- Source controls will be the primary focus, but structural and/or other types of controls will also be reviewed.
- Two (2) locations will be chosen, and consideration will be given to floatable collection and maintenance a minimum of twice per year.
- Securing funding and design will take place during years two (2) and three (3) of this permit term.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Research technologies and location(s)	Report progress
01/01/26 - 12/31/26	• Develop design • Test design	Report progress
01/01/27 - 12/31/27	• Secure funding and gain approval	Report progress
01/01/28 - 12/31/28	• Install floatable removal design and monitor	Install solution
01/01/29 - 12/31/29	• Monitor design and maintain	Report quantity removed (weight or volume)

Reference: TXR040000, Part IV.D.3.(e)(3) and Table 8

5.4. MCM #4 - Construction Site Stormwater Runoff Control

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

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

The City has an ordinance addressing construction site erosion control. The ordinance, Article VII. Environmental Regulations, Division E, Erosion and Sediment Control, Sections 10-520 through 10-536 were last revised on 6/8/2011. However, this section of ordinance is currently under review.

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

To comply with the regulatory requirements for this program element, the following BMPs have been selected by the City of Tyler:

- C-1 Erosion Control Ordinance and Enforcement;
- C-2 Erosion Control Plan Review;
- C-3 Construction Site Inspection;
- C-4 Construction Site Inspector Training;
- C-5 Discharge Reporting; and
- C-6 Construction Site Inventory (NEW).

The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "*" and any support departments are listed as nonbolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP.

EROSION CONTROL ORDINANCE AND ENFORCEMENT

C-1

RESPONSIBLE AUTHORITY

***Development / Permitting**
Stormwater

APPLICABILITY / TARGET

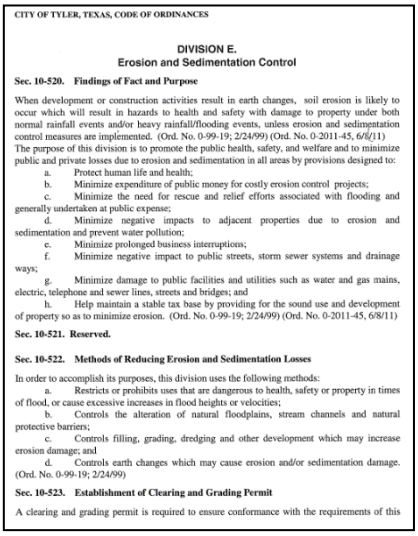
- Residents
- Schools
- X Business
- Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

The City strengthened its Erosion and Sediment Control Ordinance in 2011, to require construction site operators to apply for a clearing and grading permit prior to earth disturbing activities. The ordinance requires operators to submit a copy of their Erosion Control Plan with Drainage Plans to the City Engineer for review.

The ordinance requires that the Erosion and Sediment Control Plan comply with requirements of TPDES TXR150000. Prior to issuance of a permit, proof of the NOI for the site and Stormwater Pollution Prevention Plan (SWP3) is required.

The ordinance includes enforcement actions and penalties to ensure compliance. The City will continue to enforce the Erosion and Sediment Control Ordinance.



CITY OF TYLER, TEXAS, CODE OF ORDINANCES

DIVISION E.
Erosion and Sedimentation Control

Sec. 10-520. Findings of Fact and Purpose

When development or construction activities result in earth changes, soil erosion is likely to occur which will result in hazards to health and safety with damage to property under both normal rainfall events and/or heavy rainfall/flooding events, unless erosion and sedimentation control measures are implemented. (Ord. No. 0-99-19; 2/24/99) (Ord. No. 0-2011-45, 6/8/11)
The purpose of this division is to promote the public health, safety, and welfare and to minimize public and private losses due to erosion and sedimentation in all areas by provisions designed to:

a. Protect human life and health;
b. Minimize expenditure of public money for costly erosion control projects;
c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense;
d. Minimize negative impacts to adjacent properties due to erosion and sedimentation and prevent water pollution;
e. Minimize prolonged business interruptions;
f. Minimize negative impact to public streets, storm sewer systems and drainage ways;
g. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges; and
h. Help maintain a stable tax base by providing for the sound use and development of property so as to minimize erosion. (Ord. No. 0-99-19; 2/24/99) (Ord. No. 0-2011-45, 6/8/11)

Sec. 10-521. Reserved.

Sec. 10-522. Methods of Reducing Erosion and Sedimentation Losses

In order to accomplish its purposes, this division uses the following methods:

a. Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
b. Controls the alteration of natural floodplains, stream channels and natural protective barriers;
c. Controls filling, grading, dredging and other development which may increase erosion damage; and
d. Controls earth changes which may cause erosion and/or sedimentation damage. (Ord. No. 0-99-19; 2/24/99)

Sec. 10-523. Establishment of Clearing and Grading Permit

A clearing and grading permit is required to ensure conformance with the requirements of this

RATIONALE FOR SELECTION / BMP DETAILS

- An ordinance requiring construction site operators to implement stormwater control measures to prevent discharges is a required component of this MCM.
- The ordinance shall prohibit discharges in Part IV.D.4.(b)(2) of the GP.
- The ordinance(s) shall be reviewed and update at least once per permit term.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Enforce Erosion and Sediment Control Ordinance	Report enforcements
01/01/26 - 12/31/26	• Enforce Erosion and Sediment Control Ordinance • Review and update as needed	Report enforcements Report updates
01/01/27 - 12/31/27	• Enforce Erosion and Sediment Control Ordinance	Report enforcements
01/01/28 - 12/31/28	• Enforce Erosion and Sediment Control Ordinance	Report enforcements
01/01/29 - 12/31/29	• Enforce Erosion and Sediment Control Ordinance	Report enforcements

Reference: TXR040000, Part IV.D.4.(a), (b)(2), and Table 9

EROSION CONTROL PLAN REVIEW

C-2

RESPONSIBLE AUTHORITY

***Development / Permitting**
Engineering

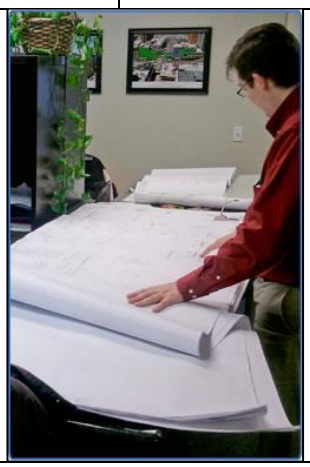
APPLICABILITY / TARGET

- Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

As part of their development review procedures, the City of Tyler currently reviews construction plans, including erosion and sediment control plans. Per City ordinance, any earth disturbing activity must have a clearing and grading permit. A copy of the applicant's Erosion and Sediment Control Plan must accompany the drainage plans as part of the permitting process. Erosion and sediment control plans are reviewed for compliance with TXR150000.

The site plan review procedures must incorporate consideration of potential water quality impacts. Prior to issuance of a permit, proof of the NOI for the site and Stormwater Pollution Prevention Plan (SWP3) is required.



RATIONALE FOR SELECTION / BMP DETAILS

- Erosion control plan review and procedures is a required component of this MCM for all small MS4s.
- The Development Services Department currently performs review of development plans.
- Stormwater Engineering is asked to aid with plan review as needed.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Review all applicable erosion control plans submitted to the City as required • Confirm NOI and SWP3 as needed	Review all required plans Report quantity
01/01/26 - 12/31/26	• Review all applicable erosion control plans submitted to the City as required • Confirm NOI and SWP3 as needed • Review procedures and update as needed	Review all required plans Report quantity
01/01/27 - 12/31/27	• Review all applicable erosion control plans submitted to the City as required • Confirm NOI and SWP3 as needed	Review all required plans Report quantity
01/01/28 - 12/31/28	• Review all applicable erosion control plans submitted to the City as required • Confirm NOI and SWP3 as needed	Review all required plans Report quantity
01/01/29 - 12/31/29	• Review all applicable erosion control plans submitted to the City as required • Confirm NOI and SWP3 as needed	Review all required plans Report quantity

Reference: TXR040000, Part IV.D.4.(b)(3) and Table 9

CONSTRUCTION SITE INSPECTION

C-3

RESPONSIBLE AUTHORITY

***Development / Permitting**
Stormwater

APPLICABILITY / TARGET

- Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

The Development Services staff performs construction site inspections with the assistance of Stormwater as needed. To facilitate these inspections, the City established points during the development process at which inspections must be performed before the process can continue.

Erosion control inspections performed on utility and grading projects and CIP projects are tracked. Tracking includes both an electronic system utilized by Building Inspectors in Development Services, and PDF documents utilized by the Utility Inspectors.

The frequency of inspections should consider factors that are a threat to water quality and inspections should be made during the active construction phase. Written procedures should be maintained on-site and made available to TCEQ. Written inspection reports or checklists need to be maintained along with findings and follow actions.

RATIONALE FOR SELECTION / BMP DETAILS

- Construction site inspections and procedures development and review are required components of this MCM for all small MS4s.
- The Development Services Department with the aid of Stormwater and Engineering currently performs inspections.
- The Development Services Department, Stormwater, and Engineering review procedures as needed.
- 80% of active sites are inspected annually based on established procedures that considers discharge potential, slope, waterbody characteristics, history of site and contractor, etc.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Conduct construction site inspections	Report number 80% of active site, minimum
01/01/26 - 12/31/26	• Conduct construction site inspections	Report number 80% of active site, minimum
01/01/27 - 12/31/27	• Conduct construction site inspections	Report number 80% of active site, minimum
01/01/28 - 12/31/28	• Conduct construction site inspections	Report number 80% of active site, minimum
01/01/29 - 12/31/29	• Conduct construction site inspections	Report number 80% of active site, minimum

Reference: TXR040000, Part IV.D.4.(b)(4) and Table 9

CONSTRUCTION SITE INSPECTOR TRAINING

C-4

RESPONSIBLE AUTHORITY

***Stormwater**
Engineering

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

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. Training shall be conducted annually for 100% of the staff whose primary job responsibilities are related to implementing the construction stormwater program.

RATIONALE FOR SELECTION / BMP DETAILS

- Construction site inspector training is a required component of this MCM for all small MS4s.
- Conduct one (1) training annually.
- Staff that inspects construction sites are the focus.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Provide training	Report training information
01/01/26 - 12/31/26	• Provide training	Report training information
01/01/27 - 12/31/27	• Provide training	Report training information
01/01/28 - 12/31/28	• Provide training	Report training information
01/01/29 - 12/31/29	• Provide training	Report training information

Reference: TXR040000, Part IV.D.4.(b)(5) and Table 9

DISCHARGE REPORTING

C-5

RESPONSIBLE AUTHORITY

***Stormwater** Engineering

APPLICABILITY / TARGET

- X Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- X Homeowners
- X Industrial
- X Visitors
- X City Staff

DESCRIPTION

The City of Tyler utilizes a storm water hotline, webpage form, and the "My Tyler App for reporting potential violations related to construction site activities. These reporting mediums are available 24-hours per day.

These means to notify are aggressively promoted through several of the previously mentioned public education BMPs including the City's web site. Code Enforcement personnel respond and investigate these calls. Stormwater personnel often assist or preview to provide guidance and assistance as needed.

RATIONALE FOR SELECTION / BMP DETAILS

- Discharge reporting for construction site discharges, illicit discharges, illegal dumping, and other violations that may affect water quality is a required component of this MCM for all small MS4s.
- Processes will be reviewed at least annually to ensure effectiveness.
- Notification channels will be maintained and operational.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain and promote discharge reporting mechanisms • Review notification means for effectiveness	Report notification types
01/01/26 - 12/31/26	• Maintain and promote discharge reporting mechanisms • Review notification means for effectiveness	Report notification types
01/01/27 - 12/31/27	• Maintain and promote discharge reporting mechanisms • Review notification means for effectiveness	Report notification types
01/01/28 - 12/31/28	• Maintain and promote discharge reporting mechanisms • Review notification means for effectiveness	Report notification types
01/01/29 - 12/31/29	• Maintain and promote discharge reporting mechanisms • Review notification means for effectiveness	Report notification types
Reference: TXR040000, Part IV.D.3.(c)(3) and Table 6; Part IV.D.4.(b)(6) and Table 9		

CONSTRUCTION SITE INVENTORY

C-6

RESPONSIBLE AUTHORITY

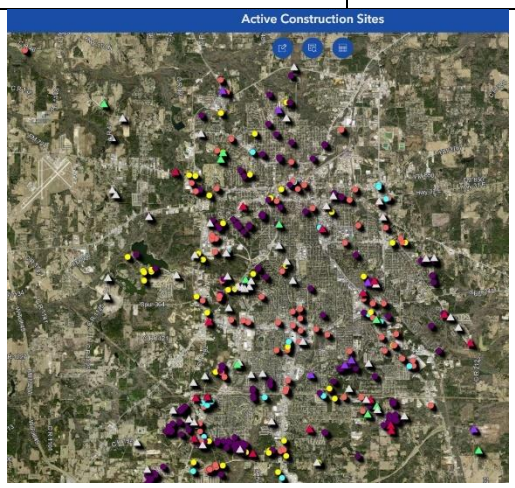
***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- X Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The Small MS4 Permit also requires that Level 4 MS4s maintain an inventory of all permitted active public and private construction sites. The inventory should include City CIP projects.



Issued permits are tracked, as well as inspections, in a software program. The GIS system is used to display permit types that are likely to involve earth disturbing activities, e.g. Infrastructure, New Commercial, New Commercial Shell, and New Residential. Site do not "drop off" the map until six (6) months after the permit is closed out satisfactorily, i.e. erosion control is not needed due to adequate cover.

RATIONALE FOR SELECTION / BMP DETAILS

- Construction site inventory is a required component of this MCM for Level 4 MS4s.
- This is accomplished in the permit tracking software, Trakit.
- This is also accomplished with the GIS mapping pulling from the Trakit data.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain current construction permit information • Utilize map to locate and report construction sites	Report number of each of four (4) permit types
01/01/26 - 12/31/26	• Maintain current construction permit information • Utilize map to locate and report construction sites	Report number of each of four (4) permit types
01/01/27 - 12/31/27	• Maintain current construction permit information • Utilize map to locate and report construction sites	Report number of each of four (4) permit types
01/01/28 - 12/31/28	• Maintain current construction permit information • Utilize map to locate and report construction sites	Report number of each of four (4) permit types
01/01/29 - 12/31/29	• Maintain current construction permit information • Utilize map to locate and report construction sites	Report number of each of four (4) permit types

Reference: TXR040000, Part IV.D.4.(c) and Table 10

5.5. MCM #5 - Post-Construction Stormwater Management in Areas of New Development and Redevelopment

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

As specified in the Small MS4 General Permit, the SWMP must include controls for post-construction stormwater management for new development and redevelopment projects. All permittees must develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4. This applies to projects that disturb one (1) acre or more, including projects that disturb less than one (1) acre that are part of a larger common plan of development or sale. The post-construction program must apply to both public and private development sites.

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

To comply with the regulatory requirements for this program element, the following BMPs have been selected by the City of Tyler:

- PC-1 Post-Construction Ordinance and Enforcement;
- PC-2 Post-Construction BMP Manual;
- PC-3 Long-Term Post-Construction Operation and Maintenance; and
- PC-4 Post-Construction Controls Inspection (NEW).

The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "*" and any support departments are listed as nonbolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP.

POST-CONSTRUCTION ORDINANCE AND ENFORCEMENT

PC-1

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

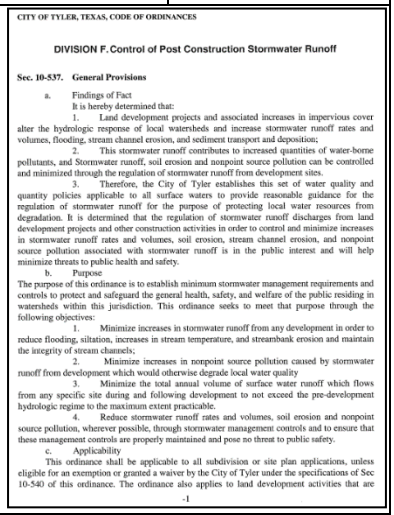
- Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

Tyler adopted an ordinance to address post-construction runoff from new development and redevelopment projects during the first permit term. The purpose of the ordinance was to establish minimum stormwater management requirements to minimize flooding, siltation, increases in stream temperature, streambank erosion and nonpoint source pollution.

The ordinance was adopted in 2011 and revised in 2017. The City will continue to enforce the existing ordinance and maintain documentation of all enforcement actions and make them available for review by TCEQ.

The Design Guidelines for Subdivision Improvements (PC-2) was developed to assist with the implementation of this ordinance.



CITY OF TYLER, TEXAS, CODE OF ORDINANCES

DIVISION F. Control of Post Construction Stormwater Runoff

Sec. 10-537. General Provisions

a. Findings of Fact

It is hereby determined that:

1. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;

2. This stormwater runoff contributes to increased quantities of water-borne pollutants, and Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

3. Therefore, the City of Tyler establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will help minimize threats to public health and safety.

b. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

2. Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality

3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.

4. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

c. Applicability

This ordinance shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the City of Tyler under the specifications of Sec 10-540 of this ordinance. The ordinance also applies to land development activities that are

-1

RATIONALE FOR SELECTION / BMP DETAILS

- A Post-Construction control ordinance is a required component of this MCM for all MS4s.
- The ordinance gives the City the authority to enforce the GP requirements.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Enforce Post-Construction Control Ordinance	Report enforcements
01/01/26 - 12/31/26	• Enforce Post-Construction Control Ordinance • Review and update as needed	Report enforcements Report updates
01/01/27 - 12/31/27	• Enforce Post-Construction Control Ordinance	Report enforcements
01/01/28 - 12/31/28	• Enforce Post-Construction Control Ordinance	Report enforcements
01/01/29 - 12/31/29	• Enforce Post-Construction Control Ordinance	Report enforcements
Reference: TXR040000, Part IV.D.5.(a)(2), (b)(1), and Table 11		

POST-CONSTRUCTION BMP MANUAL

PC-2

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

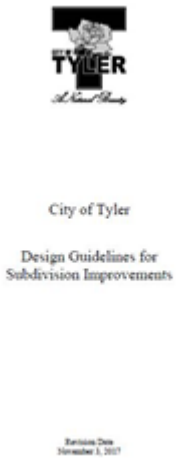
APPLICABILITY / TARGET

- Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

The City developed a Post-Construction (PC) BMP Manual to accompany the post-construction ordinance (PC-1), which outlines design standards for permanent BMPs. The Design Guidelines for Subdivision Improvements was updated May 14, 2021.

The Design Guidelines will be reviewed once per permit term to ensure it is providing adequate guidance on the proper design and maintenance of post-construction BMPs for engineers, developers and construction site operators. Additional guidance on stormwater controls is outlined in the Tyler Unified Development Code contained in Chapter 10 of the City Ordinances.


City of Tyler

Design Guidelines for Subdivision Improvements

RATIONALE FOR SELECTION / BMP DETAILS

- Design guidance is a required component of this MCM for all MS4s.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Utilize and require engineers/developers to follow	Report updates
01/01/26 - 12/31/26	• Utilize and require engineers/developers to follow • Review and update as needed	Report updates
01/01/27 - 12/31/27	• Utilize and require engineers/developers to follow	Report updates
01/01/28 - 12/31/28	• Utilize and require engineers/developers to follow	Report updates
01/01/29 - 12/31/29	• Utilize and require engineers/developers to follow	Report updates
Reference: TXR040000, Part IV.D.5.(a)(2) and Table 11		

LONG-TERM POST-CONSTRUCTION OPERATION AND MAINTENANCE

PC-3

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

Maintenance of public infrastructure post-construction controls will be maintained by the City. This generally includes the public infrastructure.

Maintenance of private post-construction will be 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 City shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. 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.

RATIONALE FOR SELECTION / BMP DETAILS

- Ensuring the long-term operation and maintenance of post-construction controls is a required component of this MCM for all MS4s.
- Public infrastructure BMPs are maintained by the City.
- Privately owned BMPs are maintained by the owner through a maintenance covenant.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain public post-construction controls • Ensure maintenance of private post-construction controls	Report maintenance quantities
01/01/26 - 12/31/26	• Maintain public post-construction controls • Ensure maintenance of private post-construction controls	Report maintenance quantities
01/01/27 - 12/31/27	• Maintain public post-construction controls • Ensure maintenance of private post-construction controls	Report maintenance quantities
01/01/28 - 12/31/28	• Maintain public post-construction controls • Ensure maintenance of private post-construction controls	Report maintenance quantities
01/01/29 - 12/31/29	• Maintain public post-construction controls • Ensure maintenance of private post-construction controls	Report maintenance quantities

Reference: TXR040000, Part IV.D.5.(b)(2) and Table 11

POST-CONSTRUCTION CONTROLS INSPECTION

PC-4

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

The inspections are necessary to determine the effectiveness of a BMP, which can significantly be reduced by the lack of maintenance. Additional inspections and maintenance may result from citizen reporting and complaints through the storm water hotline.

The City will maintain a GIS map of permanent, public infrastructure BMPs that require inspection. A GIS map of privately maintained post-construction BMPs that are maintained through maintenance covenants recorded into the land record will also be maintained and updated annually.

The is a new requirement for the City of Tyler and is required of a Level 4 MS4.

RATIONALE FOR SELECTION / BMP DETAILS

- Inspection of post-construction controls is a required component of this MCM for Level 4 MS4s.
- This is a new BMP for the City and is required of a Level 4 MS4.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain GIS map of permanent post-construction controls • Inspect 20%, minimum, of the controls	Report inspections
01/01/26 - 12/31/26	• Maintain GIS map of permanent post-construction controls • Inspect 20%, minimum, of the controls	Report inspections
01/01/27 - 12/31/27	• Maintain GIS map of permanent post-construction controls • Inspect 20%, minimum, of the controls	Report inspections
01/01/28 - 12/31/28	• Maintain GIS map of permanent post-construction controls • Inspect 20%, minimum, of the controls	Report inspections
01/01/29 - 12/31/29	• Maintain GIS map of permanent post-construction controls • Inspect 20%, minimum, of the controls	Report inspections

Reference: TXR040000, Part IV.D.5.(c)(1), (2), and Table 12

5.6. MCM #6 - Pollution Prevention and Good Housekeeping for Municipal Operations

Stormwater pollution prevention will only be effective if the municipality is "practicing what it preaches". Therefore, the City's stormwater program must be founded on achievable pollution prevention measures for the city facilities and field operations.

As specified in the Small MS4 General Permit, all permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to: park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Existing permittees, such as the City of Tyler must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. The City has determined that two (2) good housekeeping BMPs were redundant, and a reduction to 12 adheres to the goal of reducing the discharge of pollutants from the MS4 to the MEP, and eliminates confusion.

To comply with the regulatory requirements for this program element, the following BMPs have been selected by the City of Tyler:

- GH-1 Stormwater Pollution Prevention Training;
- GH-2 Recycling Program and Waste Disposal;
- GH-3 Vehicle Washing;
- GH-4 Vehicle Fueling;
- GH-5 Landscaping Practices;
- GH-6 Roadway Cleaning;
- GH-7 Storm Sewer System Operation and Maintenance;
- GH-8 Facility Specific SOPs;
- GH-9 Airport Operations;
- GH-10 City Facilities and Control Inventory;
- GH-11 City Operation and Maintenance Activities;
- GH-12 Contractor Oversight; and
- GH-13 Evaluation of Flood Control Projects (NEW).

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

STORMWATER POLLUTION PREVENTION TRAINING

GH-1

RESPONSIBLE AUTHORITY

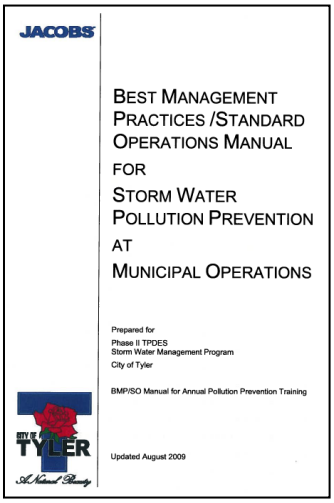
***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

In addition to the specific BMPs for Good Housekeeping and Pollution Prevention, the City of Tyler has prepared and implemented general training for City employees on storm water pollution prevention techniques. The City developed a BMP / Standard Operations (BMP/SO) manual (GH-8) for use by City staff charged with City facility and maintenance operations (both fixed facility staff and field operations). The BMP/SO manual is used during annual training. The municipal operations that have a primary role in the implementation of this SWMP attend annual training including the following departments: Engineering, Traffic Engineering, Water Utilities, Solid Waste, Code Enforcement, Development Services, Drainage Maintenance, Vehicle Equipment Services, Parks and Recreation, and Streets.



The annual training is structured based on departmental needs. Some departments utilize presentations at safety meetings while others use on-line training modules. Each department is responsible for obtaining sign-in sheets for training sessions to be included in annual reports. The BMP/SO manual is reviewed annually and updated as needed. The City will ensure that all departments utilize the BMP/SO manual during annual training.

RATIONALE FOR SELECTION / BMP DETAILS

- Staff training in good housekeeping is a required component of this MCM for all MS4s.
- Attendance records are to be kept and made available upon request.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Provide training and document attendance	Provide training Report training attendance
01/01/26 - 12/31/26	• Provide training and document attendance	Provide training Report training attendance
01/01/27 - 12/31/27	• Provide training and document attendance	Provide training Report training attendance
01/01/28 - 12/31/28	• Provide training and document attendance	Provide training Report training attendance
01/01/29 - 12/31/29	• Provide training and document attendance	Provide training Report training attendance

Reference: Part IV.D.6.(b)(2) and Table 13

RECYCLING PROGRAM AND WASTE DISPOSAL

GH-2

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The City of Tyler will continue to perform vehicle maintenance on all City owned and operated vehicles and equipment. Preventative maintenance services include fluid changes, tire and battery replacement, and some minor mechanical repairs. However, bodywork and painting are not conducted at the City service facilities.

This BMP involves the proper storage and recycling of used tires, batteries, fluids, and oils. Proper disposal of contaminated debris and/or spill cleanup materials takes place as necessary.

RATIONALE FOR SELECTION / BMP DETAILS

- Proper waste disposal is a required component of this MCM for all MS4s.
- Vehicle maintenance is currently being performed for all City vehicles and landscape equipment at the Oakwood Municipal Complex located at 410 W. Oakwood.
- Water-based parts cleaners that filter and reuse the cleaning solution are also used by the City, which helps eliminate waste solvent generation. The solution is recycled/maintained by a local contractor.
- Recycling reduces waste and makes sense.
- Used oil and antifreeze are comingled with the City's recycled materials.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Properly store waste material • Properly dispose of or recycle material as needed	Report quantities
01/01/26 - 12/31/26	• Properly store waste material • Properly dispose of or recycle material as needed	Report quantities
01/01/27 - 12/31/27	• Properly store waste material • Properly dispose of or recycle material as needed	Report quantities
01/01/28 - 12/31/28	• Properly store waste material • Properly dispose of or recycle material as needed	Report quantities
01/01/29 - 12/31/29	• Properly store waste material • Properly dispose of or recycle material as needed	Report quantities

Reference: Part IV.D.6.(b)(3) and Table 13

VEHICLE WASHING

GH-3

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

Vehicle washing will continue to be performed at the Oakwood Municipal Complex for all City owned and operated vehicles. Garbage truck washout can also occur at the Duncan St Solid Waste Facility. This washwater drains through a GRD into the City's POTW system. Street Sweepers can be washed out at the Northside Storage Yard with the washwater filtering through a rock berm.

The grease/grit reduction devices (GRD) will be maintained and cleaned at least quarterly, per the City's FOG ordinance. The rock berm is maintained when sediment reaches 50% of the height.

RATIONALE FOR SELECTION / BMP DETAILS

- Vehicle washing process management is a required component of this MCM for Level 4 MS4s.
- Vehicle washing is currently being performed for all City vehicles at the Oakwood Municipal Complex located at 410 W. Oakwood in the designated washing bay.
- Most City vehicles are washed approximately twice a week
- A GRD (grit trap) is utilized to filter all wash water from the car wash bay and needs to be maintained on a regular and frequent schedule.
- This GRD is also inspected as part of our fats, oils, and grease (FOG) ordinance enforcement (ID-10).

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Inspect and maintain GRDs and rock berm(s)	Report annual cleanings
01/01/26 - 12/31/26	• Inspect and maintain GRDs and rock berm(s)	Report annual cleanings
01/01/27 - 12/31/27	• Inspect and maintain GRDs and rock berm(s)	Report annual cleanings
01/01/28 - 12/31/28	• Inspect and maintain GRDs and rock berm(s)	Report annual cleanings
01/01/29 - 12/31/29	• Inspect and maintain GRDs and rock berm(s)	Report annual cleanings

Reference: Part IV.D.6.(c)(6)d. and Table 14

VEHICLE FUELING

GH-4

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

Vehicle fueling will continue to be performed at each of the existing fueling stations. These systems will remain in compliance with current TCEQ regulations. The City will ensure that each fueling area has signage to discourage topping off fuel tanks and all fueling areas will have spill containment kits nearby. Training on the location and use of spill containment kits will be addressed during annual pollution prevention Training (See GH-1).

RATIONALE FOR SELECTION / BMP DETAILS

- Vehicle fueling process management is a required component of this MCM for Level 4 MS4s.
- Vehicle fueling is performed for City vehicles at several of the service centers. The primary fueling station is located at the Oakwood Municipal Complex and consists of a covered island with two (2) dispenser pumps. This facility has an automated monitor and control system with alarms and leak detection for the underground storage tanks.
- Other fueling locations include Streets Department; Parks Department (smaller fuel tanks at several parks); .

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Monitor UST for leaks • Monitor ASTs for leaks • Maintain spill kits	UST system report Report leaks Maintain response kits
01/01/26 - 12/31/26	• Monitor UST for leaks • Monitor ASTs for leaks • Maintain spill kits	UST system report Report leaks Maintain response kits
01/01/27 - 12/31/27	• Monitor UST for leaks • Monitor ASTs for leaks • Maintain spill kits	UST system report Report leaks Maintain response kits
01/01/28 - 12/31/28	• Monitor UST for leaks • Monitor ASTs for leaks • Maintain spill kits	UST system report Report leaks Maintain response kits
01/01/29 - 12/31/29	• Monitor UST for leaks • Monitor ASTs for leaks • Maintain spill kits	UST system report Report leaks Maintain response kits

Reference: Part IV.D.6.(c)(6)c. and Table 14

LANDSCAPING PRACTICES

GH-5

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The City of Tyler maintains numerous landscaping facilities including the Rose Garden Center. The City has established a "No Bag It" program at City facilities to reduce lawn clipping disposal. The City uses private contractors to perform right of way maintenance.

The Tyler Parks & Recreation Department employs licensed applicators that apply fertilizers and pesticides on an as needed basis. The City's applicators are licensed through the Texas Department of Agriculture (TDA) as Noncommercial Applicators for restricted-use or state-limited-use pesticides. Noncommercial applicators must renew annually and obtain five (5) CEU credits each year to remain licensed. The City will require their applicators to maintain their TDA licenses and attend annual training classes. The City will retain copies of applicator licenses for submittal with the annual reports.

RATIONALE FOR SELECTION / BMP DETAILS

- As the "Rose Capitol of Texas", landscaping is very important to the City of Tyler.
- This BMP is a required component of this MCM for Level 4 MS4s.
- The Tyler Parks Department employs licensed applicators that apply chemicals on an as needed basis. Licensing of pesticide applicators ensures that the staff are knowledgeable in the proper application rates and methods for lawn care chemicals.
- Annual training focuses on laws and regulations, proper safe handling and disposal, integrated pest management (IPM), drift minimization, and application timing to ensure proper use and prevent these chemicals from leaving the site of application.
- Pesticide and fertilizer use will be evaluated annually.
- Non-chemical options will be reviewed and evaluated annually.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Staff training and licensing • Review of processes and usages	Report number of licenses Report process changes
01/01/26 - 12/31/26	• Staff training and licensing • Review of processes and usages	Report number of licenses Report process changes
01/01/27 - 12/31/27	• Staff training and licensing • Review of processes and usages	Report number of licenses Report process changes
01/01/28 - 12/31/28	• Staff training and licensing • Review of processes and usages	Report number of licenses Report process changes
01/01/29 - 12/31/29	• Staff training and licensing • Review of processes and usages	Report number of licenses Report process changes

Reference: Part IV.D.6.(d)(1) and Table 15

ROADWAY CLEANING

GH-6

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The City of Tyler will continue to perform street sweeping and cleaning at the current frequency. Every mile of curbed City streets is swept on a 30-to-45-day cycle, and the downtown area is swept twice per week, which appears to be sufficient to maintain clean streets in Tyler. The current equipment and staff also appear to be sufficient to meet Tyler's needs.

In addition, the City will sweep designated sections of the parking lot of the Oakwood Municipal Complex on a bi-weekly basis.

RATIONALE FOR SELECTION / BMP DETAILS

- Roadway cleaning is a required component of this MCM for Level 4 MS4s.
- This removes a large amount of sediment, trash, debris, and other pollutants from contact with stormwater runoff.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Sweep streets and priority areas • 10,000 lane miles is the minimum goal	Report lane miles swept
01/01/26 - 12/31/26	• Sweep streets and priority areas • 10,000 lane miles is the minimum goal	Report maintenance quantities
01/01/27 - 12/31/27	• Sweep streets and priority areas • 10,000 lane miles is the minimum goal	Report maintenance quantities
01/01/28 - 12/31/28	• Sweep streets and priority areas • 10,000 lane miles is the minimum goal	Report maintenance quantities
01/01/29 - 12/31/29	• Sweep streets and priority areas • 10,000 lane miles is the minimum goal	Report maintenance quantities

Reference: Part IV.D.6.(c)(2) and Table 14

STORM SEWER SYSTEM OPERATIONS AND MAINTENANCE

GH-7

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The City of Tyler performs storm drain system cleaning on an investigatory basis and in response to complaints. The purpose of this practice is to reduce the debris, trash, and other pollutants in the storm drain system.

The Drainage Maintenance group in the Street Department performs storm drain system cleaning. The inlets are initially cleaned by hand to remove any lodged debris. This type of cleaning is limited to several feet into the inlet. If a clog persists, a vacuum truck is used to remove the remainder of the material. The City also maintains multiple StormCeptor™ on the West Loop.

The City checks the depth of sediment buildup in the StormCeptor™. An extender allows the City to use the vacuum truck to remove accumulated sediment.

RATIONALE FOR SELECTION / BMP DETAILS

- Storm sewer system O&M is a required component of this MCM for Level 4 MS4s.
- Maintenance prevents larger problems and potentially flooding and/or property damage.
- Cleaning and inspection provide data needed to determine condition and maintenance.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain StormCeptors™ • Maintain other structures as needed • Update GIS map	Report work orders Report map edits
01/01/26 - 12/31/26	• Maintain StormCeptors™ • Maintain other structures as needed • Update GIS map	Report work orders Report map edits
01/01/27 - 12/31/27	• Maintain StormCeptors™ • Maintain other structures as needed • Update GIS map	Report work orders Report map edits
01/01/28 - 12/31/28	• Maintain StormCeptors™ • Maintain other structures as needed • Update GIS map	Report work orders Report map edits
01/01/29 - 12/31/29	• Maintain StormCeptors™ • Maintain other structures as needed • Update GIS map	Report work orders Report map edits

Reference: Part IV.D.6.(c)(1) and Table 14

FACILITY SPECIFIC SOPs

GH-8

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The MS4 program has a strong educational component for City employees utilizing the Storm Water Pollution Prevention Training (GH-1). The City has a Best Management Practice/Standard Operations (BMP/SO) Manual that includes BMPs applicable to each department or facility.

This facility specific SOP manual is used during Pollution Prevention Training.


SOILS AND AGGREGATE STOCKPILING P-5

POLLUTANT CONTROL
HI Sediment
MED Oil & Grease
MED Nutrients/Toxics
LO Floatables
MED Other Wastes

APPLICABLE FACILITIES
Oakwood Complex
Westside WWTP
Southside WWTP
Fire Stations
Police Stations
X Rose Garden
X City Parks
City Pools
X Streets
Golden Road WTP
X Service Center

WHEN TO IMPLEMENT
- These measures should be implemented anytime stockpiles of earthwork or aggregate must be stored.
- Storage measures should also be considered when determining new locations for stockpiles.

- Before storing or transferring any earthwork or aggregates, ensure that you have been properly trained on the equipment and material you will be handling.
- When choosing a stockpile location, allow for room to access the stockpile from the upslope side, so that erosion measures may be placed to enclose the pile on the downhill side.
- For stockpiles that cannot be impounded, covered, or place on paved areas, choose a location from which the runoff is concentrated to a single point. Deploy appropriate erosion control BMPs such as check dams or silt fence between this concentration point and the nearest storm drain or drainage feature.
- When possible, place materials under a shed, lean-to or other covered area.
- When possible for medium sized stockpiles or short-term storage, cover the stockpiles with heavy tarps.
- Note in the logbook the date, location and material delivered, transferred, or removed.
- Never stockpile material that is considered hazardous.

STORM WATER BMP/SO MANUAL 9 AUGUST 2009

RATIONALE FOR SELECTION / BMP DETAILS

- This BMP is a required component of this MCM for Level 4 MS4s.
- Facility assessments and controls for high priority facilities are also required for this MCM for Level 4 MS4s.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Review and update the BMP/SO Manuals as needed • Update training programs as needed	Maintain each site-specific SOPs
01/01/26 - 12/31/26	• Review and update the BMP/SO Manuals as needed • Update training programs as needed	Maintain each site-specific SOPs
01/01/27 - 12/31/27	• Review and update the BMP/SO Manuals as needed • Update training programs as needed	Maintain each site-specific SOPs
01/01/28 - 12/31/28	• Review and update the BMP/SO Manuals as needed • Update training programs as needed	Maintain each site-specific SOPs
01/01/29 - 12/31/29	• Review and update the BMP/SO Manuals as needed • Update training programs as needed	Maintain each site-specific SOPs
Reference: Part IV.D.6.(c)(4)a., (5), (6), (7), and Table 14		

AIRPORT OPERATIONS

GH-9

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The City of Tyler Regional Airport (Pounds Regional Airport) is in the regulated UA. This BMP includes stormwater controls implemented at the Airport.

The Airport has an approved Storm Water Pollution Prevention Plan (SWP3) under the Multi-Sector General Permit (TXR050000). A SWP3 is required for any Air Transportation Sector. The Federal Aviation Administration (FAA) provides supplemental guidance on the preparation of airport oriented SWP3s through Advisory Circular 150/5320-15A.

Airport tenants and Fleet Based Operators (FBOs) also have SWP3s that cover their operations. The Airport has 13 outfalls that are monitored under their industrial SWPPP.

RATIONALE FOR SELECTION / BMP DETAILS

- Deicing material storage inclusion is a required component of this MCM for Level 4 MS4s.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain SWP3 • Ensure FBOs follow their SWP3 and SPCCs	Report inspection dates Maintain maps
01/01/26 - 12/31/26	• Maintain SWP3 • Ensure FBOs follow their SWP3 and SPCCs	Report inspection dates Maintain maps
01/01/27 - 12/31/27	• Maintain SWP3 • Ensure FBOs follow their SWP3 and SPCCs	Report inspection dates Maintain maps
01/01/28 - 12/31/28	• Maintain SWP3 • Ensure FBOs follow their SWP3 and SPCCs	Report inspection dates Maintain maps
01/01/29 - 12/31/29	• Maintain SWP3 • Ensure FBOs follow their SWP3 and SPCCs	Report inspection dates Maintain maps

Reference: Part IV.D.6.(b)(5) and Table 13; Part IV.D.6.(c)(6)b. and Table 14

CITY FACILITIES AND CONTROL INVENTORY

GH-10

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

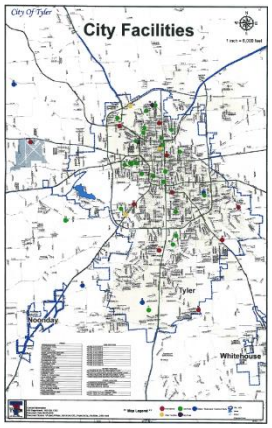
APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The Small MS4 General Permit requires that all regulated MS4s develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory should include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include (if applicable):

- Equipment storage and maintenance facilities;
- Fuel storage facilities;
- Materials storage yards;
- Pesticide storage facilities;
- Buildings, including schools, libraries, police stations, fire stations, and office buildings;
- Parking lots;
- Swimming pools;
- Public works yards;
- Recycling facilities;
- Solid waste handling and transfer facilities;
- Street repair and maintenance sites;
- Vehicle storage and maintenance yards; and
- Structural stormwater controls.



Facility assessments must be conducted once per permit term to determine the potential to discharge pollutants. Based on these assessments, the City must identify high-priority facilities, and must include, at a minimum, the City's maintenance yards, fuel storage locations, and any other facility at which chemicals or other materials have a high potential to be discharged in stormwater. Many of the high priority facilities in the City are governed by a MSGP SWP3 or SPCC plan, which requires annual inspections as part of those permit requirements. The City may use those inspections as part of the facility assessments and implement facility assessment protocols for other facilities during this permit term.

RATIONALE FOR SELECTION / BMP DETAILS

- An inventory of stormwater controls owned and operated by the City is a required component of this MCM for all MS4s.
- Mapping is a required component of this MCM for Level 4 MS4s.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Update City facility inventories; identify high priority facility areas • Update GIS map as needed	Report inventory updates Maintain GIS map
01/01/26 - 12/31/26	• Update City facility inventories; identify high priority facility areas • Update GIS map as needed	Report inventory updates Maintain GIS map
01/01/27 - 12/31/27	• Update City facility inventories; identify high priority facility areas • Update GIS map as needed	Report inventory updates Maintain GIS map
01/01/28 - 12/31/28	• Update City facility inventories; identify high priority facility areas • Update GIS map as needed	Report inventory updates Maintain GIS map
01/01/29 - 12/31/29	• Update City facility inventories; identify high priority facility areas • Update GIS map as needed	Report inventory updates Maintain GIS map

Reference: Part IV.D.6.(b)(1), (5), and Table 13; Part IV.D.6.(c)(3), (4), and Table 14

CITY OPERATIONS AND MAINTENANCE ACTIVITIES

GH-11

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The Small MS4 General Permit requires that all regulated MS4s evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including the following:

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

The City will evaluate these O&M activities and identify pollutants of concern that could be discharged from the O&M activities and develop and implement specific pollution prevention measures to reduce the identified pollutants. The pollution prevention (PP) measures and/or structural controls implemented will be inspected on a regular basis to maintain the effectiveness of the BMP.

RATIONALE FOR SELECTION / BMP DETAILS

- An assessment of City operations and maintenance activities is a required component of this MCM for all MS4s.
- Pollutants of concern that can be discharge will be identified.
- Pollution prevention measures will be developed and/or maintained. Measures must include at least two (2): environmentally friendly replacement of 50% of chemicals; track anti-icing usage; capture 80% of debris generated during bridge repair; and/or direct runoff around deicing storage areas.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Implement and/or update controls as necessary • Maintain controls as needed	Report anti-icing/deicing usage Report assessment and controls
01/01/26 - 12/31/26	• Review O&M activities to identify POCs and discharge potential • Implement and/or updated controls as necessary • Maintain controls as needed	Report anti-icing/deicing usage Report assessment and controls
01/01/27 - 12/31/27	• Implement and/or update controls as necessary • Maintain controls as needed	Report anti-icing/deicing usage Report assessment and controls
01/01/28 - 12/31/28	• Implement and/or update controls as necessary • Maintain controls as needed	Report anti-icing/deicing usage Report assessment and controls
01/01/29 - 12/31/29	• Implement and/or update controls as necessary • Maintain controls as needed	Report anti-icing/deicing usage Report assessment and controls

Reference: Part IV.D.6.(b)(5), (6), and Table 13

CONTRACTOR OVERSIGHT

GH-12

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- Industrial
- Visitors
- X City Staff

DESCRIPTION

The Small MS4 General Permit requires that any contractors that are hired by the City to perform maintenance activities on City-owned facilities must be contractually obligated to comply with all the stormwater control measures, good housekeeping practices, and facility specific SOPs. The City is also required to provide oversight of contractor activities to ensure they are utilizing appropriate measures and SOPs.

The oversight procedures must be maintained on site and made available for review by TCEQ.

RATIONALE FOR SELECTION / BMP DETAILS

- Contractor oversight is a required component of this MCM for all MS4s.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Implement oversight procedures	Report contract quantities
01/01/26 - 12/31/26	• Implement oversight procedures • Review oversight procedures and update as needed	Report maintenance quantities
01/01/27 - 12/31/27	• Implement oversight procedures	Report maintenance quantities
01/01/28 - 12/31/28	• Implement oversight procedures	Report maintenance quantities
01/01/29 - 12/31/29	• Implement oversight procedures	Report maintenance quantities

Reference: Part IV.D.6.(b)(4) and Table 13

EVALUATION OF FLOOD CONTROL PROJECTS

GH-13

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- X Schools
- X Business
- X Institutions
- X Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

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

RATIONALE FOR SELECTION / BMP DETAILS

- The evaluation of flood control projects for impacts to receiving waters is a required component of this MCM for Level 4 MS4s.
- New flood control structures must be designed, constructed, and maintained to provide erosion control.
- New flood control structures must also be designed, constructed, and maintained to provide pollutant removal.
  - Existing structural flood control devices shall be retrofitted to provide additional pollutant removal at the rate of 20% per year.
- This is a new BMP for the City and is required of a Level 4 MS4.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Develop review procedures • Evaluate existing flood control structures	Report procedures Report number of structures
01/01/26 - 12/31/26	• Review 100% of new flood control structures • Plan existing structure prioritization	Report reviews Report plan
01/01/27 - 12/31/27	• Review 100% of new flood control structures • Retrofit, if feasible, 20% of existing structures or document infeasibility	Report reviews Report retrofits
01/01/28 - 12/31/28	• Review 100% of new flood control structures • Retrofit, if feasible, 20% of existing structures or document infeasibility	Report reviews Report retrofits
01/01/29 - 12/31/29	• Review 100% of new flood control structures • Retrofit, if feasible, 20% of existing structures or document infeasibility	Report reviews Report retrofits

Reference: TXR040000, Part IV.D.6.(d)(2) and Table 15

5.7. MCM #7 – Industrial Stormwater Sources

Based on the 2020 census population data, the City of Tyler is a Level 4 MS4. This is the first permit term that this MCM is required for the City.

Permittees who operate Level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from the 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. Thus, this SWMP must include priorities and procedures for inspections and for implementing control measures for such industrial discharges.

To comply with the regulatory requirements for this program element, the following BMPs have been selected by the City of Tyler:

- IS-1 City Treatment Site and Industrial Pollutants (NEW);
- IS-2 City and TXR050000 Site Inspections (NEW); and
- IS-3 City and TXR050000 Site Inspection SOPs (NEW).

The following BMP sheets describe individual BMPs in Tyler's SWMP. The City Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "*" and any support departments are listed as nonbolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP.

CITY TREATMENT SITE AND INDUSTRIAL POLLUTANTS

IS-1

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- X Business
- Institutions
- Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- X City Staff

DESCRIPTION

Level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from the 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.

A review of all City waste management, storage, processing, and/or disposal sites will take place during the first year. All permitted industrial sites will also be investigated, as well as any that may not be permitted.

RATIONALE FOR SELECTION / BMP DETAILS

- Identification and control of pollutants from City waste management, processing, and/or disposal sites, as well as other substantially contributing industrial sources, is a required component of this MCM for Level 4 MS4s.
- 100% of the identified facilities are to be addressed.
- This is a new BMP for the City and is required of a Level 4 MS4.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Investigate City and Industrial sites for pollutants	Report results
01/01/26 - 12/31/26	• Develop pollutant control BMPs to the MEP • Monitor for new sites	Report planned BMPs
01/01/27 - 12/31/27	• Implement and/or require implementation of BMPs • Monitor for new sites	Report implemented BMPs
01/01/28 - 12/31/28	• Implement and/or require implementation of BMPs • Monitor for new sites	Report implemented BMPs
01/01/29 - 12/31/29	• Implement and/or require implementation of BMPs • Monitor for new sites	Report implemented BMPs

Reference: TXR040000, Part IV.D.7.(a) and Table 16

CITY AND TXR050000 SITE INSPECTIONS

IS-2

DESCRIPTION

Perform inspections of site identified in BMP IS-1 according to the SOPs developed in BMP IS-3.

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- X Business
- Institutions
- Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- City Staff

RATIONALE FOR SELECTION / BMP DETAILS

- Ensuring the long-term operation and maintenance of post-construction controls is a required component of this MCM for Level 4 MS4s.
- Inspections shall occur for all the small MS4 owned and operated facilities.
- Inspections shall occur for all the industrial facilities permitted under the TPDES MSGP, TXR050000, and located within the small MS4 area.
- These inspections shall occur annually.
- This is a new BMP for the City and is required of a Level 4 MS4.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Inspect all City facilities, if SOPs are developed • Inspect all TXR050000 facilities, if SOPs are developed	Report inspections
01/01/26 - 12/31/26	• Inspect all City facilities • Inspect all TXR050000 facilities	Report inspections
01/01/27 - 12/31/27	• Inspect all City facilities • Inspect all TXR050000 facilities	Report inspections
01/01/28 - 12/31/28	• Inspect all City facilities • Inspect all TXR050000 facilities	Report inspections
01/01/29 - 12/31/29	• Inspect all City facilities • Inspect all TXR050000 facilities	Report inspections
Reference: TXR040000, Part IV.D.7.(b) and Table 16		

CITY AND TXR050000 SITE INSPECTION SOPs

IS-3

RESPONSIBLE AUTHORITY

***GIS**
Development / Permitting

APPLICABILITY / TARGET

- Residents
- Schools
- X Business
- Institutions
- Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

Develop standard operating procedures (SOPs) identifying inspection priorities and procedures for the facilities identified in BMP IS-1 to be used during the inspections in BMP IS-2. These SOPs shall be review and updated during subsequent permit terms.

RATIONALE FOR SELECTION / BMP DETAILS

- Ensuring the long-term operation and maintenance of post-construction controls is a required component of this MCM for Level 4 MS4s.
- Public infrastructure BMPs are maintained by the City.
- Privately owned BMPs are maintained by the owner through a maintenance covenant.
- This is a new BMP for the City and is required of a Level 4 MS4.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Develop inspection SOPs	Report development
01/01/26 - 12/31/26	• Implement SOPs • Review and update SOPs as needed	Report updates
01/01/27 - 12/31/27	• Implement SOPs • Review and update SOPs as needed	Report updates
01/01/28 - 12/31/28	• Implement SOPs • Review and update SOPs as needed	Report updates
01/01/29 - 12/31/29	• Implement SOPs • Review and update SOPs as needed	Report updates

Reference: TXR040000, Part IV.D.7.(b) and Table 16

5.8. MCM #8 – Authorization for Municipal Construction Activities Where the Small MS4 is the Site Operator

The City of Tyler has chosen to implement the optional 8th (eighth) MCM for authorization of construction activities within the regulated urbanized area and will implement a BMP for this MCM.

Permittees that choose to develop and implement this MCM will be authorized to discharge stormwater and certain non-stormwater from construction activities only where the MS4 operator meets the definition of a construction site operator. This MCM only authorizes the small MS4 operator and does not provide authorization for other construction site operators at a municipal project.

The City is required to meet all requirements of, and be consistent with the following:

1. Applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450);
2. TPDES CGP TXR150000; and
3. Part IV.D.4 and Part VII of the GP.

This authorization to discharge is only applicable to the City's UA. This MCM must include:

a. Description of how construction activities will be conducted;
b. Description of where construction activities occur;
c. Describe how supervision of the construction site will be done;
d. Explain how the SWP3 will be developed for the site; and
e. Records of municipal construction activities.

MASTER CONSTRUCTION SWP3

8th MCM

RESPONSIBLE AUTHORITY

***Streets**

APPLICABILITY / TARGET

- Residents
- Schools
- Business
- Institutions
- Developers / Contractors
- Homeowners
- X Industrial
- Visitors
- City Staff

DESCRIPTION

The City developed and implemented a master construction SWP3 that will cover all construction activities performed by the Streets Department which utilizes the City owned concrete batch plant within the City's UA. The master SWP3 will be updated for each construction site and will consider local conditions such as weather, soils, and other site-specific considerations. The City will use this 8th MCM of the MS4 permit to allow City construction activities to be permitted under the MS4 permit rather than the Construction General Permit (CGP) for activities that require the use of the concrete batch plant. Any construction activities that do not require the use of the concrete batch plant will be permitted under the CGP, TXR150000, if the disturbed area exceeds one (1) acre in size.

Streets Department road repair projects are typically less than one (1) acre in size and are completed in a short period of time. The quantities of concrete required for final roadway surfacing associated with these projects are small, generally less than a commercial minimum load of ready mix. The City will operate a small, dry delivery system ready mix concrete batch plant located at the City's Street Department operating area.

This MCM will only address construction activities performed by City crews supervised by the City Streets Department. Contracted construction activities will be permitted under the CGP, TXR150000 by the contractor, if the disturbed area exceeds one (1) acre in size. The City will ensure that the contractors have a separate authorization for storm water discharges through enforcement of the Erosion Control Ordinance (BMP C-1) and Contractor Oversight (BMP GH-12).

RATIONALE FOR SELECTION / BMP DETAILS

- Requested by Streets Department to permit the concrete batch plant.

YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/01/25 - 12/31/25	• Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant	Report construction quantities
01/01/26 - 12/31/26	• Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant	Report construction quantities
01/01/27 - 12/31/27	• Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant	Report construction quantities
01/01/28 - 12/31/28	• Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant	Report construction quantities
01/01/29 - 12/31/29	• Maintain and update construction SWP3 and required BMPs for construction activities making use of the concrete batch plant	Report construction quantities

Appendix A

City of Tyler Items
-
City Council Agenda(s)
Interlocal Agreement
Signatory Authority

CITY COUNCIL AGENDA

Wednesday, January 22, 2025
9:00 am

CITY COUNCIL
Donald P. Warren, Mayor
Stuart Hene, District 1
Petra Hawkins, District 2
Dr. Shirley McKellar, District 3
James Wynne, District 4
Lloyd Nichols, District 5
Brad Curtis, District 6

CITY COUNCIL MEETING AGENDA

CITY COUNCIL CHAMBERS - CITY HALL

City Hall, City Council Chambers
212 N. Bonner Avenue, 2nd Floor
Tyler, Texas

Follow us on Facebook Live at: https://www.facebook.com/CityofTylerTexas/

Wednesday, January 22, 2025 9:00 am

Internet website http://www.cityoftyler.org and Cable Access Channel 3

Please call (903) 531-1250 if you need assistance with interpretation or translation for this City meeting.

Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Tyler por favor llame al (903) 531-1250.

AMERICANS WITH DISABILITIES ACT NOTICE

The City of Tyler wants to ensure that City Council Meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to attend a City Council meeting, please contact the City Manager's Office at 903.531.1250, in advance so accommodations can be made.

COURTESY RULES

Thank you for your presence. The City Council appreciates your interest in Tyler City Government. To ensure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, Administrative Staff, News Media, Citizens and Visitors. If you wish to address the Council, please fill out the information on the IPAD located outside the Council Chambers. Speakers will be heard as the individual item(s) in which they have registered an interest come before the Council. Your remarks will be limited in duration depending on the number of people wanting to speak on a particular item. Comments to the City Council should only be made from the podium. This will ensure that the comments are picked up by the microphones and are made a part of the official record. Delay or interruption of the proceedings will not be tolerated.

INVOCATION

PLEDGE OF ALLEGIANCE

MINUTES

Request that the City Council consider approving the minutes of the regular called meeting of the City Council of the City of Tyler, Texas, held on November 13, 2024.

AWARDS

A-1 Request that the City Council consider recognizing the following employees for their years of service and commitment to the City of Tyler. They represent 55 years of service with the City of Tyler.

Danny Johnson, Plant Operator II, 15 years of service
Patrisha McKee, Deputy Court Clerk, 15 years of service
Lance Yarema, GIS Coordinator, 20 years of service

A-2 Request that the City Council consider recognizing the following Infant at Work participant for her program participation and the joy she brought to the City of Tyler. At this important milestone, we express our sincere appreciation for your dedication and for the special contribution you made to our organization. Kolby completed 6 months of service with the City of Tyler.

Kolby Justice, Infant at Work, 6 months of service

PRESENTATION

P-1 Request that the City Council consider hearing a presentation on the collection of property taxes by Linebarger, Goggan, Blair & Sampson, LLP.

ZONING

Z-1 A24-002 WERNER-TAYLOR LAND & DEVELOPMENT LP (14697 COUNTY ROAD 192)
Request that the City Council consider adoption of an Ordinance approving the voluntary annexation of approximately 25.81 acres of land lying adjacent to the present boundary limits of the City of Tyler located southwest of the intersection of Old Noonday Road/County Road 192 and Three Lakes Parkway. Also consider approving:
A. The new boundary of the City Limits.
B. The new boundary of the City Council District #2.
C. The new boundary of the Tyler Extraterritorial Jurisdiction upon consent.
D. That the City Manager be authorized to sign a written agreement for provision of City services per Texas Local Government Code Section 43.0672.
E. Amendment of the Future Land Use Guide to reflect Single-Family Medium/Low Density.
F. Establishment of original zoning of 'R-1B', Single-Family Residential District.

Z-2 A24-003 WERNER-TAYLOR LAND & DEVELOPMENT LP (14143 COUNTY

ROAD 192)
Request that the City Council consider adoption of an Ordinance approving the voluntary annexation of approximately 11.06 acres of land lying adjacent to the present boundary limits of the City of Tyler located south of the intersection of Old Noonday Road/County Road 192 and Henshaw Creek Drive. Also consider approving:
A. The new boundary of the City Limits.
B. The new boundary of the City Council District #2.
C. The new boundary of the Tyler Extraterritorial Jurisdiction upon consent.
D. That the City Manager be authorized to sign a written agreement for provision of City services per Texas Local Government Code Section 43.0672.
E. Amendment of the Future Land Use Guide to reflect Single-Family Medium/Low Density.
F. Establishment of original zoning of 'PUR', Planned Unit Residential District with a written narrative.

Z-3 ZA24-001 UNIFIED DEVELOPMENT CODE (20 YEAR CITY LIMITS)
Request that the City Council consider adoption of an Ordinance making an uncontestable finding that all territory included within the City of Tyler since December 31, 2004, is part of the City.

Z-4 Z24-038 CYNTHIA ALLEN (601 DODGE STREET)
Request that the City Council consider adoption of an Ordinance approving a zone change from 'R-MF', Multi-Family Residential District to 'RPO', Restricted Professional Office District.

Z-5 Z24-039 APOLONIO MOLINA (1316 CLAUDE STREET)
Request that the City Council consider adoption of an Ordinance approving a zone change from 'R-MF', Multi-Family Residential District to 'R-1B', Single-Family Residential District.

Z-6 Z24-040 NEDWOL PROPERTIES (2453 AND 2457 MOSAIC WAY)
Request that the City Council consider adoption of an Ordinance approving a zone change from 'M-1', Light Industrial District and 'M-2', General Industrial District to 'PCD', Planned Commercial District with written narrative.

Z-7 Z24-041 VALLE PROPERTY INVESTMENTS (308 JORDAN STREET)
Request that the City Council consider adoption of an Ordinance approving a zone change from 'C-2', General Commercial District to 'R-1B', Single-Family Residential District.

RESOLUTION

R-1 Request that the City Council consider adoption of a Resolution authorizing the filing of an application with the Texas Parks and Wildlife Department (TPWD) for a Recreational Trails Grant and authorizing the City Manager to take all actions needed to receive and expend grant funds.

R-2 Request that the City Council consider adoption of a Resolution authorizing the filing of an application with the Texas Parks and Wildlife Department (TPWD) for a Boating Access Grant and authorizing the City Manager to take all actions needed to

receive and expend grant funds.

ORDINANCE

O-1 Request that the City Council consider the adoption of an Ordinance amending the Fiscal Year 2024-2025 Budget to provide funding to complete various Community Development Block Grant (CDBG), HOME, and Housing Choice Voucher Program activities.

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to enter into an agreement with Kimley-Horn to develop a Light Rail Study for the Tyler Area Metropolitan Planning Organization in the amount of $150,000.

M-2 Request that the City Council consider authorizing the City Manager to execute a Notice of Intent and submit the revised Tyler Texas Pollutant Discharge and Elimination System Phase II MS4 Stormwater Management Plan to the Texas Commission on Environmental Quality.

CONSENT

(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item.)

C-A-1 Request that the City Council consider authorizing the City Manager to purchase Ten Chevrolet Tahoe vehicles for the Police Department from Tyler Motor Co dba Hall GMC Chevrolet.

C-A-2 Request that the City Council consider authorizing the City Manager to purchase personal protective equipment (PPE), and station wear in an amount not to exceed $309,300.00 from Metro Fire Apparatus Specialist, Inc., CASCO Industries, Inc., MES, Inc., and Galls, Inc., in compliance with Texas Government Code Chapter 271.102.

C-A-3 Request that the City Council consider authorizing the City Manager to execute the second renewal option for a five-year period from January 1, 2025, through December 31, 2029, for Isaiah Daw, Dixie Hangar LLC, Tract 15, located at Tyler Pounds Regional Airport.

C-A-4 Request that the City Council consider authorizing the City Manager to ratify staff action in payment to A.E Shull in the amount of $181,058.50 for the emergency repair and restoration of the 30" sewer main adjacent to Highway 110 South.

C-A-5 Request that the City Council consider authorizing the City Manager to execute a reconciliation change order that will decrease the contract amount by $35,159.00 and the release of final retainage payment in the amount of $3,800.00 to A.E. Shull & Company for the construction of the Earl Campbell Gravity Sewer Main Project.

C-A-6 Request that the City Council consider authorizing funds for the Contract with Strategic Government Resources for Willie Marshall, interim Water Business Office manager, not to exceed $125,000 for fiscal year 2025.

C-A-7 Request that the City Council consider authorizing the City Manager to execute a Capital Improvements Project contract in the amount of $165,960.00 with A-10 Construction for the Lake Palestine Water Treatment Plant Erosion Control Project Bid No. 25 -006 to be funded from the Lake Palestine Water Treatment Plant Operations and Maintenance fund.

C-A-8 Request that the City Council consider authorizing the City Manager to execute a contract in the amount of $69,100 for professional facilitation services with The Management Connection for the High Achieving Leaders (HAL) Development Program to occur in calendar year 2025.

CITY MANAGER'S REPORT

ADJOURNMENT

CITY COUNCIL AGENDA

Wednesday, February 26, 2025
9:00 am

CITY COUNCIL

Donald P. Warren, Mayor
Stuart Hene, District 1
Petra Hawkins, District 2
Dr. Shirley McKellar, District 3
James Wynne, District 4
Lloyd Nichols, District 5
Brad Curtis, District 6

CITY COUNCIL MEETING AGENDA

CITY COUNCIL CHAMBERS - CITY HALL

City Hall, City Council Chambers
212 N. Bonner Avenue, 2nd Floor
Tyler, Texas

Follow us on Facebook Live at: https://www.facebook.com/CityofTylerTexas/

Wednesday, February 26, 2025 9:00 am

Internet website http://www.cityoftyler.org and Cable Access Channel 3

Please call (903) 531-1250 if you need assistance with interpretation or translation for this City meeting.

Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Tyler por favor llame al (903) 531-1250.

AMERICANS WITH DISABILITIES ACT NOTICE

The City of Tyler wants to ensure that City Council Meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to attend a City Council meeting, please contact the City Manager's Office at 903.531.1250, in advance so accommodations can be made.

COURTESY RULES

Thank you for your presence. The City Council appreciates your interest in Tyler City Government. To ensure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, Administrative Staff, News Media, Citizens and Visitors. If you wish to address the Council, please fill out the information on the IPAD located outside the Council Chambers. Speakers will be heard as the individual item(s) in which they have registered an interest come before the Council. Your remarks will be limited in duration depending on the number of people wanting to speak on a particular item. Comments to the City Council should only be made from the podium. This will ensure that the comments are picked up by the microphones and are made a part of the official record. Delay or interruption of the proceedings will not be tolerated.

PLEDGE OF ALLEGIANCE

MINUTES

Request that the City Council consider approving the minutes of the regular called meeting of the City Council of the City of Tyler, Texas, held on January 8, 2025

AWARDS

A-1 Request that the City Council consider recognizing the following employees for their years of service and commitment to the City of Tyler. They represent 235 years of service with the City of Tyler.

Patrick Mayo, Fire Senior Captain II, 20 Years of Service
Christopher Potts, Fire Driver Engineer III, 20 Years of Service
Michael Woelfel, Firefighter XII. 25 Years of Service
Aaron Lowry, Fire Senior Captain II, 25 Years of Service
J. Craig Williams, Police Officer XIV, 25 Years of Service
Clint Gardner, Police Officer XIV, 30 Years of Service
James McCraw, Police Officer XIV, 30 Years of Service
D Mike Saxion, Police Sergeant IV, 30 Years of Service
A Brad Langford, Police Officer XIV, 30 Years of Service

ZONING

Z-1 Z24-044 AMY L BASS (3393 WEST GRANDE BOULEVARD)
Request that the City Council consider adoption of an Ordinance approving a zone change from 'AG', Agricultural District to 'C-2', General Commercial District.

Z-2 C24-009 DAVID ZAVALA (A PORTION OF PEGUES AVENUE)
Request that the City Council consider adoption of an Ordinance approving the closure of an unimproved street right-of-way for Pegues Avenue, adjacent to 1522 North Bois D'Arc Avenue.

RESOLUTION

R-1 Request that the City Council consider adoption of a Resolution authorizing the City Manager to approve an Interlocal Agreement Regarding Utility Services between the City of Tyler and East Texas Municipal Utility District of Smith County defining water service areas and an agreement to negotiate consent to annexations.

ORDINANCE

O-1 Request that the City Council consider adopting an Ordinance canceling the election for Tyler City Councilmember for District Five scheduled for May 3, 2025, and declaring the unopposed candidate for Tyler City Councilmember for District Five elected to office.

MISCELLANEOUS

M-1 Request that the City Council consider authorizing the City Manager to execute a

professional services contract in the amount of $240,000.00 with HDR Engineering, Inc., for the Lake Palestine Water Treatment Plant Variable Frequency Drive (VFD) Replacement Project and adopt a Resolution reserving the right to reimburse expenditures with proceeds of future debt.

M-2 Request that the City Council consider reviewing and accepting the Revenue and Expenditure Report for the period ending December 31, 2024.

M-3 Request that the City Council consider approving the appointment of two Alternate Tyler Municipal Court Judges by the Presiding Judge.

BOARD APPOINTMENTS

B-1 Request that the City Council consider appointing Max Slicker as the Chair of the Construction Board of Adjustments and Appeals.

CONSENT

(These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item.)

C-A-1 Request that the City Council consider reviewing and accepting the Investment Report for the quarter ending December 31, 2024.

C-A-2 Request that the City Council consider adoption of a Resolution authorizing and amending the application for and acceptance of Federal Transit Administration Section 5339 FY23 and FY24 Bus and Bus Facilities Grant in the amount of $412,019.00 along with the acceptance of $65,484 in Transportation Development Credits (TDC).

C-A-3 Request that the City Council consider authorizing the City Manager to execute a second contract amendment in the amount of $5,717.09, with KSA Engineers, Inc., for additional services related to the Earl Campbell Gravity Sewer Main project.

C-A-4 Request that the City Council consider adopting a Resolution authorizing the City Manager to execute the application for and acceptance of Federal Transit Administration (FTA) Grant Funds under the Section 5307 Fiscal Year 2023 in the amount of $2,616,893 and Fiscal Year 2024 in the amount of $2,523,956, for a total amount of $5,140,893, to assist with the Transit Department's operating cost. This Resolution also accepts any grant amendments and funds to increase the grant funding levels and reduce the local match requirements.

C-A-5 Request that the City Council consider authorizing the City Manager to purchase two (2) BraunAbility ProMaster van bodies for the Transit Department from Model 1 Commercial Vehicles, for $338,685.70 through the State of Oklahoma contract SW0797C FY25.

C-A-6 Request that the City Council consider authorizing the City Manager to execute the Interlocal Agreement with Smith County related to Smith County's Stormwater Management Plan (SWMP).

C-A-7 Request that the City Council consider authorizing the City Manager to execute the

Reconciliation Change Order with Reynolds & Kay, LTD. for the Storm Main Replacement project, Bid No. 24-041, increasing the approved contract amount by $75,580.20 (20.7%), from $ 364,781.00 to $440,361.20, and approve the release of retainage, pending approval by the Half Cent Sales Tax Board.

C-A-8 Request that the City Council consider authorizing the City Manager to ratify staff's action in the approval of KSA Engineers providing services to update the Risk and Resiliency and Emergency Response Plan as required by the Environmental Protection Agency (EPA) to comply with the American Water Infrastructure Act in the amount of $107,500.

C-A-9 Request that the City Council consider authorizing the City Manager to approve a Reconciliation Change order in the amount of $29,998.80 under budget and approve the release of retainage in the amount of $25,937.68 to Striping Technology, LP. for the Traffic Signal Installations - Various Locations Project.

C-A-10 Request that the City Council consider authorizing the City Manager to approve the purchase of one excavator from ASCO Supply Company through Sourcewell contract #011723-HTI for a purchase price of $145,407.52.

C-A-11 Request the City Council consider authorizing the City Manager to approve the purchase of one RTV from Lowe Tractor for Lake Palestine water plant for a total purchase price of $10,538.76 through Sourcewell Contract #031121.

C-A-12 Request that the City Council consider adoption of a Resolution to authorize continued participation by the City of Tyler with the Steering Committee of Cities served by Atmos, and authorize the annual assessment payment of $0.05 cents per capita to the Steering Committee.

CITY MANAGER'S REPORT

EXECUTIVE SESSION

As allowed by the Texas Open Meetings Law, Chapter 551 of the Government Code, the City Council may go into executive session to consider the following:

Under Tex. Gov't Code section 551.074 "Personnel Matters" deliberation regarding the following:

The employment, duties, and evaluation of the City Manager. Any final action to be taken by the City Council will be taken in open session.

ADJOURNMENT

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

THIS INTERLOCAL COOPERATION AGREEMENT (the "Agreement") is made and entered into by and between the City of Tyler ("Tyler"), a municipal corporation of Smith County, Texas, by and through its City Manager pursuant to City Council authority at a regularly scheduled City Council meeting on the 26th day of February, 2025, and Smith County, Texas ("Smith County"), a political subdivision of the State, acting by and through a County Judge pursuant to Commissioners Court authority at a regularly scheduled Commissioners Court meeting on the 11th day of February 2025.

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

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

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

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

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

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

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

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

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

I. EFFECTIVE DATE

The effective date of this Agreement shall be the 26th day of February 2025.

II. TERM

The initial term of this Agreement shall be for a period of five (5) years from the effective date of this Agreement. Thereafter, upon mutual agreement of the parties hereto, this Agreement may be renewed for two additional five (5) year terms unless terminated earlier by either party as set forth below.

III. DUTIES OF PARTIES

The following outlines the duties of the parties to implement the requirements of the TPDES General Permit for Regulated Small MS4s and specifically to address the five (5) applicable Minimum Control Measures ("MCMs" identified in the TPDES General Permit for Regulated Small MS4s. The various Best Management Practices ("BMPs") are referenced with respect to Smith County's Stormwater Management Program ("SWMP"), and the related BMPs in Tyler's SWMP are provided for reference.

A. PUBLIC EDUCATION, OUTREACH, AND INVOLVEMENT.

1. Smith County BMP PE/PI-1 – Public Service Announcements: In order to address the Public Education and Outreach MCM, Tyler plans to utilize stormwater public service announcements. (*See* Tyler BMP PE-7.) Because the public service announcements are broadcast throughout Smith County, Tyler shall recognize Smith County's role in addressing stormwater issues in all stormwater public service announcements broadcast each year during the term of this Agreement.

2. Smith County BMP PE/PI-2 – Stormwater Web Site: In order to address the Public Education and Outreach MCM, Tyler plans to maintain its stormwater web site. (*See* Tyler BMP PE-4.) The stormwater web page for Smith County shall have a link to Tyler's stormwater web site. Tyler's stormwater website shall have a link to the Smith County website.

3. Smith County BMP PE/PI-4 – Stormwater Brochures: In order to address the Public Education and Outreach MCM, Tyler will continue to develop new brochures on a "as need basis" and maintain existing brochures addressing such topics as pesticides and fertilizer use, household hazardous waste, pet waste, and Tyler's recycling program. (*See* Tyler BMP PE-3.) Tyler shall include Smith County's logo on applicable stormwater brochures printed each year during the term of this Agreement as requested by Smith County. Tyler will provide to Smith County the number of brochures requested by Smith County during throughout the term of the TPDES General Permit for Regulated Small MS4s. Within 30 days after Tyler submits an invoice to Smith County for the purchase of such brochures, Smith County shall reimburse Tyler for the printing costs of those brochures provided to Smith County. Smith County shall make the brochures available throughout the urbanized areas of Smith County outside Tyler's corporate limits.

B. ILLICIT DISCHARGE DETECTION AND ELIMINATION.

1. Smith County BMP ID-1 – Storm Drain System Outfall Mapping: In order to address the Illicit Discharge Detection and Elimination MCM, Tyler is maintaining and improving a city-wide GIS storm drain system outfall map. (*See* Tyler BMP ID-1.) Tyler will also maintain a GIS storm drain system outfall map for those portions of the urbanized area outside of Tyler's corporate limits. Tyler shall provide all non - Confidential information developed as part of the GIS storm drain system outfall map for those portions of the urbanized area outside of Tyler's corporate limits to Smith County without cost to Smith County.

2. Smith County BMP ID-3 – Illicit Discharge Investigations: In order to address the Illicit Discharge Detection and Elimination MCM, Tyler plans to conduct illicit discharge investigations throughout the storm sewer system on an as needed basis. (*See* Tyler BMP ID-3.) These investigations can utilize fluorescent dye testing, smoke testing, and remote TV camera inspection to track down illicit connections to the MS4. Smith County shall work with Tyler to coordinate such illicit discharge investigations within the urbanized area outside of Tyler's corporate limits when such investigations are necessary. Smith County shall reimburse Tyler on a case-by-case basis for illicit discharge investigations requested by Smith County and performed by Tyler in the urbanized area outside Tyler's corporate limits. Smith County shall reimburse Tyler for the costs associated with the requested investigations within 30 days after Tyler submits an invoice to Smith County for such investigations.

3. Smith County BMP ID-6 – Reduce Failing Septic Systems: In order to address the Illicit Discharge Detection and Elimination MCM, Smith County plans to continue its permitting and regulation of septic systems through the TCEQ On-site Sewage Facility Program ("OSSF"). To enhance the effectiveness of this program, Smith County has developed a brochure, which will address proper septic system care, for

septic system pumping companies to distribute to septic system owners. Smith County shall include Tyler's logo on all septic tank brochures printed each year during the term of this Agreement. Tyler shall reimburse Smith County for the printing costs of brochures provided to Tyler during the term of the TPDES General Permit for Regulated Small MS4s within 30 days after Smith County submits an invoice to Tyler for such brochures. Smith County shall make the brochures available to septic system pumping companies for distribution to the owners of septic systems within Tyler's corporate limits (*See* Tyler BMP ID-6).

4. Smith County BMP ID-9 – Smith County Cleanup Day: In order to address the Illicit Discharge Detection and Elimination MCM, Smith County plans to conduct a Smith County Cleanup Day. Smith County shall hold a Smith County Cleanup Day on an annual basis during the term of the TPDES General Permit for Regulated Small MS4s. Tyler shall allow Smith County to deliver acceptable materials collected as part of Smith County Cleanup Day to the Allied Greenwood Farm landfill for disposal, with Smith County paying for the cost as established by the City at the time of service.

C. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

1. Smith County BMP C-1 – Track Construction Site Notices: In order to address the Construction Site Stormwater Runoff Control MCM, Tyler plans to review plans for construction projects within Tyler's corporate limits and ETJ as allowed by State law and City ordinances. (*See* Tyler BMP C-2.) Smith County will track all construction site notices including Notices of Intents, Notices of Change and Notices of Termination that it receives as the MS4 operator and share that information with the City of Tyler.

2. Smith County BMP C-2 – Construction Inspection: In order to address the Construction Site Stormwater Runoff Control MCM, Tyler plans to continue to conduct construction inspections of residential and commercial sites within Tyler's corporate limits and some areas of its ETJ as allowed by State law and City ordinances. (*See* Tyler BMP C-3.) Smith County will notify the City of Tyler of any citizen complaints that it receives through the County's Web-Based Incident Reporting System (Smith County BMP ID-5) regarding construction sites located in the City's ETJ. If allowed under State and local law, the City of Tyler will perform construction inspections of those sites located in the City's ETJ and report inspection results to Smith County.

D. POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

1. Smith County BMP PC-3 – Long Term Operation and Maintenance of BMPs: In order to address the Post-Construction Stormwater Management in New

Development and Redevelopment MCM, Tyler plans to conduct inspections to determine the effectiveness of post-construction BMPs. (*See* Tyler BMP PC-4.) Tyler shall conduct these inspections within its ETJ inside the urbanized area at Smith County's request. Smith County shall reimburse Tyler on a case-by-case basis for those inspections within Tyler's ETJ requested by Smith County and performed by the City within 30 days after the City submits an invoice to Smith County for the costs associated with such inspection. Tyler shall notify the Smith County Road and Bridge Department if conditions are observed that require maintenance.

E. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS.

1. Smith County BMP GH-1 – County Facilities and Control Inventory. In order to address the Pollution Prevention/Good Housekeeping for Municipal Operations MCM, Smith County plans to develop an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. Smith County will supply information to the City of Tyler for development of a GIS map of the Smith County facilities and stormwater controls. The inventory will include:
    - Equipment storage and maintenance facilities;
    - Fuel storage facilities;
    - Incinerators;
    - Materials storage and Public Work yards;
    - Building sites;
    - Parking lots;
    - Vehicle storage and maintenance yards; and
    - Structural stormwater controls.

    Annual updates of the facilities inventory map shall be completed by September 30th each year of the permit term and provided to the City of Tyler, as needed.

2. Smith County BMP GH-8 – Structural Control Maintenance (Storm Drain System Cleaning). In order to address the Pollution Prevention/Good Housekeeping for Municipal Operations MCM, Smith County plans to continue to perform maintenance on drains at the Smith County Base Facility that discharge into the adjacent creek. The drains shall be cleaned on an as needed basis. Depending on the extent of the maintenance required, Smith County may request assistance from the City of Tyler. Smith County may coordinate with the City of Tyler's Streets Department to assist them in cleaning/maintaining drains with the City's vacuum truck. Smith County shall reimburse Tyler for each use of the vacuum truck at a price to be negotiated at the time of each request.

PAYMENT/FUNDING

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

MISCELLANEOUS PROVISIONS

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

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

Smith County:
County Judge
Smith County Commissioners Court
200 E. Ferguson, Suite 100
Tyler, Texas 75702
(903) 590-4600 (Telephone)
(903) 590-4615 (Facsimile)

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

B. CURRENT REVENUES. Tyler and Smith County will pay for services rendered pursuant to this Agreement from current revenues.

C. RENEWAL. The renewal of this Agreement shall be contingent upon the availability of current revenue funds and annual budget allocations and appropriations by the parties.

D. HOLD HARMLESS. Each party to this Agreement does hereby agree to waive all claims against, release and hold the other party and its respective officials, officers, agents, and employees, both in their official capacity and individual capacity, harmless from and

against any and all liability, claims, suits, demands, losses, damages (including court costs and attorneys' fees) or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.

E. MUTUAL COOPERATION. Tyler and Smith County agree to cooperate with each other, in good faith, at all times during the term hereof in order to effectuate the purpose and intent of this Agreement.

F. AUTHORITY TO CONTRACT. Each party acknowledges and represents that this Agreement has been duly authorized by their respective governing body.

G. NO PARTNERSHIP. Nothing contained herein shall be deemed or construed by the parties hereto or by any third party, as creating the relationship of employer-employee, principal-agent, partners, joint ventures, or any other similar such relationships, between the parties hereto.

H. ENTIRE AGREEMENT; AMENDMENTS. This Agreement contains the entire Agreement of the parties respecting the subject matter and supersedes all prior negotiations, representations and/or agreements, either written or oral, between the parties. This Agreement may not be modified or amended except by written Agreement duly executed by both parties.

I. INTERPRETATION. This Agreement has been entered into and under the authority granted under the Act. All terms and provisions are to be construed and interpreted consistently with that Act. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

J. SEVERABILITY. The provisions of this Agreement are severable. In the event that any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement shall be found to be contrary to law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this Agreement; however, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty days written notice of its intent to terminate.

K. ASSIGNMENT AND SUBLETTING. This Agreement shall not be assigned in whole or in part without the written consent of both parties.

L. WAIVER. The waiver by either party of a breach of this Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach of the same or a different provision.

M. REMEDIES. No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity, but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

N. APPLICABLE LAWS. This Agreement will be construed in accordance with the laws and Constitution of the State of Texas. All obligations are performable in Smith County, Texas. Exclusive venue shall be in Smith County, Texas.

O. CAPTIONS. Title and headings of Sections or Paragraphs hereof have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof and shall never be considered or given any effect in construing this Agreement or any provision hereof or in ascertaining intent.

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

IN WITNESS OF WHICH this Agreement has been executed on this the 6 day of March, 2025.

CITY OF TYLER,
a Texas municipal corporation

By: Edward Broussard
Edward Broussard
City Manager

SMITH COUNTY, TEXAS
a political subdivision of Texas

By:
Neal Franklin
County Judge

ATTEST:

Cassandra Brager
City Clerk

CITY OF TYLER SEAL TEXAS

Karen Phillips
by Dawn Coldwell
County Clerk

petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but signers shall add to their signatures their places of residence, giving the street and number. One of the signers to each of such papers shall make oath before an officer competent to administer oaths that each signature is that of the person whose name it purports to be. Within ten (10) days from the filing of such petition, the City Clerk shall examine the same and, from the list of qualified voters, ascertain whether or not said petition is signed by the requisite number of qualified voters and, if necessary, the council shall allow extra help for that purpose. The City Clerk shall attach to said petition a certificate showing the result of such examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The Clerk shall, within ten (10) days after such amendment is filed, in case one is filed, make like examination of the said amended petition and, if that certificate shall show same to be insufficient, it shall be returned to the person filing same without prejudice, however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds. (Props. 1 and 8, 5-5-90)

b. If the petition is found sufficient, the City Clerk shall submit the same to the Council without delay, and the Council, in the event the Councilmember fails to resign, shall order the said election at the next possible date allowed by law; provided that, if an election is to be held within the City for any other purpose within sixty (60) days from the date of said certificate, then the said recall election shall be held on the same day. If the Councilmember in question resigns, no recall election shall be necessary and the vacancy shall be filled as in other cases of vacancies. (Prop. 1, 5-5-90)

c. If the majority of the votes cast at a recall election be for the recall of the Councilmember, the Council, upon canvassing of the ballots, shall immediately declare that position vacant and order a special election to fill it as provided for any vacancies herein. (Prop. 8, 5-5-90)

d. No recall petition shall be filed against Councilmembers during the first six months of their terms, and no Councilmember shall be subject to more than one recall election on the same grounds. (Prop. 8, 5-5-90)

e. Should the Council fail or refuse to order an election as herein provided for the recall of a Councilmember, when all the requirements for such election have been complied with by the petitioning citizens, in conformity with this Charter, then it shall be the duty of any one of the district judges of Smith County, Texas, upon proper application being made therefor, to order such election and to enforce the carrying into effect of the provisions of this Charter. (Prop. 1, 5-5-90)

Sec. 19. Law governing elections.

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

ARTICLE III. CITY MANAGER; ADMINISTRATIVE ORGANIZATION

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

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

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

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

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

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

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

The powers and duties of the City Manager shall be:

a. To assure that the laws and ordinances and policies are enforced;
b. To appoint and remove all Department Heads, subject to Council approval, all such appointments to be upon merit and fitness alone; to oversee and review the appointment and removal of all subordinate officers and employees in the departments, all such persons appointed to be qualified and suitable;
c. To exercise control over all departments and divisions created herein or that may be hereafter created;
d. To attend all meetings of the Council with the right to take part in the discussion but having no vote;
e. To recommend to the Council for adoption such measures as deemed necessary or expedient;
f. To keep the Council fully advised as to the financial condition and needs of the City; and
g. To prepare and submit the annual budget on the basis of estimates made by the departments;
h. To perform such other duties as may be prescribed by this Charter or be required by ordinances or resolutions of the Council. In no case (save when the Council is considering the removal of the City Manager) shall the Council act without first having asked the opinion of the City Manager on that point.

(Props. 1 and 9, 5-5-90)

Sec. 23. Administrative departments.

There shall be such administrative departments as deemed necessary by the City Manager. (Prop. 9, 5-5-90)

Sec. 24. Legal department.

There shall be a Legal department, the head of which shall be the City Attorney. The City Attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five years immediate preceding this appointment. The City Attorney shall be the legal advisor of, and attorney for, all of the offices and departments of the City, and shall represent the city in all litigation and legal proceedings. The City Attorney shall draft, approve, or file legal objections to every ordinance adopted by the Council, and shall pass upon all documents, contracts, and legal instruments in which the City may have an interest.

There shall be such Assistant City Attorneys as may be authorized by the Council and appointed by the City Attorney with the approval of the City Manager, and such Assistant City Attorneys shall be authorized to act for and on behalf of the City Attorney. (Prop. 9, 5-5-90)

Sec. 25. Municipal Court.

There shall be a court known as the Municipal Court of the City, which court shall be deemed always open for the trial of causes, with such jurisdiction, powers, and duties as are given and prescribed by the laws of the State of Texas. The Municipal Court shall be presided over by a magistrate who shall be known as the Judge of the Municipal Court. The Judge shall be a competent attorney who is licensed to practice law in the State of Texas and shall be appointed by the City Manager. The Judge with the approval of the City Manager shall appoint such equally qualified individuals as necessary to serve as Alternate Municipal Court Judges in the absence of the Municipal Judge. (Prop. 9, 5-5-90)

Sec. 26. Department Heads; responsibilities.

The Heads of departments shall be immediately responsible to the City Manager for the administration of their departments, and their advice in writing shall be asked by the City Manager on all questions affecting their departments. They shall make up the departmental estimates and all other reports and recommendations concerning their departments, at stated intervals, and when requested by the City Manager. (Prop. 1, 5-5-90)

Sec. 27. Reserved. (Prop. 9, 5-5-90)

P. O. Box 2039
Tyler, Texas 75710

511 W. Locust
Tyler, Texas 75702

December 18, 2017

Executive Director
Texas Commission on Environmental Quality
Storm Water and Pretreatment Team
P.O. Box 13087, MC-148
Austin, TX 78711-3087

Subject: Delegation of Signatories to Reports

Facility/Company/Site Name: City of Tyler
TPDES Authorization Number: TXR040041, WQ0010653001, WQ0010653002, TXR05BK36, TXR05X204, TXR05X205, TXR05X20

Dear Executive Director:

This letter serves to designate the following people or positions as authorized personnel for signing reports, storm water pollution prevention plans, certifications or other information requested by the Executive Director or required by the general permit, as set forth by 30 TAC §305.128 (see page 2).

Name or Position	Managing Director of Utilities and Public Works
Name or Position	Director of Utilities
Name or Position	Environmental Compliance Engineer
Name or Position	

I understand that this authorization does not extend to the signing of a Notice of Intent for obtaining coverage under a storm water general permit.

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in 30 TAC §305.44 (see page 2).

Sincerely,

Edward Broussard — Signature
City Manager — Title
12/18/17 — Date

Edward Broussard — Printed Name
(903) 531 - 1251 — Contact Number

RELEVANT PROVISIONS

305.128(a) All reports requested by permits and other information requested by the executive director shall be signed by a person described in §305.44(a) of this title (relating to Signatories to Applications) or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) the authorization is made in writing by a person described in §305.44(a) of this title (relating to Signatories to Applications);

(2) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity or for environmental matters for the applicant, such as the position of plant manager, operator of a well or well field, environmental manager, or a position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(3) the written authorization is submitted to the executive director.

(b) If an authorization under this section is no longer accurate because of a change in individuals or position, a new authorization satisfying the requirements of this section must be submitted to the executive director prior to or together with any reports, information, or applications to be signed by an authorized representative.

(c) Any person signing a report required by a permit shall make the certification set forth in §305.44(b) of this title (relating to Signatories to Applications).

305.44(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

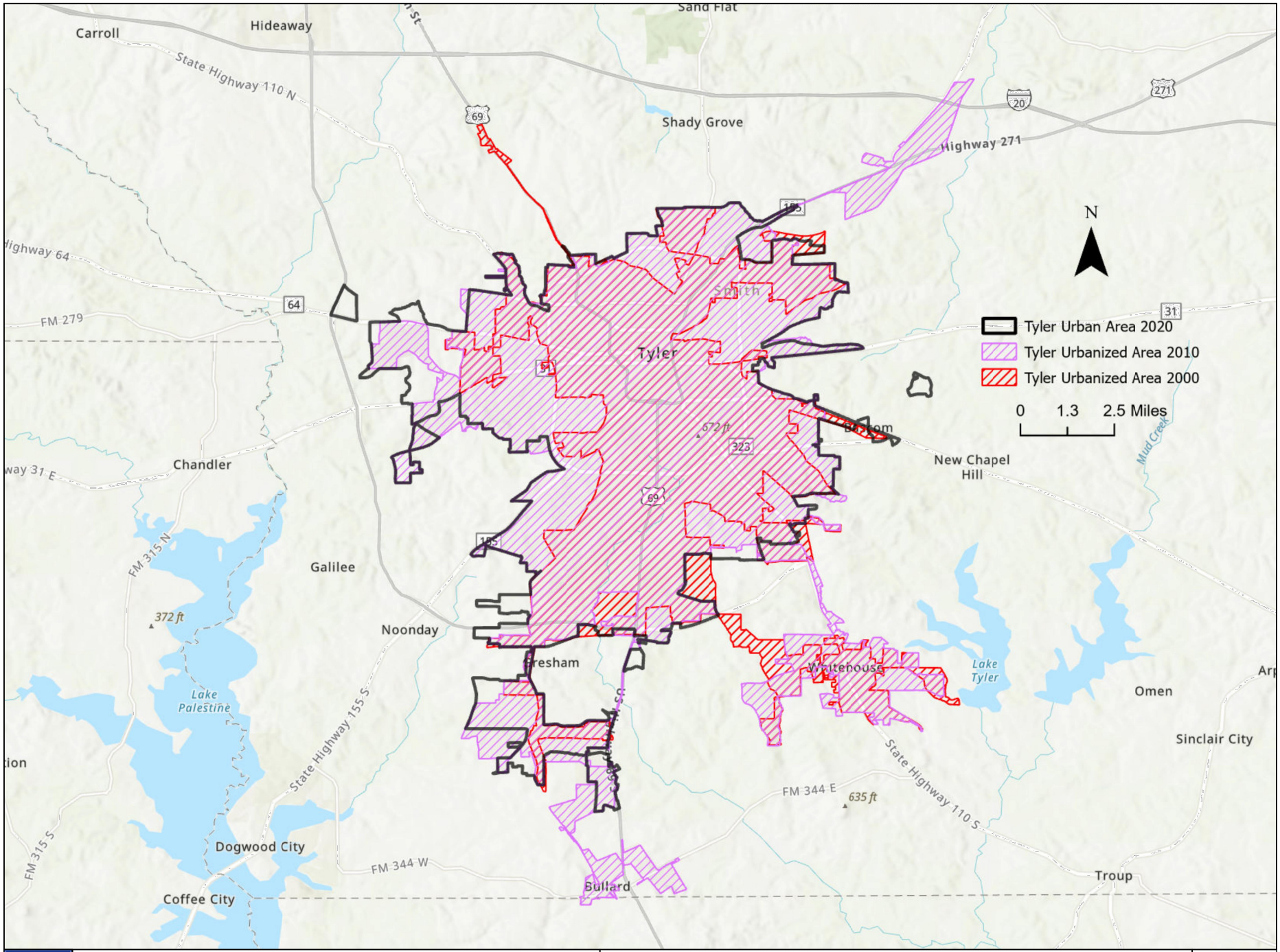
(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

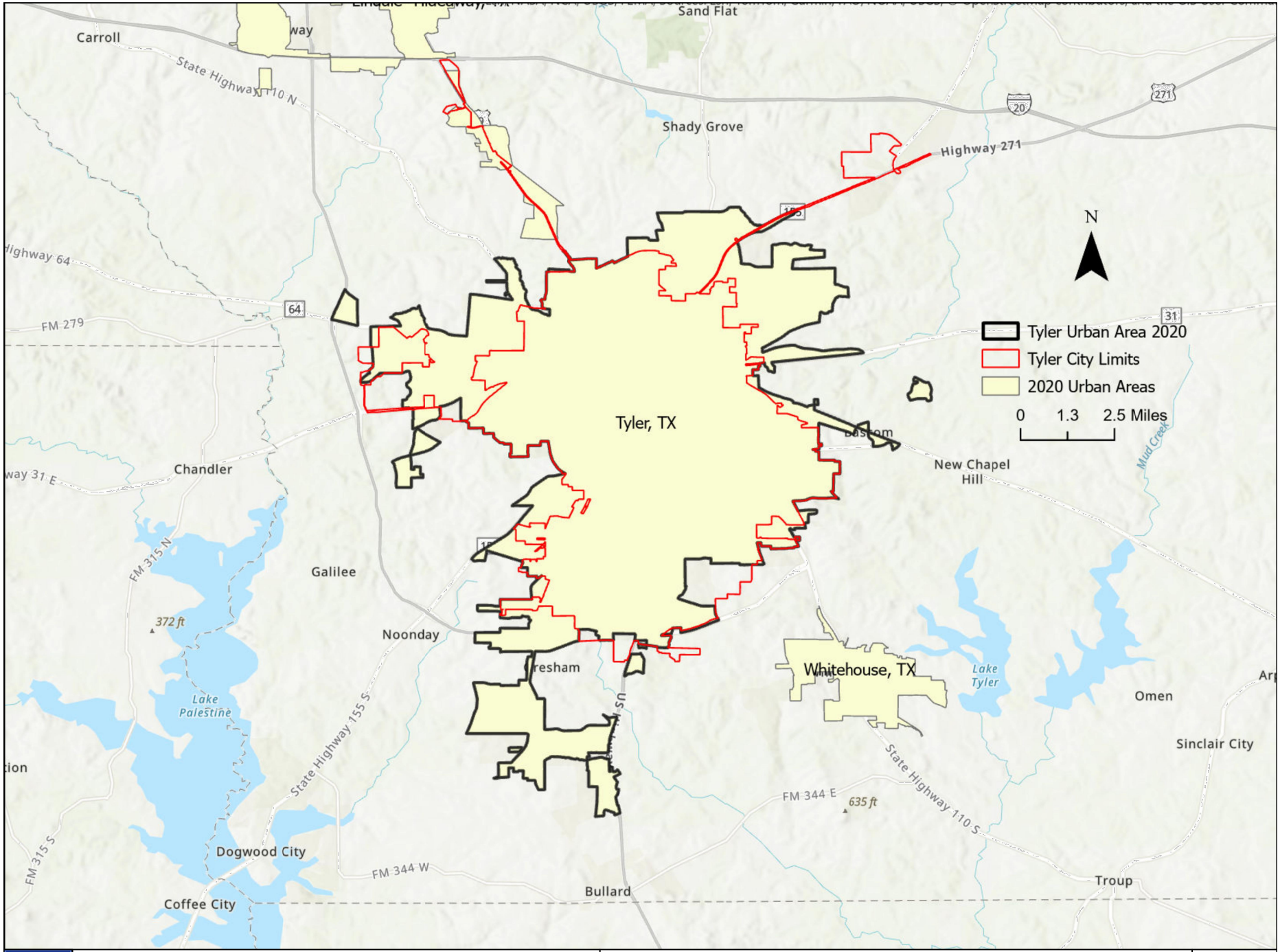
(b) A person signing an application shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information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

Appendix B

Tyler, Texas Urban Area



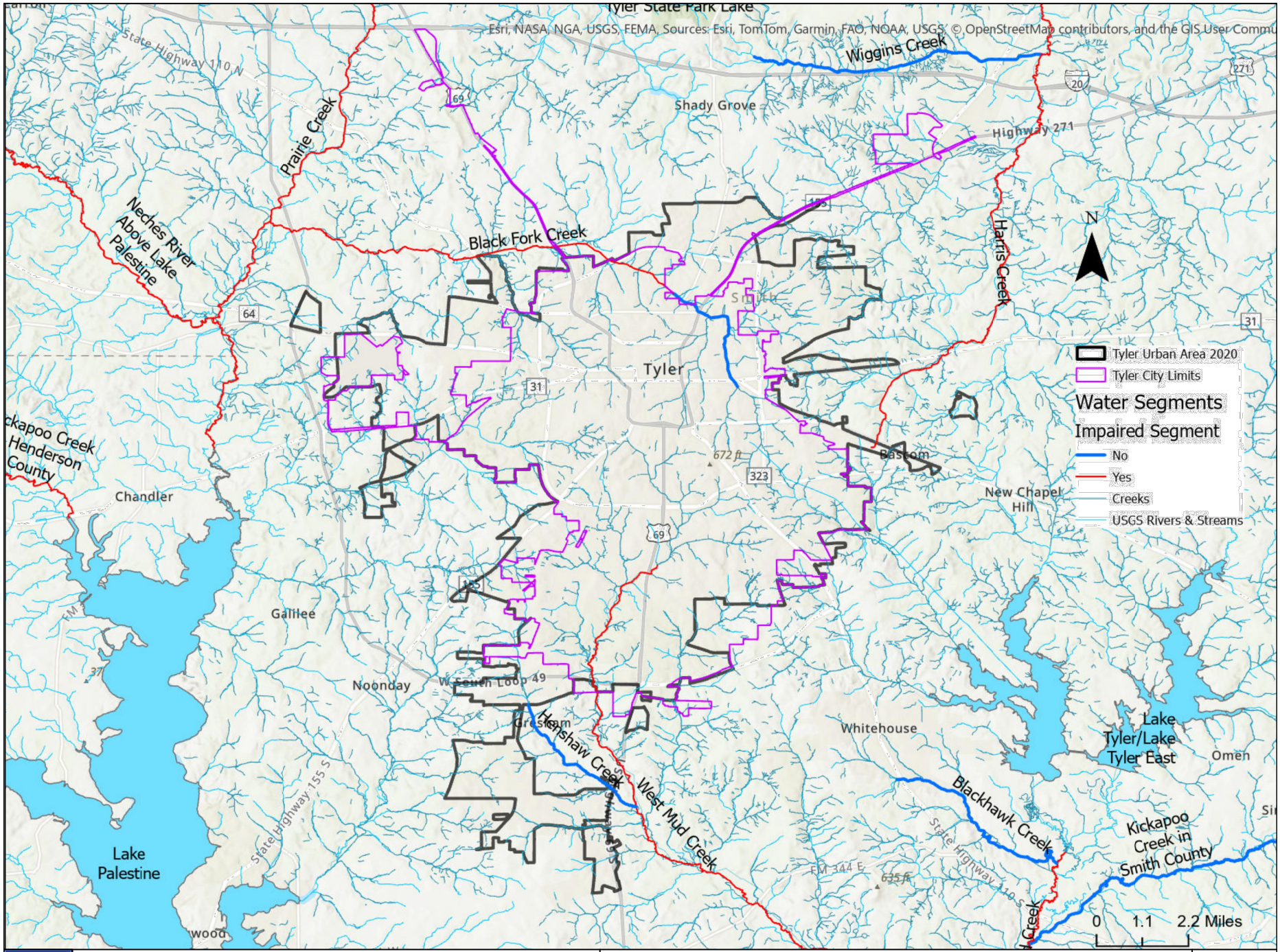
TYLER	TYLER TEXAS URBAN AREAS CITY OF TYLER STORMWATER MASTER PLAN (SWMP) 511 WEST LOCUST TYLER, TEXAS 75701	Contact: Paul Neuhaus, Stormwater Management & Env. Compliance Engineer Phone: (903) 531-1085 Email: pneuhaus@tylertexas.com	FIGURE 01



TYLER	TYLER TEXAS REGULATED AREAS CITY OF TYLER STORMWATER MASTER PLAN (SWMP) 511 WEST LOCUST TYLER, TEXAS 75701	Contact: Paul Neuhaus, Stormwater Management & Env. Compliance Engineer Phone: (903) 531-1085 Email: pneuhaus@tylertexas.com	FIGURE 02

Appendix C

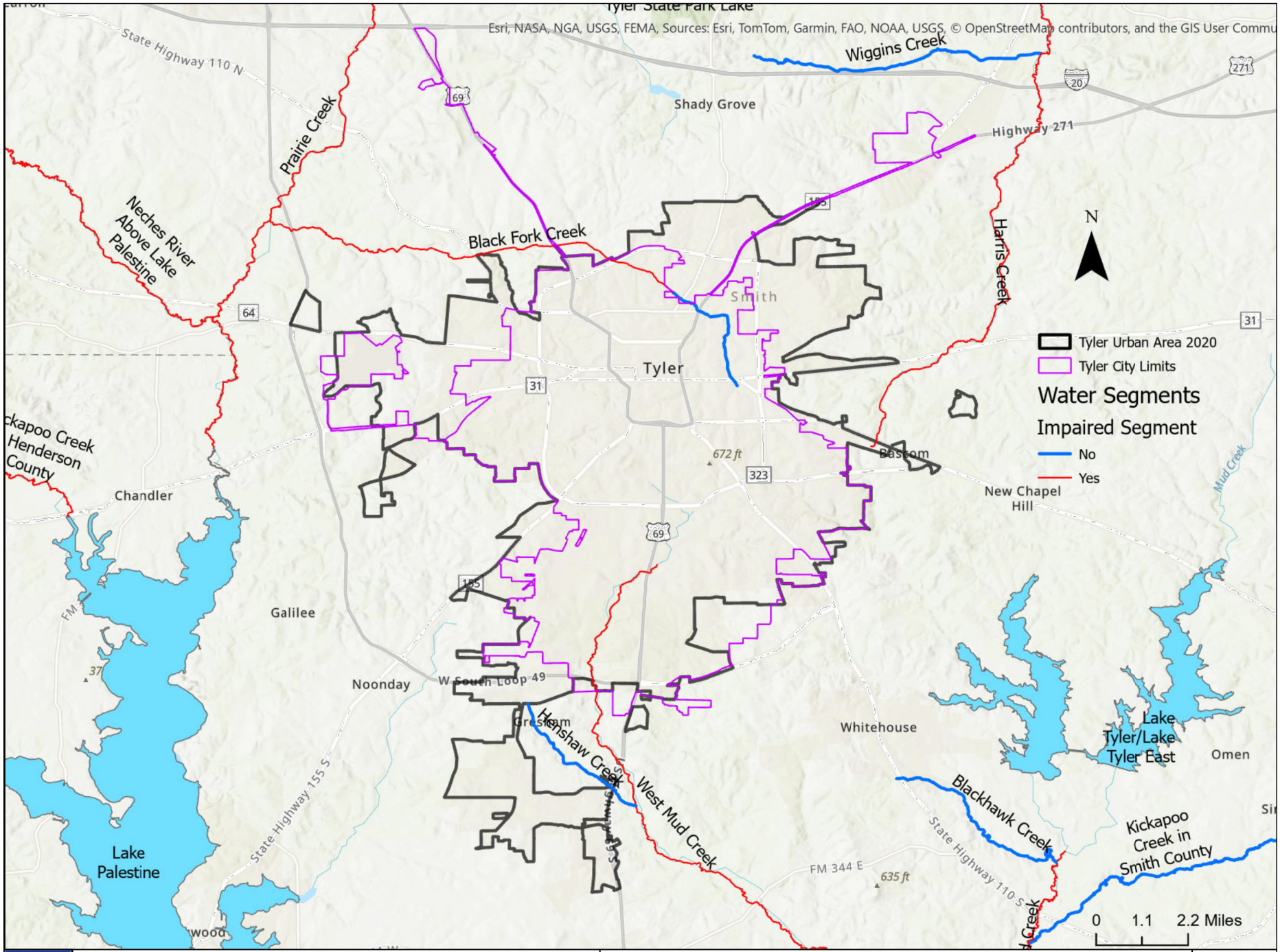
Receiving Waterbodies



TYLER TEXAS RECEIVING WATERBODIES
CITY OF TYLER STORMWATER MASTER PLAN (SWMP)
511 WEST LOCUST
TYLER, TEXAS 75701

Contact: Paul Neuhaus, Stormwater Management & Env. Compliance Engineer
Phone: (903) 531-1085
Email: pneuhaus@tylertexas.com

FIGURE 03



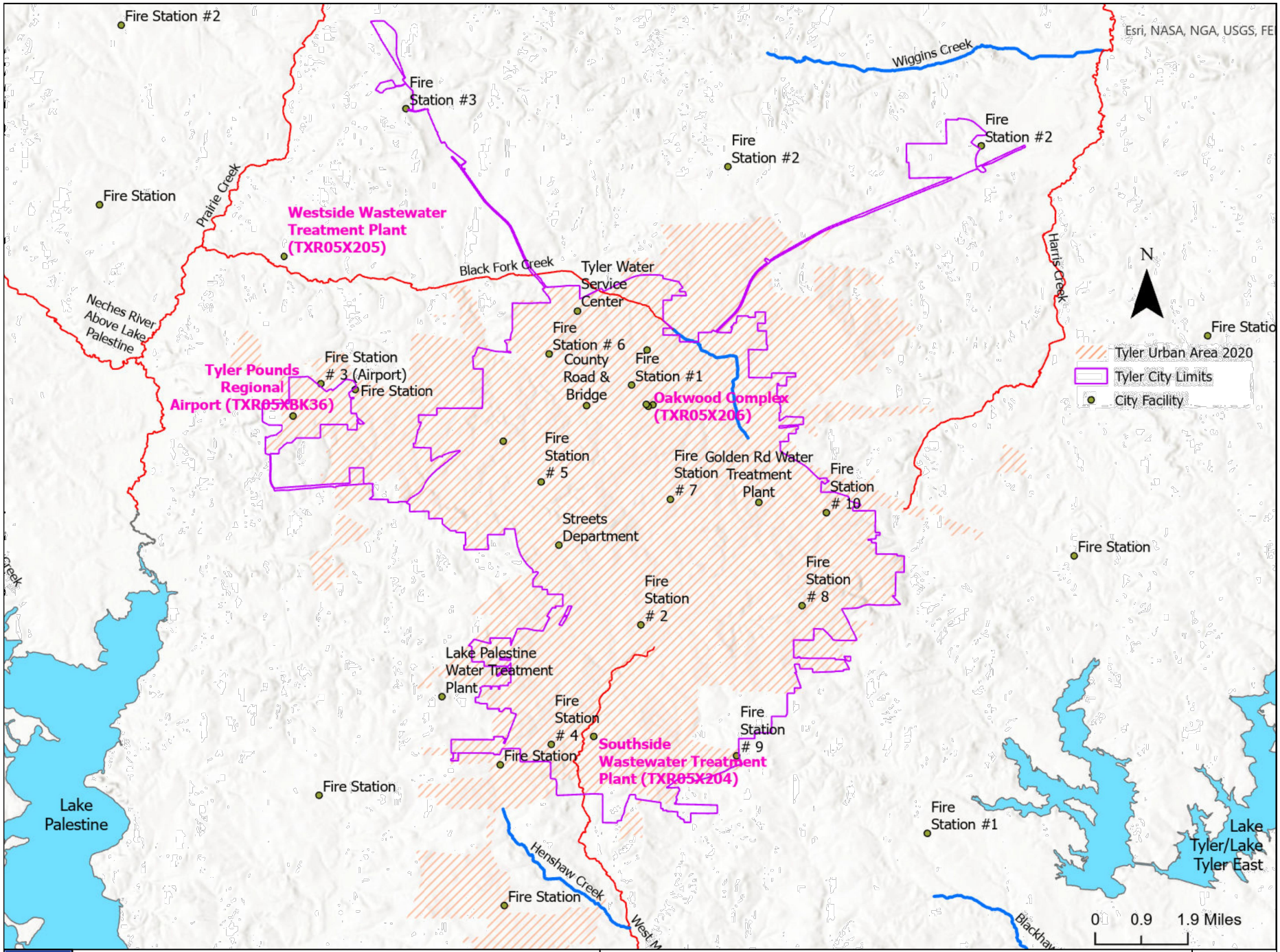
TYLER TEXAS RECEIVING WATERBODIES - TCEQ SEGMENTS
CITY OF TYLER STORMWATER MASTER PLAN (SWMP)
511 WEST LOCUST
TYLER, TEXAS 75701

Contact: Paul Neuhaus, Stormwater Management & Env. Compliance Engineer
Phone: (903) 531-1085
Email: pneuhaus@tylertexas.com

FIGURE 04

Appendix D

Tyler, Texas Permitted Facilities



TYLER TEXAS TXR050000 PERMITTED FACILITIES
CITY OF TYLER STORMWATER MASTER PLAN (SWMP)
511 WEST LOCUST
TYLER, TEXAS 75701

Contact: Paul Neuhaus, Stormwater Management & Env. Compliance Engineer
Phone: (903) 531-1085
Email: pneuhaus@tylertexas.com

FIGURE 05

Appendix E

Notice of Intent (NOI) Form

Texas Commission on Environmental Quality
Stormwater Team, Water Quality Division
12100 Park 35 Circle, Austin, TX 78753 | (512) 239-1000

NOTICE OF INTENT (NOI)
Under Phase II MS4 General Permitting Program

MS4 Entity Information

This form has not been approved.

MS4 Name: CITY OF TYLER MS4

MS4 Operator: City of Tyler

MS4 Class: Phase II: Small | **Operator Type:** Municipal | **MS4 Entity Type:** City

City: TYLER | **County:** Smith | **MS4 State/Territory:** Texas

Designation Date: 02/08/2008 | **Designation Type:** Automatic Nationwide | **Population:** | **Source:**

MS4 Identifier: MS4-TX-SM-MU-2008-0466 | **NPDES ID:** TXR040041 | **MGP Number:** TXR040000 | **Joint Coverage:** No

Latitude: 32.3032°N | **Longitude:** 95.2945°W

Description of Location:

AREA WITHIN THE CITY OF TYLER CORPORATE LIMITS THAT IS LOCATED WITHIN THE TYLER URBANIZED AREA

Application Fee Information

Provide your payment information below, for verification of payment: ePay

- **Voucher Number:** 745640
- **Use the space below to attach a copy of your payment voucher:**

Name	Uploaded Date	Size
E-Pay_745640.pdf (attachment/6401)	01/30/2025	135.03 KB

MS4 Contact Information

MS4 Operator Contact Information

First Name: Paul | **Middle Initial:** | **Last Name:** Neuhaus

Title: Stormwater Mgmt and Env Comp Engineer | **Organization:** City of Tyler

Phone: 903-531-1085 | **Phone Ext:** | **Email:** pneuhaus@tylertexas.com

MS4 Operator Contact Mailing Address

Address Line 1: P.O. Box 2039

Address Line 2: 511 W Locust

City: Tyler | **State:** TX | **ZIP/Postal Code:** 75710

Application Contact and any additional MS4 contacts

First Name: Sara | **Last Name:** McCracken

Title: Streets and Stormwater Manager | **Phone:** 903-531-1149

Email: smccracken@tylertexas.com

Contact Type: Other

Annual Billing Contact Information

First Name: Paul | **Middle Initial:** | **Last Name:** Neuhaus

Title: Stormwater Mgmt and Env Comp Engineer | **Organization:** Engineering, City of Tyler

Phone: 903-531-1085 | **Phone Ext:** | **Email:** pneuhaus@tylertexas.com

Annual Billing Mailing Address

Address Line 1: P.O. Box 2039

Address Line 2: 511 West Locust

City: Tyler **State:** TX **ZIP/Postal Code:** 75710

Core Data Form

Is the applicant a current customer with the TCEQ? Yes

- **What is the Customer Number (CN) issued to this entity? CN:** 600335657

What is the Legal Name of the entity (applicant) applying for this permit? City of Tyler

Complete and attach a Core Data Form (TCEQ-10400) (https://www.tceq.texas.gov/permitting/central_registry/guidance.html) for this customer:

Name	Uploaded Date	Size
2025-01-08_TCEQ_10400_Core_Data_Signed.pdf (attachment/6395)	01/30/2025	385.70 KB

Regulated Entity Information

Is this an existing permitted site? Yes

- **What is the Regulated Entity Number (RN) issued to this site? RN:** 105481279

Name of site as known by the local community: City of Tyler

Name of the urban area(s) the Phase II MS4 is located within:

- Tyler, TX

Provide a brief description of the regulated MS4 boundaries:

Area within the City of Tyler corporate limits that is located within the Tyler urban area.

Standing With TCEQ

Do you owe TCEQ any delinquent fees?: No

What is your Regulated Entity Reference Number (RN)'s Compliance History classification? Check your RN's Compliance History classification using the TCEQ Compliance History Database Search: High

MS4 General Information

Was your MS4 formally "designated" by TCEQ as needing coverage under this general permit based on 40 CFR § 122.32(a)(2) (https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.32#p-122.32(a)(2)) or 40 CFR § 122.26(a)(1)(v) (https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.26#p-122.26(a)(1)(v))?

No

Select the MS4 level, which is based on the population served within the "urban area with a population of 50,000 or more people" based on the 2020 Decennial Census.

Level 4: Traditional small MS4s with a population of 100,000 or more.

What is the estimated current population served by your MS4 (regulated area)? 110327

Is the MS4 part of a coalition? Yes

- **Select the MS4 coalition members responsible for implementation of the SWMP and their unique TXR04#### number (if available). Identify the Coalition Member who is responsible for submitting the majority of the MS4 Annual Report (AR):**

MS4 Name	NPDES ID	AR Responsibility
SMITH COUNTY MS4	TXR040040	

Receiving Waterbody Information

Discharge Information

List the names of all waterbody receiving stormwater discharges from the MS4. For each waterbody, please report the classified segments it discharges into and, if applicable, any impairments and TMDLs.

1085: Ray Creek

Name of the first waterbody to receive discharge from the small MS4: Ray Creek

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Sabine River Below Lake Tawakoni

- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1085: Harris Creek, 0506A

Name of the first waterbody to receive discharge from the small MS4: Harris Creek, 0506A

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Indirectly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
  - **What is/are the pollutants of concern?:** Depressed dissolved oxygen in water
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Sabine River Below Lake Tawakoni
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1174: Gilley Creek

Name of the first waterbody to receive discharge from the small MS4: Gilley Creek

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Indirectly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Lake Tyler/Lake Tyler East
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** Excessive algal growth in water
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1174: Hill Creek

Name of the first waterbody to receive discharge from the small MS4: Hill Creek

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Lake Tyler/Lake Tyler East
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** Excessive algal growth in water
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1018: Shackleford Creek

Name of the first waterbody to receive discharge from the small MS4: Shackleford Creek

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Angelina River Above Sam Rayburn Reservoir
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use)
  -

Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)? No

---

1018: West Mud Creek, 0611D

Name of the first waterbody to receive discharge from the small MS4: West Mud Creek, 0611D

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
  - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use)
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Angelina River Above Sam Rayburn Reservoir
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use)
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1018: Henshaw Creek, 0611F

Name of the first waterbody to receive discharge from the small MS4: Henshaw Creek, 0611F

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Angelina River Above Sam Rayburn Reservoir
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use)
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1135: Butler Creek

Name of the first waterbody to receive discharge from the small MS4: Butler Creek

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Lake Palestine
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** pH
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1135: Indian Creek

Name of the first waterbody to receive discharge from the small MS4: Indian Creek

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Lake Palestine
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** pH
  -

Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)? No

---

1023: Willow Creek

Name of the first waterbody to receive discharge from the small MS4: Willow Creek

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Neches River Above Lake Palestine
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use), Depressed dissolved oxygen in water
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1023: Black Fork Creek, 0606C

Name of the first waterbody to receive discharge from the small MS4: Black Fork Creek, 0606C

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** No
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Neches River Above Lake Palestine
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use), Depressed dissolved oxygen in water
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1023: Black Fork Creek, 0606D

Name of the first waterbody to receive discharge from the small MS4: Black Fork Creek, 0606D

Is this waterbody a classified stream segment as established by TCEQ? No

- **Does your small MS4 discharge directly or indirectly?** Directly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
  - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use)
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No
- **What is the classified segment the discharge will eventually reach?** Neches River Above Lake Palestine
  - **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
    - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use), Depressed dissolved oxygen in water
  - **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

1023: Neches River

Name of the first waterbody to receive discharge from the small MS4: Neches River

Is this waterbody a classified stream segment as established by TCEQ? Yes

- **What is the classified segment?** Neches River Above Lake Palestine
- **Does your small MS4 discharge directly or indirectly?** Indirectly
- **Is this waterbody listed as a Category 5 impairment on the Texas Integrated Report?** Yes
  - **What is/are the pollutants of concern?:** Bacteria in water (Recreation Use), Depressed dissolved oxygen in water
- **Is this waterbody listed as impaired with an approved Total Maximum Daily Load (TMDL)?** No

---

Stormwater Management Program (SWMP)

I acknowledge that a SWMP has been developed according to the provisions of the Small MS4 General Permit TXR040000. Yes

Have the program elements in the previous SWMP been re-assessed and modified and new program elements been developed and implemented, as necessary? Yes

Is the optional 8th Minimum Control Measure (MCM) for Municipal Construction Activities selected and included with the SWMP? Yes

- **Is MCM 8 implementation limited to the regulated area within the urban area?** Yes

Do you have a webpage where the SWMP and annual reports will be posted for the public view? Yes

- **Provide the web address URL:** https://www.cityoftyler.org/government/departments/stormwater-management-program

MCM1: Public Education and Outreach

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 1? Yes

I understand that my MS4's public education and outreach program must at a minimum include the residents being served as a target audience. Yes

What are the additional target audiences being addressed?

- Industrial facilities
- Developers or construction site operators
- Schools, educational organizations, or youth service and youth groups

What is/are the pollutant(s) or source(s) being addressed?

- Fertilizer and pesticides
- Grass clippings and leaf litter
- Illegal disposal of household hazardous waste
- Oil, grease, fluids from vehicles
- Pet waste
- Unauthorized discharge of restaurant waste
- Sediment runoff from construction activities
- Failing septic systems
- Swimming pool discharge, including saltwater pools
- Litter, trash containment, balloon releases
- Vehicle washing
- Washwater/grey water
- Dumping of solid waste

Does your MS4 have a website? Yes

- **Provide the web address URL:** https://www.cityoftyler.org/government/departments/stormwater-management-program

Public Education and Outreach BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement the following BMPs and Measurable Goals.

BMP: Information on the MS4 Operator's website

Associated Measurable Goal: Maintain a webpage with current and accurate information and working links. All links shall be checked, and the page shall be updated as necessary at a minimum of once annually. Must be maintained for the full year, each year. Yes

BMP: Social media posts, social media campaign

Associated Measurable Goal: Post a minimum of four times each year on a minimum of one social media platform. The message shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. The messages shall be seasonally appropriate. Must make a minimum of one post per quarter and all quarterly posts must be visible by attendees for the full year, each year. Yes

BMP: Maintain or mark storm drains and inlets with, “No Dumping – Drains to Creek” or a similar message

Associated Measurable Goal: Placard, stencil, or paint a minimum of 10% of all known stormwater inlets in either high-impact areas identified by the small MS4 operator or impairment watersheds within the MS4 area each year. Where all known stormwater inlets have been marked, inspect, and maintain the markers for a minimum of 15% of all known stormwater inlets in either high-impact areas identified by the small MS4 operator or impairment watersheds within the MS4 area each year. Yes

BMP: Media/advertising campaign/public service announcements in areas of high visibility: Billboard/poster; Bus shelter/bench; radio/television/movie theatre; and kiosks

Associated Measurable Goal: Develop topics that address activities or pollutants of concern. Advertisement must be active for a minimum of three weeks each year; or must have an estimated public exposure for the duration of the advertising campaign that is equal to twice the population for the small MS4 area (based on the most recent U.S. Census Bureau decennial population value for the small MS4 area). Yes

BMP: Publish articles in local newspaper or newsletter, may be electronic

Associated Measurable Goal: Develop article topics that are group specific and address activities or pollutants of concern at a seasonally appropriate time. A minimum of two articles must be published or emailed to target audience groups each year. No

BMP: Fact sheets/brochures/utility bill inserts/door hangers

Associated Measurable Goal: Develop material topics that are group specific and address activities or pollutants of concern. Fact sheets, brochures, bill inserts, door hangers, or handouts shall be distributed each year for at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. Yes

BMP: Permanent stormwater related signage

Associated Measurable Goal: Place signage in a location where the message is relevant, and highly visible to target audience. Signage will count as an annual BMP for the year it was put in place and for each subsequent year of this permit cycle as long as each of those years, the permittee inspects and maintains, as necessary, 100% of the signage once annually. No

BMP: Promote, host, or develop educational meetings, seminar, or trainings

Associated Measurable Goal: Hold, host, or promote a minimum of one event for Level 1 and 2 MS4s or two events for Level 3 and 4 MS4s annually. The events shall address ways attendees can minimize or avoid adverse impacts to stormwater or practices to improve the quality of stormwater runoff. These events may address different pollutants and audiences. Yes

BMP: Targeted education campaign via mail, email, or in person

Associated Measurable Goal: Minimum of one campaign annually distributed to at least 75% of the intended audience, or with a specific event advertised to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. No

MCM2: Public Involvement/Participation

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 2? No

Public Involvement/Participation BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement the following BMPs and Measurable Goals.

BMP: Stream/lake or watershed clean-up events; litter/trash clean-up events such as Adopt-A-Highway, Adopt-A-Spot, Adopt-A-Street, Adopt-A-Stream, etc

Associated Measurable Goal: Host or support at a minimum one event for Level 1 and 2 MS4s or two events for Level 3 and 4 MS4s annually. To be considered an event, the land area cleaned must be a minimum of: two acres, 400 yards of steam/streambank/riparian area, or two miles of roadside. These may be combined (such as one acre of land and 200 yards of stream). Yes

BMP: Habitat improvement; Tree planting; Invasive Vegetation removal; Stream restoration

Associated Measurable Goal: Host or support at a minimum one event for Level 1 and 2 MS4s or two events for Level 3 and 4 MS4s annually. To be considered an event, the project must be a minimum of 0.5 acres or 25 yards. An event may take place in streams, parks, areas adjacent to public waterways, or other green space. An event may be a combination of locations and areas. No

BMP: Volunteer water quality monitoring such as Texas Stream Team

Associated Measurable Goal: Host or support a minimum one event annually. To be considered an event, the monitoring must be conducted at minimum once each year. No

BMP: Stormwater related speaker series

Associated Measurable Goal: Provide or support a minimum of one session for Level 1 and 2 MS4s or two sessions for Level 3 and 4 MS4s each year. These may be different speakers or audiences. No

BMP: MS4 area-wide stormwater survey for input on program implementation

Associated Measurable Goal: Provide or support a minimum of one public survey annually for input on the program implementation to be distributed to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. No

BMP: Hold events to train residents, or work a project for homeowner associations (HOAs), or other public groups to cover stormwater topics such as: Building rain barrels; Fertilizer application training; Rain garden/bio retention creation or maintenance; How to recognize illicit discharge activities and communicate observations to appropriate MS4 staff

Associated Measurable Goal: Provide or support at minimum one project or training annually. Yes

BMP: Educational display/booth at a school, public event, or similar event to provide information or displays that work to improve public understanding of issues related to water quality.

Associated Measurable Goal: Provide or support one booth or display at minimum annually. The booth or display must be staffed during the time which the event is open to the public. Yes

BMP: Public meeting for input on the program implementation such as a city council meeting, board meeting, or stakeholder meeting

Associated Measurable Goal: Host or support a minimum of one meeting annually for input on the program implementation to be advertised to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. Yes

MCM3: Illicit Discharge Detection and Elimination (IDDE)

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 3? Yes

Illicit Discharge Detection and Elimination (IDDE) BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: Maintain a current and accurate MS4 map as described in Part IV.D.3.(c)(1) of the General Permit.

Associated Measurable Goal: Review and update, as necessary, at least one time annually to include features which have been added, removed, or changed. Yes

- **What is the current status of your MS4 map?** Developed
  - **Date of the MS4 map:**

    01/09/2025

BMP: Conduct training for all the permittee's field staff as described in Part IV.D.3.(c)(2) of the General Permit.

Associated Measurable Goal: Conduct a minimum of one training annually for 100% of MS4 field staff that may come into contact with or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities. Yes

BMP: Maintain and publicize a public reporting method for the public to report illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4 such as a reporting hotline, online form, or other similar mechanism as described in Part IV.D.3.(c)(3) of the General Permit.

Associated Measurable Goal: Maintain a minimum of one public reporting mechanism 100% of the time during the permit term. Publicize the public reporting mechanism a minimum of two times annually in a method designed to reach the majority of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. In addition, if the MS4

operator has a public website, the public reporting mechanism must be publicized on the public website 100% of the time during the permit term. Yes

BMP: Develop and maintain procedures for responding to illicit discharges, illegal dumping, and spills as described in Part IV.D.3.(c)(4) of the General Permit.

Associated Measurable Goal: Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Yes

BMP: Source investigation and elimination of illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5) of the General Permit.

Associated Measurable Goal: Respond to 100% of known illicit discharges and illegal dumping incidents each year to investigate sources (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Each year, respond to 100% of high priority discharges each year, such as sanitary sewer discharges within 24 hours (or some Level 2b MS4s must notify the appropriate agency with the authority to act). For 100% of known illicit discharges or illegal dumping incidents where the small MS4 does not have jurisdiction, notify the adjacent MS4 operator or the applicable TCEQ regional office each year. Notify TCEQ immediately of 100% of illicit flows believed to be an immediate threat to human health or the environment throughout the permit term. Yes

BMP: Corrective action to eliminate illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5) of the General Permit.

Associated Measurable Goal: For 100% of illicit discharges or illegal dumping where a source has been determined, notify the responsible party of the problem within 24 hours. Require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge. Yes

BMP: Inspection Procedures as described in Part IV.D.3.(c)(6) of the General Permit.

Associated Measurable Goal: Review and update the procedures at least one time annually to address changes and make improvements to the established inspection procedures where applicable. Yes

BMP: Inspections in response to complaints as described in Part IV.D.3.(c)(6) of the General Permit.

Associated Measurable Goal: Conduct inspections in response to 100% of complaints each year according to the established procedures (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Conduct follow up inspections in 100% of cases each year where necessary as described in the established procedures (except for some Level 2b MS4s without the appropriate authority to act) Yes

BMP: Conduct follow-up investigations or field screenings when notified that a discharge has been eliminated.

Associated Measurable Goal: Conduct follow-up investigations or field screening in response to 100% of notifications each year. Complete the follow-up investigations within five business days, on average. Yes

BMP: Identification of priority areas as described in Part IV.D.3.(e)(1) of the General Permit.

Associated Measurable Goal: Develop and maintain a list of 100% of the priority areas identified by the small MS4 operator each year. At a minimum, small MS4 operators must consider the following in developing the priority areas: sanitary sewer lines, industrial areas, commercial areas, and areas with history of past illicit discharges or illegal dumping. Review and update the list at least one time annually to include new, removed, or changed areas based on the criteria established by the small MS4 for identifying priority areas. Yes

BMP: Dry weather field screening as described in Part IV.D.3.(e)(2) of the General Permit.

Associated Measurable Goal: Develop and implement 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. Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Develop and implement written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Conduct dry weather field screening in 100% of the priority areas as identified by the permittee in Part IV.D.2.(e)(1) of the General Permit by the end of the permit term with interim milestones established for screening each year. Yes

BMP: Floatable Reduction as described in Part IVI.D.3.(e)(3) of the General Permit.

Associated Measurable Goal: Develop and implement at least two source controls each year to address floatables such as, but not limited to, establishing and maintaining waste collection sites, clean-up events, and anti-littering campaigns. Develop and implement at least two structural controls each year such as, but not limited to, inlet protections, boom sites, hazardous materials traps, trash racks, outfall netting, and catch basins. Annually maintain at least two locations where floatable material can be removed before the stormwater is discharged to or from the small MS4. These locations may be the same as the areas where source controls and structural controls are implemented. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than two times per year. Yes

MCM4: Construction Site Stormwater Runoff Control

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 4? No

Construction Site Stormwater Runoff Control BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.4.(a) of the General Permit.

Associated Measurable Goal: Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable. Yes

BMP: Prohibit discharges as described in Part IV.D.4.(b)(2) of the General Permit.

Associated Measurable Goal: Develop and maintain an ordinance or other regulatory mechanism to prohibit these discharges. Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable. Yes

BMP: Maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction as described in Part IV.D.4.(b)(3) of the General Permit.

Associated Measurable Goal: Review and update site plan review procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Implement site plan review procedures for 100% of new construction site plans received each year. Yes

BMP: Implement procedures for inspecting large and small construction projects as described in Part IV.D.4.(b)(4) of the General Permit.

Associated Measurable Goal: Review and update inspection procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Yes

BMP: **Conduct construction site inspections as described in Part IV.D.4.(b)(4) of the General Permit.**

Associated Measurable Goal: Conduct inspections at a minimum of 80% of active construction sites annually according to the established procedures (or some Level 2b small MS4s must notify the appropriate agency with the authority to act). Each year, conduct follow up inspections in 100% of cases where necessary as described in the established procedures *(except for some Level 2b small MS4s without the appropriate authority to act)*. Yes

BMP: **Develop, implement, and maintain procedures for receipt and consideration of information submitted by the public as described in Part IV.D.4.(b)(5) of the General Permit.**

Associated Measurable Goal: Review and update procedures for the receipt and consideration of information submitted by the public at least one time annually to address changes and make improvements to the established procedures where applicable. Maintain one webpage, hotline, or similar method for receipt of information submitted by the public throughout the permit term. Yes

BMP: **Conduct training for all the MS4 staff whose primary job duties are related to implementing the construction stormwater program as described in Part IV.D.4.(b)(6) of the General Permit. Training may be conducted in person or using self-paced training materials such as videos or reading materials.**

Associated Measurable Goal: Conduct a minimum of one training annually for 100% of MS4 staff whose primary job duties are related to implementing the construction stormwater program. Yes

BMP: **Maintain a Construction Site inventory as described in Part IV.D.4.(c) of the General Permit.**

Associated Measurable Goal: Maintain an annual inventory of 100% of TPDES permitted active public and private construction sites in the small MS4 area, 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. New Levels 3 or 4 small MS4s shall develop the inventory within one year of obtaining their authorization under this general permit. Yes

MCM5: Post Construction Stormwater Management in New Development and Redevelopment

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 5? No

Post Construction Stormwater Management in New Development and Redevelopment BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: **Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.5.(a)(2) of the General Permit.**

Associated Measurable Goal: Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable. Yes

BMP: **Document and maintain records of enforcement actions and make them available for review by the TCEQ as described in Part IV.D.5.(b)(1) of the General Permit.**

Associated Measurable Goal: Maintain records of 100% of enforcement actions taken each year. Make 100% of enforcement records available to TCEQ for review within 24 hours of request. Yes

BMP: **Ensure the long term operation and maintenance of structural stormwater control measures installed as described in Part IV.D.5.(b)(2) of the General Permit.**

Associated Measurable Goal: Following a maintenance plan and schedule established by the small MS4 operator, maintain 100% of stormwater control measures each year where the small MS4 operator is responsible for maintenance. Each year, require 100% of the owners or operators of any new development or redeveloped sites to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. Require the site owner or operators to maintain documentation, such as a tracking log, onsite of 100% of the maintenance performed and made available for review by the small MS4 operator or TCEQ within 24 hours of the request. Yes

BMP: **Develop and implement an inspection program as described in Part IV.D.5.(c)(1) of the General Permit.**

Associated Measurable Goal: Develop and implement an inspection program to ensure that of post construction stormwater control measures in the small MS4 area are operating correctly and are being maintained as required consistent with its applicable maintenance plan each year. At a minimum, the small MS4 operator must inspect 20% of the post construction stormwater controls in the small MS4 area each year, or more if required by the MS4 maintenance plan. For small MS4s with limited enforcement authority, this requirement applies only to 100% of the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area each year. New Level 4 small MS4s shall develop the inspection program within one year of obtaining their authorization under this general permit. Yes

BMP: **Maintain Inspection Reports as described in Part IV.D.5.(c)(2) of the General Permit.**

Associated Measurable Goal: Document inspection findings in an inspection report for 100% of inspections performed each year. Make 100% of inspection reports available to TCEQ staff for review within 24 hours of request. Yes

MCM6: Pollution Prevention and Good Housekeeping for Municipal Operation

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 6? No

Pollution Prevention and Good Housekeeping for Municipal Operation BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: **Permittee-owned Facilities and Control Inventory as described by Part IV.D.6.(b)(1) of the General Permit.**

Associated Measurable Goal: Develop and maintain an annual inventory for 100% of the small MS4 owned and operated facilities and controls in the small MS4 area. Review and update the inventory at least one time annually to address changes or additions to the facilities and controls where applicable. Yes

BMP: **Training and Education as described in Part IV.D.6.(b)(2) of the General Permit. Training may be conducted in person or using self-paced training materials such as videos or reading materials.**

Associated Measurable Goal: Conduct a minimum of one training annually for 100% of employees involved in implementing pollution prevention and good housekeeping practices. For small MS4s which use only contractors to implement pollution prevention and good housekeeping practices, ensure training of 100% of applicable contract staff is conducted at least one time annually using contract language or another similar method. Yes

BMP: **Disposal of Waste Material as described in Part IV.D.6.(b)(3) of the General Permit.**

Associated Measurable Goal: Ensure that 100% of waste from the MS4 is disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable each year. Yes

BMP: Contractor Requirements and Oversight as described in Part IV.D.6.(b)(4) of the General Permit.

Associated Measurable Goal: Each year, ensure that 100% of contractors hired by the MS4 to perform maintenance activities on permittee-owned facilities is contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts IV D.6.(b)(2)-(6). Implement oversight procedures of contractor activities in 100% of contracts to ensure that contractors are using appropriate control measures and SOPs each year. Oversight procedures must be maintained on-site 100% of the time and made available for review by TCEQ within 24 hours of request. Yes

BMP: Assessment of permittee-owned operations as described in Part IV.D.6.(b)(5)a of the General Permit.

Associated Measurable Goal: Evaluate 100% of operation and maintenance activities, in conjunction with procedure reviews if appropriate, for their potential to discharge pollutants in stormwater annually. Yes

BMP: Identify pollutants of concern as described in Part IV.D.6.(b)(5)b. of the General Permit.

Associated Measurable Goal: Identify pollutants of concern that could be discharged from all of the operation and maintenance activities described in Part IV.D.6.(b)(5)b and maintain a list of 100% of the pollutants identified. Including for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash. Review and update the pollutants of concern list at least one time annually to address changes or additions to the operation and maintenance activities where applicable. Yes

BMP: Pollution Prevention Measures as described in Part IV.D.6.(b)(5)c. of the General Permit.

Associated Measurable Goal: Develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the permittee-owned operations. Yes

➔ **Implement at least two of the following pollution prevention measures:**

- Place barriers around or conduct runoff away from 100% of deicing chemical storage areas to prevent discharge into surface waters each year.
- Track 100% of the application of deicing and anti-icing compounds in the MS4 area and record the amount of compound used for each application annually.

BMP: Inspection of Pollution Prevention Measures as described in Part IV.D.6.(b)(5)d of the General Permit.

Associated Measurable Goal: At least one time annually, visually inspect 100% of pollution prevention measures implemented at permittee-owned facilities to ensure they are working properly. Develop and maintain written procedures that describe the frequency of inspections and how they will be conducted. Review and update the inspection procedures at least one time annually to address changes or additions to the pollution prevention measures. Maintain a log of 100% of the inspections conducted annually and make the log available for review by the TCEQ within 24 hours of a request. Yes

BMP: Structural Control Maintenance as described by Part IV.D.6.(b)(6) of the General Permit.

Associated Measurable Goal: At least one time annually, perform maintenance of 100% of the structural controls which require maintenance. Maintenance must follow a plan and schedule developed by the small MS4 operator to be consistent with maintaining the effectiveness of the BMP. The permittee shall develop and maintain written procedures that define the frequency of inspections and how they will be conducted. Review and update the maintenance procedures at least one time annually to address changes or additions to the pollution prevention measures. Yes

BMP: Storm Sewer System Operation and Maintenance Program as described by Part IV.D.6.(c)(1)a. of the General Permit.

Associated Measurable Goal: Develop and implement an operation and maintenance program to reduce to the Maximum Extent Practicable the collection of pollutants in catch basins and other surface drainage structures each year. Yes

➔ **Implement at least two of the following pollution prevention measures:**

- Inspect at least 25% of the small MS4 owned and operated detention basins each year.
- Inspect at least 20% of the small MS4 owned and operated stormwater inlets in problem areas identified by small MS4 operator (for example, areas with recurrent illegal dumping) each year.
- Inspect and clean at least 20% of the small MS4 owned and operated surface drainage system in problem areas identified by the small MS4 operator (for example, areas with recurrent illegal dumping) each year.

BMP: Storm Sewer System Operation and Maintenance Problem Areas as described by Part IV.D.6.(c)(1)b of the General Permit.

Associated Measurable Goal: Develop a list of 100% of the identified potential problem areas. Identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping). Review and update the list of potential problem areas at least one time annually to address changes or additions to the list. Yes

BMP: Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads as described by Part IV.D.6.(c)(2) of the General Permit.

Associated Measurable Goal: Implement a street sweeping and cleaning program to address 75% of the MS4 area where street sweeping is technically feasible annually. Ensure 100% of the MS4 area where street sweeping is technically feasible is addressed at least two times by the end of the permit term. Yes

➔ **Implement one of the following:**

A combination of the above two controls to address 100% of discharges from storage piles of salt and other de-icing or anti-icing materials.

BMP: Mapping of Facilities as described by Part IV.D.6.(c)(3) of the General Permit.

Associated Measurable Goal: On a map of the area regulated under this general permit, identify where 100% of the permittee-owned and operated facilities and stormwater controls are located. Review and update the map at least one time annually to address changes or additions to the facilities and controls. Yes

BMP: Assessment of Facilities' Pollutant Discharge Potential as described by Part IV.D.6.(c)(4)a of the General Permit.

Associated Measurable Goal: Review 100% of the facilities identified in Part IV.D.6.(b) at least one time per permit term for their potential to discharge pollutants into stormwater. Yes

BMP: Identification of high priority facilities as described by Part IV.D.6.(c)(4)b of the General Permit.

Associated Measurable Goal: Based on the assessment in Part IV.D.6.(c)(4)a., the permittee shall identify as high priority those facilities that have a high potential to generate stormwater pollutants. A list of 100% of the identified facilities must be developed and maintained each year. Review and update the list of high priority facilities at least one time annually to address changes or additions to the facilities. Yes

BMP: Documentation of Assessment Results as described by Part IV.D.6.(c)(4)c of the General Permit. The documentation must include: the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

Associated Measurable Goal: Document the results of all the assessments and maintain copies of 100% of the site evaluation checklists used to conduct the assessments each year. Yes

BMP: Development of Facility-Specific SOPs as described by Part IV.D.6.(c)(5) of the General Permit.

Associated Measurable Goal: Develop facility-specific stormwater management SOPs for 100% of the MS4 owned and operated facilities. A description of 100% of the BMPs developed to comply with Part IV.D.6.(c)(6) must be included in each facility-specific SOP. Review and update the facility-specific SOPs at least one time annually to address changes or additions to the facilities. If requested, SOPs must be made available to TCEQ within 24 hours of the request for review. Yes

BMP: Stormwater Controls for High Priority Facilities, General Good Housekeeping as described by Part IV.D.6.(c)(6)a. of the General Permit.

Associated Measurable Goal: Shelter from exposure to stormwater 100% of material with a potential to contribute to stormwater pollution (such as, fertilizers, solvents, paints, cleaners, automotive products, etc.) each year. Yes

BMP: Stormwater Controls for High Priority Facilities, De-icing and anti-icing material storage as described by Part IV.D.6.(c)(6)b. of the General Permit.

Associated Measurable Goal: Indicate which Measurable Goal your MS4 will implement for the above BMP (select only one).
Ensure that 100% of stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged each year.

BMP: Stormwater Controls for High Priority Facilities, Fueling and vehicle maintenance as described by Part IV.D.6.(c)(6)c. of the General Permit.

Associated Measurable Goal: Develop and implement SOPs that address spill prevention and spill control at 100% of permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities each year. Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities. Yes

BMP: Stormwater Controls for High Priority Facilities, Equipment and vehicle washing as described by Part IV.D.6.(c)(6)d. of the General Permit.

Associated Measurable Goal: Develop and implement SOPs that address equipment and vehicle washing activities at 100% of the permittee-owned and operated facilities where washing occurs. Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities. Yes

➔ **To ensure that wastewater is not discharged under this general permit, the permittee's SOP must include one or more of the following (select the SOP item(s) your MS4 will implement):**

- Connecting to sanitary sewer (where applicable and approved by local authorities)

BMP: Inspections as described by Part IV.D.6.(c)(7).of the General Permit.

Associated Measurable Goal: Develop and implement an inspection program, which at a minimum must include inspections of 100% of high priority permittee-owned facilities one time per year. The results of 100% of the inspections and observations must be documented and available for review by the TCEQ each year. Yes

BMP: Pesticide, Herbicide, and Fertilizer applicator and distributor measures as described by Part IV.D.6.(d)(1)b.(i) of the General Permit.

Associated Measurable Goal: Require 100% of pesticide, herbicide, and fertilizer applicators and distributors working in the public spaces owned and operated by the permittee, including contract workers, to demonstrate at least one of the following each year: Training in application or distribution; Permit to apply or distribute; or Certification for application or distribution. Yes

BMP: Landscape maintenance as described by Part IV.D.6.(d)(1)a. of the General Permit.

Associated Measurable Goal: Evaluate at least one time each year the materials used, and activities performed on 100% of the public spaces owned and operated by the permittee for pollution prevention opportunities such as: parks, schools, golf courses, easements, public rights of way, and other open spaces. Yes

BMP: Non-chemical solutions as described by Part IV.D.6.(d)(1)b.(ii). of the General Permit.

Associated Measurable Goal: Utilize at least one of the following non-chemical solutions each year in 100% of the public spaces owned and operated by the permittee (select which of the following non-chemical solutions your MS4 is implementing):

- Limit application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions
- Reduce mowing of grass frequency to allow for greater pollutant removal, but not jeopardizing motorist safety

BMP: Schedules for chemical application as described by Part IV.D.6.(d)(1)c. of the General Permit.

Associated Measurable Goal: Develop and implement chemical application schedules for use in 100% of applicable public spaces owned and operated by the permittee each year. Schedules must minimize the discharge of pollutants from the chemical application due to irrigation and expected precipitation. Yes

BMP: Collection and disposal of pesticides, herbicides, and fertilizers as described by Part IV.D.6.(d)(1)d. of the General Permit.

Associated Measurable Goal: Ensure collection and proper disposal of 100% of the permittee's unusable pesticides, herbicides, and fertilizers each year. Yes

BMP: Evaluation of Flood Control Projects as described by Part IV.D.6.(d)(2) of the General Permit.

Associated Measurable Goal: Assess the impacts of the receiving water(s) for 100% of the flood control projects each year. 100% of new flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of 20% of the existing structural flood control devices each year to provide additional pollutant removal from stormwater shall be implemented unless infeasible. Yes

➔ **If Yes, Is it feasible for your small MS4 to retrofit 20% of the existing structural flood control devices each year?**

No, the MS4 will maintain written documentation of the reason it is infeasible and make the documentation available to the TCEQ for review upon request.

MCM7: Industrial Stormwater Sources

Will your MS4 rely on another government entity to help the MS4 meet these requirements for MCM 7? No

Industrial Stormwater Sources BMPs and Measurable Goals

I acknowledge that I understand that my MS4 must implement all the following BMPs and Measurable Goals.

BMP: Industrial facilities as described by Part IV.D.7.(a). of the General Permit.

Associated Measurable Goal: Identify and control pollutants in stormwater discharges to the small MS4 from 100% of the 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. Yes

BMP: Inspections as described by Part IV.D.7.(b) of the General Permit.

Associated Measurable Goal: Inspect 100% of small MS4 owned and operated facilities described by Part IV.D.7.(a) at least one time annually. Inspect 100% of industrial facilities permitted under the TPDES MSGP, TXR050000 and located within the small MS4 area at least one time annually. Yes

BMP: Priorities and Procedures as described by Part IV.D.7.(b) of the General Permit.

Associated Measurable Goal: Develop and implement SOPs for 100% of inspections of facilities as described by Part IV.D.7.(b) and industrial facilities permitted under the TPDES MSGP, TXR050000 and within the small MS4 area. Review and update the facility inspection SOPs at least one time annually to address changes or additions. Yes

Optional MCM 8: Municipal Construction Activities

I acknowledge that my MS4 will implement the optional MCM 8 for Municipal Construction Activities. Yes

Notes and Additional Information

Do you have any notes or additional information you would like TCEQ to know or consider regarding your MS4? No

Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel gathered and evaluated the information submitted. Based upon my inquiry of the person(s) directly responsible for gathering the information, the information submitted is, to the best of my knowledge, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for willful violations.

Certified By: Edward Broussard

Certifier Title:

Certifier Email: ebroussard@tylertexas.com

Certified On: 02/07/2025 11:33 AM ET

TCEQ ePay Voucher Receipt

Transaction Information

Voucher Number:	745640
Trace Number:	582EA000648036
Date:	01/30/2025 04:07 PM
Payment Method:	CC - Authorization 0000030354
Voucher Amount:	$400.00
Fee Type:	GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
ePay Actor:	PAUL E NEUHAUS

Payment Contact Information

Name:	PAUL NEUHAUS
Company:	ENGINEERING CITY OF TYLER
Address:	511 W LOCUST, TYLER, TX 75702
Phone:	903-531-1085

Site Information

Site Name:	CITY OF TYLER
Site Address:	511 W LOCUST AVE, TYLER, TX 75702
Site Location:	AREA WITHIN CITY OF TYLER CORPORATE LIMITS LOCATED WITHIN TYLER URBAN AREA

Customer Information

Customer Name:	CITY OF TYLER
Customer Address:	P O BOX 2039, TYLER, TX 75710 2039

Other Information

Program Area ID:	TXR040041
Comments:	CN 600335657 RN 105481279

TCEQ Use Only

TCEQ Core Data Form

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

SECTION I: General Information

1. Reason for Submission (*If other is checked please describe in space provided.*)

☐ New Permit, Registration or Authorization (*Core Data Form should be submitted with the program application.*)

☒ Renewal *(Core Data Form should be submitted with the renewal form)* ☐ Other

2. Customer Reference Number *(if issued)*	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number *(if issued)*
CN 600335657		RN 105481279

SECTION II: Customer Information

4. General Customer Information | **5. Effective Date for Customer Information Updates** (mm/dd/yyyy)

☐ New Customer ☒ Update to Customer Information ☐ Change in Regulated Entity Ownership
☐ Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)

The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).

6. Customer Legal Name *(If an individual, print last name first: eg: Doe, John)* — *If new Customer, enter previous Customer below:*

City of Tyler

7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number *(if applicable)*
		75-6000697	

11. Type of Customer:

☐ Corporation ☐ Individual Partnership: ☐ General ☐ Limited
Government: ☒ City ☐ County ☐ Federal ☐ Local ☐ State ☐ Other ☐ Sole Proprietorship ☐ Other:

12. Number of Employees

☐ 0-20 ☐ 21-100 ☐ 101-250 ☐ 251-500 ☒ 501 and higher

13. Independently Owned and Operated?

☒ **Yes** ☐ **No**

14. Customer Role (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check one of the following*

☐ Owner ☒ Operator ☐ Owner & Operator
☐ Occupational Licensee ☐ Responsible Party ☐ VCP/BSA Applicant ☐ Other:

15. Mailing Address:

P.O. Box 2039

City	Tyler	State	TX	ZIP	75710	ZIP + 4	2039

16. Country Mailing Information *(if outside USA)*	17. E-Mail Address *(if applicable)*
	pneuhaus@tylertexas.com

18. Telephone Number	19. Extension or Code	20. Fax Number *(if applicable)*

(903) 531-1085		( ) -

SECTION III: Regulated Entity Information

21. General Regulated Entity Information *(If 'New Regulated Entity" is selected, a new permit application is also required.)*

☐ New Regulated Entity ☐ Update to Regulated Entity Name ☒ Update to Regulated Entity Information

The Regulated Entity Name submitted may be updated, in order to meet TCEQ Core Data Standards (removal of organizational endings such as Inc, LP, or LLC).

22. Regulated Entity Name *(Enter name of the site where the regulated action is taking place.)*

City of Tyler

23. Street Address of the Regulated Entity: ***(No PO Boxes)***	511 W Locust							
	City	Tyler	**State**	TX	**ZIP**	75702	**ZIP + 4**	
24. County	Smith							

If no Street Address is provided, fields 25-28 are required.

25. Description to Physical Location:	Area within the City of Tyler corporate limits that is located within the Tyler urban area.				
26. Nearest City			**State**		**Nearest ZIP Code**
Tyler			TX		75702

Latitude/Longitude are required and may be added/updated to meet TCEQ Core Data Standards. (Geocoding of the Physical Address may be used to supply coordinates where none have been provided or to gain accuracy).

27. Latitude (N) In Decimal:	32.3032N		**28. Longitude (W) In Decimal:**	95.2945W	
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds

29. Primary SIC Code (4 digits)	**30. Secondary SIC Code** (4 digits)	**31. Primary NAICS Code** (5 or 6 digits)	**32. Secondary NAICS Code** (5 or 6 digits)
9111			

33. What is the Primary Business of this entity? *(Do not repeat the SIC or NAICS description.)*

City Government

34. Mailing Address:	**P.O. Box 2039**							
	511 W Locust							
	City	**Tyler**	**State**	**TX**	**ZIP**	**75710**	**ZIP + 4**	**2039**
35. E-Mail Address:	**pneuhaus@tylertexas.com**							

36. Telephone Number	**37. Extension or Code**	**38. Fax Number** *(if applicable)*
(903) 531-1085		( ) -

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

☐ Dam Safety	☐ Districts	☐ Edwards Aquifer	☐ Emissions Inventory Air	☐ Industrial Hazardous Waste
☐ Municipal Solid Waste	☐ New Source Review Air	☐ OSSF	☐ Petroleum Storage Tank	☐ PWS
☐ Sludge	☒ Storm Water	☐ Title V Air	☐ Tires	☐ Used Oil
	TXR040041			
☐ Voluntary Cleanup	☐ Wastewater	☐ Wastewater Agriculture	☐ Water Rights	☐ Other:

SECTION IV: Preparer Information

40. Name:	Paul Neuhaus	41. Title:	SW Mgmt & Env Comp Engineer

42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(903) 531-1085		( ) -	pneuhaus@tylertexas.com

SECTION V: Authorized Signature

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

Company:	City of Tyler	Job Title:	City Manager
Name *(In Print)*:	Edward Broussard	Phone:	(903) 531- 1250
Signature:	E Broussard	Date:	01/27/25

Appendix F

Notice of Change (NOC) Form(s)

Appendix G

General Permit (GP) to Discharge Under the Texas Pollutant Discharge Elimination System (TPDES) for Stormwater Discharges from Phase II (Small) Municipal Separate Storm Sewer Systems (MS4s) TXR040000

Texas Commission on Environmental Quality

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued January 24, 2019

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

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

EFFECTIVE DATE: August 15, 2024

ISSUED DATE: August 15 2024

For the Commision

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

Table of Contents

Part I. Definitions

Arid Areas – Areas with an average annual rainfall of less than ten inches.

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

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

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

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

> **Small Construction Activity** is construction activity that results in land disturbance of equal to or greater than one acre and less than five acres of land. Small construction activity also includes the disturbance of less than one 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 and less than five acres of land.
>
> **Large Construction Activity** is construction activity that results in land disturbance of equal to or greater than five acres of land. Large construction activity also includes the disturbance of less than five 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 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 on the TCEQ website or in the offices of the TCEQ.

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 water bodies, 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 an MS4 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 as impaired on the latest U.S. Environmental Protection Agency (EPA) approved Clean Water Act (CWA) § 303(d) List or waters with an EPA approved or established TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.

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

Indian Country – Defined in 18 U.S.C. § 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 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 Code of Federal Regulations (CFR) § 122.26(b)(14)(i)-(ix) and (xi).

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

Maximum Extent Practicable (MEP) – The technology-based discharge standard for 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 (POCs) – 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 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 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 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 MS4.

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 (MHWM) 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. 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.

Urban Area – A statistical geographic entity consisting of a densely settled core created from census blocks and contiguous qualifying territory that together have at least 2,000 housing units or 5,000 persons as defined and used by the U.S. Census Bureau in the 2020 Decennial Census.

Urbanized Area (UA) – A retired statistical geographic entity type consisting of a densely settled core created from census tracts or blocks and adjacent densely settled territory that together have a minimum population of 50,000 people which was used by the U.S. Census Bureau in the 2000 and the 2010 Decennial Census.

Waters of the United States – Waters of the United States or Waters of the U.S. means the term as defined in 40 CFR § 122.2.

Part II. Permit Applicability and Coverage

This Comprehensive General Permit provides authorization for stormwater and certain non-stormwater discharges from small (Phase II) municipal separate storm sewer systems (MS4) to surface water in the state. The general permit contains the required permit terms and conditions along with clear, specific, and measurable requirements applicable to all small MS4s that are eligible for coverage under this general permit (see 40 CFR § 122.28(d)(1)).

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 Urban Area with a Population of at Least 50,000 People

Operators of small MS4s that are fully or partially located within an urban area with a population of at least 50,000 people, as determined by the 2000,2010, or 2020 Decennial Censuses by the U.S. Census Bureau, must obtain authorization for the discharge of stormwater runoff and are eligible for coverage under this general permit unless otherwise prohibited.

NOTE: Urban areas with a population of at least 50,000 people were referred to as Urbanized Areas in the 2000 and 2010 Decennial Censuses by the U.S. Census Bureau. The term Urbanized Area was retired in the 2020 Decennial Census by the U.S. Census Bureau.

2. Designated Small MS4s

A small MS4 that is outside an urban area with a population of at least 50,000 people that is *designated* by TCEQ based on evaluation criteria as required by 40 CFR §§ 122.32(a)(2) or 122.26(a)(1)(v) and adopted by reference in 30 TAC § 281.25, is eligible for coverage under this general permit. The criteria that the executive director may consider is as follows:

- The location of the discharge with respect to Waters of the U.S. as defined at 40 CFR § 122.2;
- The size of the discharge;
- The quantity and nature of the pollutants discharged to Waters of the U.S.; and
- Other relevant factors.

Following designation, operators of small MS4s must obtain authorization under this general permit or apply for coverage under a TPDES individual stormwater permit within 180 days of notification of their designation.

3. 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 urban area with a population of at least 50,000 people as defined and used by the U.S. Census Bureau in the 2000, 2010, or 2020 Decennial Censuses, 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 urban area with a population of at least 50,000 people 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.

Section B. Categories of Regulated Small MS4s

This general permit defines small MS4 operators by the following categories, or levels, based on the population served by the MS4 within the 2020 urban area with a population of at least 50,000 people. The level of an MS4 is based on population in the most recent Decennial Census at the time of permit issuance. A national Census held during a permit term will not affect the level of an MS4 until the next permit renewal.

For the purpose of this section, "serve a population" means the residential population within the *regulated* portion of the small MS4 based on the population data from the 2020 Decennial Census, except for non-traditional small MS4s listed in Level 2b below.

The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area(s), 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 other population fluctuations.

- Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within an "urban area with a population of at least 50,000 people".
- Level 2a: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an "urban area with a population of at least 50,000 people".
- Level 2b: Operators of 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 "urban area with a population of at least 50,000 people", unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.
- Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an "urban area with a population of at least 50,000 people".
- Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within an "urban area with a population of at least 50,000 people".

Section C. Available Waivers from Coverage

The TCEQ may waive permitting requirements for regulated small MS4 operators if the criteria are met for Waiver Option 1 or Option 2 below. To obtain Waiver Option 1 or Option 2, the MS4 operator must submit the request on the appropriate waiver form submitted electronically via the NPDES Electronic Reporting Tool for MS4s (NeT-MS4) online electronic permitting (e-permitting) system, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic

Reporting Waiver shall submit the request for a waiver from permit coverage on a paper Waiver Option 1 or Option 2 form, as applicable, provided by the executive director.

NOTE: To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions prior to preparing and submitting the Waiver Option 2 form.

Provisional coverage begins upon electronic submittal of the appropriate waiver form that is administratively complete via the NeT-MS4 online e-permitting system available through the TCEQ website. Alternatively, for paper applications with an approved Electronic Reporting Waiver provisional coverage begins 30 days after an administratively complete paper waiver form is postmarked for delivery to TCEQ.

Following review of the small MS4's 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 technically completed waiver form is submitted; or

(3) deny the waiver and require that permit coverage be obtained by submitting an application.

If the conditions of an approved 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 individual permit application.

At any time, 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.

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 any time. At a minimum TCEQ will review all waivers when MS4 operators submit their renewal waiver applications.

For the purpose of obtaining an Option 1 or Option 2 Waiver, the population served refers to:

- the residential population within the regulated portion of the small MS4 for
    - traditional small MS4s, and
    - certain non-traditional small MS4s with a residential population (such as counties and municipal utility districts), or
- the number of people using the small MS4 on an average operational day for certain non-traditional small MS4s without a residential population.

1. Waiver Option 1:

The small MS4 serves a population of less than 1,000 within an urban area with a population of at least 50,000 people 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 waste load allocations that are part of an EPA approved or established Total Maximum Daily Load (TMDL) that addresses the pollutant(s) of concern (POCs).

2. Waiver Option 2:

The small MS4 serves a population under 10,000 within an urban area with a population of at least 50,000 people 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 waste load allocations that are part of an approved or established TMDL that addresses the POCs or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the POCs;

(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; and

(d) For the purpose of Waiver Option 2, the POCs include 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 the small MS4.

Section D. Allowable Non-Stormwater Discharge

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 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 wastewater;
15. Discharges or flows from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, runoff 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 E. 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 TMDL model and TMDL 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.D of this general permit or the non-stormwater source is authorized under a separate TPDES permit.

3. Compliance with Texas Surface 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 Texas Surface Water Quality Standards (30 TAC Chapter 307) 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 III. The executive director may require an application for a TPDES 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 Texas Surface 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 a TPDES individual permit based on factors described in Part II.G.2.

4. 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 TCEQ 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 VII.E.7. of this general permit.

The permittee's TCEQ approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional TCEQ approved WPAPs received after the SWMP submittal must be recorded in the annual report required by this general permit 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 Notice of Intent (NOI) to the appropriate TCEQ Regional Office with each WPAP application.

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

5. 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.

6. Protection of Streams and Watersheds by Home Rule Municipalities

This general permit does not limit the authority of a home-rule municipality established in Texas Statue.

7. 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 EPA.

8. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this general 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. If adverse impact is determined after submittal of the NOI, the permittee shall contact TCEQ immediately to determine corrective action.

Section F. Obtaining Authorization

1. Application for Coverage

Applicants seeking authorization to discharge under this general permit must prepare a SWMP as described in Part II.F.5 and Part IV prior to submitting a complete NOI and application fee for coverage as described in Part II.F.4 to the executive director. The NOI must be submitted electronically via the NeT-MS4 online e-permitting system, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic Reporting Waiver shall submit the request on a paper NOI form provided by the executive director.

Following review of the NOI, the executive director may: 1) determine that the submission is complete and approve the NOI; 2) determine that the NOI is incomplete, deny coverage, and require that a new complete NOI be submitted; 3) determine that the NOI needs revisions, provide a written description of the required revisions along with any compliance schedule(s), and approve the NOI after revisions are complete; or 4) deny coverage under this general permit

and provide a deadline by which the small MS4 operator must submit an application for a TPDES individual permit.

Following approval of the NOI by the executive director, either with or without changes, the applicant is authorized to discharge upon notification by TCEQ. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c).

2. Application Deadlines

Application deadlines are as follows:

(a) Small MS4s Located in a 2000 or 2010 urban area with a population of at least 50,000 people (Previously Regulated Small MS4s)

(1) Operators of small MS4s described in Part II.A.1 that applied for authorization under the 2019 TPDES Small MS4 General Permit TXR040000 based on the 2000 and 2010 urban areas with a population of at least 50,000 people shall submit an NOI within 180 days following the effective date of this general permit.

(2) Operators of small MS4s described in Part II.A.1 that did not submit an application for authorization under the 2019 TPDES Small MS4 General Permit TXR040000 and were required to obtain permit coverage based on the 2000 and 2010 urban areas with a population of at least 50,000 people shall submit an NOI immediately.

(b) Designated and Newly Regulated Small MS4s Located in a 2000, 2010, or 2020 urban area with a population of at least 50,000 people as defined by the U.S. Census Bureau

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

(2) Operators of small MS4s newly regulated under this general permit due to a change in ownership or operational control shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days of obtaining ownership or operational control of a small MS4 in a regulated area.

(3) Operators of small MS4s newly regulated under this general permit due to the new or expanded urban areas with a population of at least 50,000 people in the 2020 Decennial Census shall develop and maintain a SWMP and submit an NOI, or apply for coverage under a TPDES individual permit, within 180 days following the effective date of this general permit.

(c) Individual Permit Alternative

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

3. Late Submission of the NOI

If an NOI is submitted by a small MS4 operator after the deadlines established in Part II.F.2, 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.

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 general permit;

(6) 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;

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

(8) 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;

(9) 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

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

(c) General Characteristics

(1) An indication of the activities/BMPs and measurable goals to be implemented in the SWMP for each MCM;

(2) An indication of the activities/BMPs and measurable goals to be implemented in the SWMP for impaired water bodies, if applicable;

(3) For small MS4 operators participating in a coalition to implement a shared SWMP:

a. The names of all participating small MS4 operators;

b. An indication of which small MS4 operator is responsible for each activity/BMP and measurable goal to be implemented in the SWMP;

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

5. SWMP General Requirements

A SWMP must be developed 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. The SWMP must be developed according to the requirements of Part IV of this general permit prior to submitting an NOI to obtain authorization to discharge.

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 SWMP 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 their permit authorization issuance. Previously regulated MS4s shall assess existing SWMP elements set forth in the previous permit term, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP).

6. Changes to the NOI Submitted and SWMP

Changes to the NOI and SWMP that are made after TCEQ approval of the NOI may be made by submittal and approval of a Notice of Change (NOC) unless the changes are non-substantial. Changes may be made as follows:

(a) Changes to the SWMP that do not require an NOC

The following changes may be implemented without submitting an NOC. The changes may be made immediately following revision of the SWMP.

Minor modifications to the SWMP that include administrative or non-substantial changes as follows:

(1) A change in personnel, or a reorganization of departments responsible for implementing the SWMP or portions of the SWMP;

(2) Minor clarifications to the existing BMPs;

(3) Correction of typographical errors; or

(4) Other similar administrative or non-substantive comments.

(b) Changes to the NOI and SWMP that require an NOC

Modifications to the NOI and SWMP that include, but are not limited to, the following changes require submittal of an NOC. The changes may be implemented once the permittee receives TCEQ approval of the NOC.

(1) Changing one or more contacts listed in the NOI or updating their contact information;

(2) Adding components, controls, or requirements to the SWMP;

(3) Adding areas such as by annexing land, or otherwise acquire additional land that expands the boundary of the small MS4, or subtracting areas, such as by de-annexing lands;

(4) Adding impaired water bodies that are identified pursuant to Part III.;

(5) Adding more frequent monitoring or reporting by the permittee; or

(6) Replacing a BMP specifically identified in the NOI and SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP would be considered a replacement). The SWMP must include documentation for changes as described below:

a. For changes to BMPs for impaired water bodies with a TMDL, document the following:

(i) an analysis of why the BMP is ineffective or infeasible (including cost prohibitive);

(ii) expectations of the effectiveness of the replacement BMP; and

(iii) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.

b. For all other BMP changes, document the reason for the change.

7. Notice of Change (NOC)

If the small 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 an 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. The NOC must be submitted electronically via the NeT-MS4 online e-permitting system, unless the MS4 operator requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. MS4 operators that are granted an Electronic Reporting Waiver shall submit the request on a paper NOC form provided by the executive director.

Any revisions that are made to the SWMP must be made in accordance with Parts II.F.6 and Part IV.A-B. Changes that are made to the NOI and SWMP following NOI approval must be made using an NOC form, in accordance with Part II.F.6.

8. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the previous small MS4 operator must submit a Notice of Termination (NOT) and the new small MS4 operator must prepare a SWMP and submit an NOI. The NOT and NOI must be submitted concurrently not more than ten calendar days after the change occurs. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI but must submit an NOC and update the SWMP in accordance with Part II.F.7 and Part IV.C.1.(c).

9. Notice of Termination (NOT)

A permittee may terminate coverage under this general permit by submitting an NOT electronically via the NeT-MS4 online e-permitting system, unless the permittee requested and obtained an Electronic Reporting Waiver as described in Part II.F.11. Permittees that are granted an Electronic Reporting Waiver shall submit the request on a paper NOT form provided by the executive director.

Authorization to discharge terminates immediately following confirmation of receipt of the electronic NOT form by the TCEQ or at midnight on the day that a paper NOT is postmarked

for delivery to the TCEQ. An NOT must be submitted within 30 days after the small MS4 operator obtains coverage under an individual permit.

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

All NOI, NOT, NOC, Waiver Option 1 or Option 2, and Electronic Reporting Waiver forms must be signed and certified consistent with 30 TAC § 305.44(a) and (b) (relating to Signatories to Applications).

11. Electronic Reporting Waiver

To request a waiver from electronic reporting, small MS4 operators must contact the TCEQ Stormwater Team to obtain the Request for Electronic Reporting Waiver Form (TCEQ-20754). This form must be submitted along with submittal of a paper application (NOI, NOT, NOC, Waiver Option 1 and 2) for authorization under this general permit.

A waiver from electronic reporting may be granted to small MS4 operators in limited cases, such as for lack of internet access, or when additional training to submit applications electronically is needed. Electronic Reporting Waivers are not transferrable and expire on the same date as the authorization to discharge except for waivers granted to small MS4 operators who need additional training to submit applications electronically which will expire after one year.

12. Fees

An application fee of $400.00 must be submitted with each NOI. A fee is not required for submission of the following forms: Waiver Option 1, Waiver Option 2, NOT, or NOC.

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

13. Permit Expiration

(a) This general permit is effective for five 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 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 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.

14. 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.

Section G. 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 a TPDES individual permit if the MS4 is located in an urban area with a population of at least 50,000 people or designated by the TCEQ as per Part II.A.2. 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 urban area with a population of at least 50,000 people, or are located in the same watershed.

Coalition Participants

Multiple small MS4s that are physically interconnected, located in the same urban area with a population of at least 50,000 people, or are located in the same watershed may combine or share efforts as a coalition in meeting one or more of the BMP requirements described in the general permit. Each regulated small MS4 will be required to submit an individual NOI and be issued a distinct permit authorization number. MS4 operators in a coalition that share

SWMP development and implementation responsibilities must meet the following conditions:

(a) 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(s) has/have agreed to contribute. If a contributing small MS4 has submitted an NOI 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) 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. The obligation and written acceptance for each coalition participant shall be described and maintained as part of the SWMP.

2. Alternative Coverage Under an Individual TPDES Permit

A small MS4 operator eligible for coverage under this general permit may alternatively be authorized under a TPDES individual permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a small MS4 operator, authorized by this general permit, to apply for a TPDES individual permit because of: the conditions of an approved TMDL or TMDL implementation plan (I-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. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements

Discharges of the POCs to impaired water bodies for which there is a TCEQ and EPA approved 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 or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies, as not meeting Texas Surface Water Quality Standards.

The permittee shall check annually, in conjunction with preparation of the annual report, whether an impaired water body within its permitted area has been added to the latest EPA approved CWA § 303(d) List or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies. Within two years following the approval date of the new list(s) of impaired waters, the permittee shall comply with the requirements of Part III.B (with the exception of 1.(c), and shall identify any newly listed waters in the annual report (consistent with Part V.B.2.f) and SWMP (consistent with Part IV.C.2.f).

The permittee shall control the discharges of POCs parameters 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.

Section 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 POCs 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 POCs as described below:

1. Targeted Controls

The SWMP must include a detailed description of all targeted controls to be implemented, including at a minimum, expanding or modifying the following:

(a) existing Public Education and Outreach and Public Involvement/Participation programs to reduce the discharge of POCs,

(b) existing Illicit Discharge Detection and Elimination program to specifically address the POCs, and

(c) existing ordinances or other regulatory mechanisms to require the reduction or control of POCs, enforcement procedures for noncompliance, and develop additional ordinances, or other regulatory mechanisms, as necessary.

2. Measurable Goals

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

3. Identification of Benchmarks

The SWMP must identify a benchmark for the POCs. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the POCs in stormwater discharge(s) from the MS4 to the MEP. The BMPs addressing the POC 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 only one of the following options:

(a) If the small 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 III.A.6.

(1) When TCEQ revises a TMDL WLA identified by the MS4 to decrease the load, permittees must revise the SWMP and submit an NOC to identify the revised WLA within 90 days of TCEQ publishing the change.

(2) When TCEQ revises a TMDL WLA identified by the MS4 to increase the load, permittees are not required to update the SWMP or submit an NOC to identify the revised WLA until the next permit term.

(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 value for the POCs (e.g., bacteria) for their respective small MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark value would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmark values for individual

MS4s, each permittee is only responsible for progress in meeting its sub-benchmark value.

4. Annual Report

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

5. Impairment for Bacteria

If the POC is bacteria, the permittee shall implement BMPs addressing each of the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL I-Plan is available, the permittee must do one of the following: (1) refer to the I-Plan for appropriate BMPs, or (2) implement alternative equivalent BMPs. Table 1 below includes the appropriate alternative equivalent BMPs to implement for item (2) above or when a TMDL I-Plan is not available. Where BMPs included in the TMDL I-Plan for item (1) above are completed or where the I-Plan does not address all the below areas, the permittee shall refer to Table 1 for the appropriate BMPs to implement so that each of the areas below are addressed, as applicable.

The SWMP and annual report must include the selected BMPs. Permittees may not exclude BMPs associated with the minimum control measures (MCMs) required under 40 CFR § 122.34 from their list of BMPs.

The BMPs shall, as appropriate, address the following including Table 1.:

(a) Sanitary Sewer Systems

(1) Make improvements to sanitary sewers to reduce overflows;

(2) Address lift station inadequacies;

(3) Improve reporting of overflows; and

(4) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.

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

(1) Identify and address failing systems; and

(2) Address inadequate maintenance of on-site sewage facilities (OSSFs) (i.e., septic systems).

(c) Illicit Discharges and Dumping

Place additional effort to reduce waste sources of bacteria, for example, from OSSFs, 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:

(1) Bacteria discharging from a residential site either during runoff events or directly;

(2) Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;

(3) Maintenance and operation of decorative ponds; and

(4) Proper disposal of pet waste.

Table 1: Alternative Equivalent BMPs for Bacteria Impaired Water Bodies

Activity/BMP	**Measurable Goal**
Sanitary Sewer Systems as described by Part III.A.5.(a).	Conduct a review of 100% of the sanitary sewer system in the MS4 area within the impairment watershed to identify areas for improvement within the first two years of the permit term. Initiate all feasible improvement projects by the end of the permit term. Conduct weekly lift station inspections at 100% of the MS4 owned and operated lift stations in the MS4 area within the impairment watershed each year. Investigate and address 100% of sanitary sewer overflow complaints identified through the public reporting mechanism implemented by the MS4 each year. Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease by reviewing and updating ordinances or other regulatory mechanisms and inspection programs at least one time annually.
On Site Sewage Facilities (OSSFs) as described by Part III.A.5.(b).	Develop and implement procedures to screen 20% of the MS4 area within the impairment watershed annually to identify failing OSSFs. • Maintain an inventory of 100% of the identified OSSFs and their status each year. ○ Review and update this inventory at least one time each year to address changes or additions. • Address 100% of failing OSSFs each year by requiring the responsible party to perform all necessary corrective actions to eliminate the illicit discharge. Investigate and address 100% of OSSF complaints identified through the public reporting mechanism implemented by the MS4 each year.
Illicit Discharges and Dumping as described by Part III.A.5.(c).	Ensure 100% of procedures and ordinances or other regulatory mechanisms established for BMPs in MCM 3: Illicit Discharge Detection and Elimination address discharges that may contribute bacteria including from OSSFs, grease traps, and grit traps.

Activity/BMP	Measurable Goal
Animal Sources as described by Part III.A.5.(d).	Implement at least one of the following: • Provide and maintain at least one pet waste station in 100% of public parks or similar greenspaces in the MS4 area within the impairment watershed each year. • Assess and address, if feasible, 100% of complaints received about feral hogs in the MS4 area within the impairment watershed each year. If infeasible to address the complaint, maintain documentation of the reason. Prohibit the feeding of ducks and geese in 100% of public parks or similar greenspaces the MS4 area within the impairment watershed each year. • Develop and distribute educational materials related to animal sources of bacteria to 75% of the intended audiences identified by the MS4 in MCM 1: Public Education and Outreach each year. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness.
Residential Education as described by Part III.A.5.(e).	Implement at least one additional BMP from MCM 1: Public Education and Outreach and Table 4 annually (e.g., a Level 1 small MS4 operator must implement at least four total BMPs under MCM 1 each year in the permit cycle instead of the three BMPs required by Part IV.D.1.(a)3.b). In addition, ensure at least one of the BMPs implemented for MCM 1: Public Education and Outreach focuses on at least one of the following: • Bacteria discharging from a residential site either during runoff events or directly; • Fats, oils, and grease clogging sanitary sewer lines and resulting overflows; • Identifying and reporting illicit discharges or illegal dumping; • Maintenance and operation of decorative ponds; and • Proper disposal of pet waste.

6. Monitoring or Assessment of Progress

The permittee shall develop a Monitoring/Assessment Plan to 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 in achieving the water quality standards as follows:

(1) 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 the number of illegal dumpings; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in sanitary sewer overflows (SSOs); or (6) increase in illegal discharge detection through dry screening, etc.

(2) 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, 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 SWMP implementation or water quality assessments as described in Part III.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 POCs and shall develop alternative focused BMPs for those sources (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 value 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 value for the POCs for their respective small MS4s, as described in Part III.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 value(s) for the POCs for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

Section 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) The permittee shall determine whether the small MS4 may be a source of the POCs by referring to the CWA § 303(d) List and then determining if discharges from the MS4 would be likely to contain the POCs at levels of concern.

(b) If the permittee determines that the small MS4 may discharge the POCs, the permittee shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of POCs that contribute to the impairment of the water body.

(c) In addition, the permittee shall submit an NOC to amend the SWMP in accordance with Part II.F.6 to include any additional BMPs to address the POCs. This requirement does not apply to BMPs implemented to address impaired waters that are listed after a small MS4's permit authorization pursuant to Part III.

2. Impairment for 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 must implement the BMPs listed in Part III.A.5 and Table 1 for the identified sources.

3. Annual Report

The annual report must include information on compliance with the Discharges Directly to Water Quality Impaired Water Bodies Without an Approved TMDL section, including results of any sampling conducted by the permittee.

Part IV. 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 II.F.5 and Part IV 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 MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the TWC.

A permittee that implements activities/BMPs and measurable goals consistent with the provisions of this general permit fulfills the requirements to reduce pollutants to the MEP and will be deemed in compliance with Part IV of this permit. This general permit does not extend any compliance deadlines set forth under the 2019 TPDES Small MS4 General Permit TXR040000.

Section A. SWMP Review

The permittee shall participate in an annual review of its SWMP in conjunction with preparation of the annual report required in Part V.B.2. Results and date(s) of the review shall be documented in the annual report.

Section B. SWMP Updates Required by TCEQ

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, unless otherwise directed by TCEQ.

Section C. Developing a Stormwater Management Program (SWMP)

1. SWMP Development and Schedule

(a) Existing Regulated Small MS4s

Permittees who were regulated under the 2019 TPDES Small MS4 General Permit TXR040000, shall develop and update the SWMP under this general permit prior to submittal of the NOI for coverage.

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. Permittees authorized under any previous TPDES Small MS4 General Permit TXR040000 shall continue to implement existing elements in their latest TCEQ approved SWMP until the renewal NOI has been approved.

(b) Designated and Newly Regulated Small MS4s

Small MS4 operators that operate either:

- a designated small MS4 as per Part II.A.2, or
- a newly regulated small MS4 under this general permit,

must develop a SWMP under this general permit prior to submittal of the NOI for coverage and achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation or obtaining ownership or operational control of a newly regulated small MS4, as applicable.

(c) Transfer of Ownership, Operational Authority, or Responsibility

The permittee that has been transferred ownership, operational authority, or responsibility of an MS4 area located in an urban area with a population of at least 50,000 people or designated by TCEQ shall implement the SWMP:

(1) on all new areas added to its portion of the small MS4 (or where the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as possible, but no later than three years from addition of the new area. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately; and

(2) within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing the SWMP in all affected areas. The plan must include schedules for implementation, and information on all new annexed areas. Any resulting updates required to the SWMP shall be submitted in the annual report.

2. Contents of the SWMP

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

(a) A description of MCMs with measurable goals, including, as appropriate, the months and years when the permittee will undertake required actions, including interim milestones and the frequency of the action for each required MCM and if selected, the optional 8th MCM described in Part IV.D;

(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) The measurable goals selected by the permittee must be clear, specific, and measurable (40 CFR §122.34);

(d) A summary of written procedures (e.g., periodic review of ordinances or other enforcement mechanisms, tracking of SWMP implementation by relevant departments, etc.) describing how the permittee will implement the provisions in Parts III and IV of this general permit;

(e) A description of a program or a plan of compliance with the impaired water bodies and TMDL requirements in Part III; and

(f) Identification of any impaired waters that have been added in accordance with Part III.

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 e.g., 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;

h. Authority to assess penalties, including monetary, civil, or criminal penalties; and

i. Authority 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 urban area with a population of at least 50,000 people 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 report discharges or incidents that it cannot itself enforce against to an adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office. 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 general permit.

5. Effluent Limitations

The controls and activities/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 (Hazardous Metals), 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, or the source of the illicit discharge is outside the small MS4's boundary, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

7. General Requirements

Permittees shall provide information in the SWMP documenting the development and implementation of the small MS4 program. At a minimum, the documentation must include:

(a) A list of all small MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the role and responsibilities of each small MS4 operator, if applicable;

(b) A list of any public or private entities assisting with the development or implementation of the SWMP, including a clear description of the relationship, role, and responsibilities of each entity, if applicable;

(c) A list of all activities/BMPs and measurable goals for each of the MCMs;

(d) 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;

(e) A description of how each measurable goal will be evaluated; and

(f) A rationale statement that addresses the overall program, including an overall statement describing how the activities/BMPs and measurable goals were selected.

Section D. Minimum Control Measures (MCMs)

Operators of small MS4s seeking coverage under this general permit shall develop, implement, and maintain a SWMP that includes the following eight MCMs, as applicable.

- MCMs 1-6 apply to all small MS4s regardless of their level as described in Part II.B.
- MCM 7 only applies to Level 4 small MS4s.
- MCM 8 is optional.
- Specific program elements under each MCM shall be implemented by all MS4 operators, unless otherwise noted as applicable for certain levels of small MS4s.

Existing permittees shall assess program elements that were described in their previous TCEQ approved SWMP. Permittees must modify their SWMP as necessary to develop and implement new elements or revise existing BMPs to comply with the requirements in this general permit and continue reducing the discharge of pollutants from the small MS4 to the MEP.

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not applicable as described in each MCM. For example, where a small MS4 operator does not have OSSFs in their MS4 area, the requirement to inspect these facilities is not applicable to that small MS4 operator.

1. Public Education and Outreach

(a) The small MS4 operator shall implement a public education and outreach program to distribute educational materials to the community and conduct equivalent outreach about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.

(1) The public education and outreach program shall at a minimum include the following target audiences, as applicable:

a. *Traditional MS4s* and counties shall address the residents being served;

b. *Non-traditional MS4s* (other than counties) shall address the community served by the MS4 as listed below:

(i) Universities shall target the faculty, other staff, and students;

(ii) Military bases shall target military personnel (and dependents), and employees (including contractors);

(iii) Prison complexes or other multi-building complexes shall target staff and contractors;

(iv) Municipal Utility Districts and other special districts shall target residents served, staff, and contractors; and

(v) Transportation authorities shall address staff, contractors, and users.

c. Small MS4 operators shall address additional target audiences within the small MS4 service area (such as but not limited to, those listed in Table 2) as listed below:

(i) Levels 1, 2a, and 2b: No requirement for additional audiences;

(ii) Level 3: A minimum of one additional audience; or

(iii) Level 4: A minimum of two additional audiences.

Table 2: Additional Target Audiences

Additional Target Audiences
Schools, educational organizations, or youth service and youth groups
Businesses, including commercial facilities, home-base and mobile businesses
Institutions or formal organizations such as churches, hospitals, and service organizations
Developers or construction site operators
Homeowner or neighborhood associations
Industrial facilities
Visitors/tourists

(2) Small MS4 operators shall target specific pollutant(s) in the permittee's education program (such as, but not limited to, those listed in Table 3). Each small MS4 shall have a minimum of one target pollutant for each target audience from Part IV.D.1(a)(1).a-c of this permit. Small MS4s may implement more than one target pollutant where desired or appropriate to address pollutants in stormwater discharges to the MEP. The target pollutant must be appropriate for the target audience. The same pollutant may be used for more than one target audience and the target pollutant(s) may change annually as needed.

Table 3: Pollutants and Sources

Pollutants and Sources
Grass clippings and leaf litter
Fertilizer and pesticides
Litter, trash containment, balloon releases

Pollutants and Sources
Dumping of solid waste
Illegal disposal of household hazardous waste
Pet waste
Failing septic systems
Swimming pool discharge, including saltwater pools
De-icing/rock salt usage/ storage
Oil, grease, fluids from vehicles
Sediment runoff from construction activities
Unauthorized discharge of restaurant waste
Vehicle washing
Washwater/grey water

(3) Small MS4 operators must use appropriate educational resources as BMPs (materials, events, activities, etc.) in conjunction with the selected pollutants for the selected audiences. The message delivered by these BMPs must be applicable to the target audience and relate to the target pollutant (such as a newsletter article about updated illegal dumping and discharge ordinances distributed to auto mechanic businesses or a hazardous household waste disposal flyer when applying for trash or recycling services). BMPs which are ongoing throughout the year or permit term may be counted as one annual BMP. Permittees shall explain how each BMP relates to the target pollutant and target audience. Small MS4 operators may change BMPs during the permit cycle if determined appropriate through annual reviews and a different BMP may be more effective for the small MS4's target pollutant or target audience. Any changes shall be reflected in the SWMP and explained in the annual report.

a. If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part V.B.2 or a summary of the annual report on the permittee's website.

(i) The SWMP must be posted no later than 30 days after the NOI or NOC approval date; and

(ii) The annual report no later than 30 days after the due date.

b. Over the permit term, small MS4 operators shall implement a minimum number of public education and outreach BMPs from Table 4, as follows:

(i) Level 1: three BMPs;

(ii) Levels 2a and 2b: four BMPs; or

(iii) Levels 3 and 4: five BMPs.

Table 4: Required Public Education and Outreach BMPs

Activity/BMP	**Measurable Goals**
Information on the MS4 operator's website.	Maintain a webpage with current and accurate information and working links. • All links shall be checked, and the page shall be updated as necessary at a minimum of once annually. • Must be maintained for the full year, each year.
Social media posts, social media campaign.	Post a minimum of four times each year on a minimum of one social media platform. • The message shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. • The messages shall be seasonally appropriate. • Must make a minimum of one post per quarter and all quarterly posts must be visible by attendees for the full year, each year.
Maintain or mark storm drains and inlets with, "No Dumping – Drains to Creek" or a similar message.	Placard, stencil, or paint a minimum of 10% of all known stormwater inlets in either high-impact areas identified by the small MS4 operator or impairment watersheds within the MS4 area each year. Where all known stormwater inlets have been marked, inspect, and maintain the markers for a minimum of 15% of all known stormwater inlets in either high-impact areas identified by the small MS4 operator or impairment watersheds within the MS4 area each year.
Media/advertising campaign/public service announcements in areas of high visibility: Billboard/poster; Bus shelter/bench; radio/television/movie theatre; and kiosks.	Develop topics that address activities or pollutants of concern. Advertisement must be active for a minimum of three weeks each year; or must have an estimated public exposure for the duration of the advertising campaign that is equal to twice the population for the small MS4 area (based on the most recent U.S. Census Bureau decennial population value for the small MS4 area).
Publish articles in local newspaper or newsletter, may be electronic.	Develop article topics that are group specific and address activities or pollutants of concern at a seasonally appropriate time. A minimum of two articles must be published or emailed to target audience groups each year.

Activity/BMP	Measurable Goals
Fact sheets/brochures/ utility bill inserts/door hangers.	Develop material topics that are group specific and address activities or pollutants of concern. Fact sheets, brochures, bill inserts, door hangers, or handouts shall be distributed each year for at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness.
Permanent stormwater related signage.	Place signage in a location where the message is relevant, and highly visible to target audience. Signage will count as an annual BMP for the year it was put in place and for each subsequent year of this permit cycle as long as each of those years, the permittee inspects and maintains, as necessary, 100% of the signage once annually.
Promote, host, or develop educational meetings, seminar, or trainings.	Hold, host, or promote a minimum of one event for level 1 and 2 MS4s or two events for level 3 and 4 MS4s annually. • The events shall address ways attendees can minimize or avoid adverse impacts to stormwater or practices to improve the quality of stormwater runoff. • These events may address different pollutants and audiences.
Targeted education campaign via mail, email, or in person.	Minimum of one campaign annually distributed to at least 75% of the intended audience, or with a specific event advertised to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. (Examples: Sediment control with small building permit; leaf litter email during street sweeping season, or education brochure to all businesses conducting certain activity)

c. Small MS4 operators shall create/host or support the public education and outreach BMP(s) in Part IV.D.1.(a)(3) and Table 4. To be considered support given to the coordinating groups, the small MS4 operator shall at minimum conduct at least one of the following or similar:

(i) Plan, or assist with planning, the distribution of materials;

(ii) Coordinate volunteers;

(iii) Contribute supplies, materials, tools, or equipment;

(iv) Provide assistance from MS4 staff to distribute the materials; or

(v) Provide financial support.

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

2. Public Involvement/Participation

All permittees, except prisons/correctional facilities, 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. The small MS4 operator must create opportunities, or support activities that are coordinated by citizen groups, for residents and others to become involved with the SWMP. The activities/BMPs must demonstrate an impact on stormwater runoff by improving water quality.

(a) Over the permit term, small MS4 operators shall implement a minimum number of public involvement/participation activities and measurable goals from Table 5 as follows:

(1) Level 1 small MS4: two BMPs;

(2) Levels 2a and 2b small MS4: three BMPs; or

(3) Levels 3 and 4 small MS4: four BMPs.

Table 5: Public Involvement/Participation BMPs

Activity/BMP	**Measurable Goals**

Stream/lake or watershed clean-up events; litter/trash clean-up events such as Adopt-A-Highway, Adopt-A-Spot, Adopt-A-Street, Adopt-A-Stream, etc.	Host or support at a minimum one event for level 1 and 2 MS4s or two events for level 3 and 4 MS4s annually.
	• To be considered an event, the land area cleaned must be a minimum of:
	  ○ two acres,
	  ○ 400 yards of steam/streambank/riparian area, or
	  ○ two miles of roadside
	• These may be combined (such as one acre of land and 200 yards of stream).

Habitat improvement; Tree planting; Invasive Vegetation removal; Stream restoration.	Host or support at a minimum one event for level 1 and 2 MS4s or two events for level 3 and 4 MS4s annually. • To be considered an event, the project must be a minimum of 0.5 acres or 25 yards. • An event may take place in streams, parks, areas adjacent to public waterways, or other green space. • An event may be a combination of locations and areas.
Volunteer water quality monitoring such as Texas Stream Team.	Host or support a minimum one event annually. To be considered an event, the monitoring must be conducted at minimum once each year.

Activity/BMP	Measurable Goals
Stormwater related speaker series.	Provide or support a minimum of one session for level 1 and 2 MS4s or two sessions for level 3 and 4 MS4s each year. These may be different speakers or audiences.
MS4 area-wide stormwater survey for input on program implementation.	Provide or support a minimum of one public survey annually for input on the program implementation to be distributed to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness.
Hold events to train residents, or work a project for homeowner associations (HOAs), or other public groups to cover stormwater topics such as: Building rain barrels; Fertilizer application training; Rain garden/bio retention creation or maintenance; How to recognize illicit discharge activities and communicate observations to appropriate MS4 staff.	Provide or support at minimum one project or training annually.
Educational display/booth at a school, public event, or similar event to provide information or displays that work to improve public understanding of issues related to water quality.	Provide or support one booth or display at minimum annually. The booth or display must be staffed during the time which the event is open to the public.
Public meeting for input on the program implementation such as a city council meeting, board meeting, or stakeholder meeting.	Host or support a minimum of one meeting annually for input on the program implementation to be advertised to at least 75% of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness.

(b) Small MS4 operators shall create/host or support the public involvement/participation BMP(s) in Part IV.D.2.(a) and Table 5. To be considered support given to the coordinating groups the small MS4 operator shall at minimum conduct at least one of the following or similar:

(1) Plan, or assist with planning, the event or activity;

(2) Contribute supplies, materials, tools, or equipment;

(3) Provide assistance from MS4 staff during the activity;

(4) Provide assistance with recruiting volunteers for events;

(5) Make a space available for projects, meetings, or events;

(6) Advertisement for the events;

(7) Supply disposal services;

(8) Arrange land or stream access;

(9) Provide financial support; or

(10) Provide donations of goods and services such as food.

(c) Small MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required public involvement/participation activities.

3. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

(1) All permittees shall develop, implement, and enforce a program to investigate, detect, 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 small MS4.

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

a. A current and accurate MS4 map (see Part IV.D.3.(c)(1));

b. Methods for informing and training MS4 field staff (see Part IV.D.3.(c)(2));

c. Methods for facilitating public reporting of illicit discharges and illegal dumping (see Part IV.D.3.(c)(3));

d. Procedures for responding to illicit discharge, illegal dumping, and spills (see Part IV.D.3.(c)(4));

e. Procedures for tracing the source of an illicit discharge and illegal dumping (see Part IV. D.3.(c)(5));

f. Procedures for removing the source of the illicit discharge and illegal dumping (see Part IV.D.3.(c)(5));

g. Conduct inspections in response to complaints including follow-up inspections, and procedures for inspections (see Part IV.D.3.(c)(6));

h. For Levels 2, 3 and 4, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;

i. For Level 4, procedures for identifying priority areas within the small MS4 likely to have illicit discharges and illegal dumping, and a list of all such areas identified in the small MS4 (see Part IV.D.3.(e)(1));

j. For Level 4, dry weather field screening to detect illicit discharges and illegal dumping (see Part IV.D.3.(e)(2)); and

k. For Level 4, procedures to reduce the discharge of floatables in the small MS4 (see Part IV.D.3.(e)(3)).

(2) For non-traditional small MS4s, if illicit connections, illegal dumping, 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, illegal dumping, or illicit discharge.

(3) If another MS4 operator notifies the permittee of an illegal connection, illegal dumping, or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part IV.D.3.(c)(5).

(b) Allowable Non-Stormwater Discharges

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

(c) Requirements for All Permittees

All permittees shall meet all the following requirements, including Table 6.

(1) MS4 Mapping

All permittees shall maintain a current and accurate MS4 map, which must be located on site and available for review by 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; and

c. Priority areas identified under Part IV.D.3.(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, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained onsite and made available for review by the TCEQ.

(3) Public Reporting of Illicit Discharges and Spills

All permittees shall publicize and facilitate public reporting of illicit discharges, illegal dumping, 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 telephone number for complaints and spill reporting.

(4) All permittees shall develop and maintain onsite procedures for responding to illicit discharges, illegal dumping, and spills.

(5) Source Investigation and Elimination

a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge or illegal dumping, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge or illegal dumping 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 or illegal dumping 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 and illegal dumping where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge or illegal dumping extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or the appropriate TCEQ Regional Office.

c. Corrective Action to Eliminate Illicit Discharge

If and when the source of the illicit discharge or illegal dumping 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 and illegal dumping.

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

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

Table 6: Required IDDE BMPs

Activity/BMP	**Measurable Goals**
Maintain a current and accurate MS4 map as described in Part IV.D.3.(c)(1).	Review and update, as necessary, at least one time annually to include features which have been added, removed, or changed.
Conduct training for all the permittee's field staff as described in Part IV.D.3.(c)(2). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of MS4 field staff that may come into contact with or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities.

Activity/BMP	**Measurable Goals**
Maintain and publicize a public reporting method for the public to report illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4 such as a reporting hotline, online form, or other similar mechanism as described in Part IV.D.3.(c)(3).	Maintain a minimum of one public reporting mechanism 100% of the time during the permit term. Publicize the public reporting mechanism a minimum of two times annually in a method designed to reach the majority of the intended audience. Develop and implement a tracking system to estimate what percentage of the intended audience is reached for determining BMP effectiveness. In addition, if the MS4 operator has a public website, the public reporting mechanism must be publicized on the public website 100% of the time during the permit term.
Develop and maintain procedures for responding to illicit discharges, illegal dumping, and spills as described in Part IV.D.3.(c)(4).	Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.
Source investigation and elimination of illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5).	Respond to 100% of known illicit discharges and illegal dumping incidents each year to investigate sources (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Respond to 100% of high priority discharges each year, such as sanitary sewer discharges within 24 hours (or some Level 2b MS4s must notify the appropriate agency with the authority to act). For 100% of known illicit discharges or illegal dumping incidents where the small MS4 does not have jurisdiction, notify the adjacent MS4 operator or the applicable TCEQ regional office each year. Notify TCEQ immediately of 100% of illicit flows believed to be an immediate threat to human health or the environment throughout the permit term.
Corrective action to eliminate illicit discharges and illegal dumping as described in Part IV.D.3.(c)(5).	For 100% of illicit discharges or illegal dumping where a source has been determined, notify the responsible party of the problem within 24 hours. Require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.
Inspection Procedures as described in Part IV.D.3.(c)(6).	Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable.

Activity/BMP	Measurable Goals
Inspections in response to complaints as described in Part IV.D.3.(c)(6).	Conduct inspections in response to 100% of complaints each year according to the established procedures (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Conduct follow up inspections in 100% of cases each year where necessary as described in the established procedures (except for some Level 2b MS4s without the appropriate authority to act).

(d) Additional Requirements for Levels 3 and 4 small MS4s

In addition to the requirements described in Parts IV.D.3.(c), permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements, including those described in Table 7.

Source Investigation and Elimination

Permittees who operate Levels 3 or 4 small MS4s shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part IV.D.2.(e)(2), to verify that the discharge has been eliminated. Follow-up investigations shall be completed within five business days, on average. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part IV.C.3, and require compensation-related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part IV.C.3 and 6. 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 II.D, no further action is required.

Table 7: Additional Required IDDE BMPs for Levels 3 and 4 small MS4s

Activity/BMP	Measurable Goals
Conduct follow-up investigations or field screenings when notified that a discharge has been eliminated.	Conduct follow-up investigations or field screening in response to 100% of notifications each year. Complete the follow-up investigations within five business days, on average.

(e) Additional Requirements for Level 4 Small MS4s

In addition to the requirements described in Parts IV.D.3.(c)-(d) above, permittees who operate Level 4 small MS4s shall meet the following requirements including Table 8:

(1) Identification of Priority Areas

Permittees who operate Level 4 small MS4s shall identify priority areas likely to have illicit discharges or illegal dumping, 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 and illegal dumping to the small MS4. Dry weather field screening program must consist of (1) field observations; and (2) field screening as described below.

For dry weather field screening, at a minimum, the permittee shall:

a. Conduct dry weather field screening in priority areas as identified by the permittee in Part IV.D.3.(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 must include the basis used to determine which outfalls will 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. The basis for selecting the indicator pollutants must be described in the written procedures. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

(3) Reduction of Floatables

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

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

Table 8: Additional Required IDDE BMPs for Level 4 small MS4s

Activity/BMP	**Measurable Goals**
Identification of priority areas as described in Part IV.D.3.(e)(1).	Develop and maintain a list of 100% of the priority areas identified by the small MS4 operator each year. At a minimum, small MS4 operators must consider the following in developing the priority areas: • Sanitary sewer lines • Industrial areas • Commercial areas • Areas with history of past illicit discharges or illegal dumping Review and update the list at least one time annually to include new, removed, or changed areas based on the criteria established by the small MS4 for identifying priority areas.
Dry weather field screening as described in Part IV.D.3.(e)(2).	Develop and implement 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. Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. • New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Develop and implement written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. Review and update the procedures at least one time annually to address changes and make improvements to the established procedures where applicable. New Level 4 small MS4s shall develop the procedures within one year of obtaining their authorization under this general permit. Conduct dry weather field screening in 100% of the priority areas as identified by the permittee in Part IV.D.2.(e)(1) by the end of the permit term with interim milestones established for screening each year.

Activity/BMP	Measurable Goals
Floatable Reduction as described in Part IVI.D.3.(e)(3).	Develop and implement at least two source controls each year to address floatables such as, but not limited to, establishing and maintaining waste collection sites, clean-up events, and anti-littering campaigns. Develop and implement at least two structural controls each year such as, but not limited to, inlet protections, boom sites, hazardous materials traps, trash racks, outfall netting, and catch basins. Annually maintain at least two locations where floatable material can be removed before the stormwater is discharged to or from the small MS4. These locations may be the same as the areas where source controls and structural controls are implemented. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than two times per year.

4. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

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

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 meet the following requirements including Table 9.

(1) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure erosion and sediment controls, soil stabilization, and BMP requirements are effectively implemented for all small and large construction activities discharging to its small MS4 consistent with the TPDES CGP, TXR150000.

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

a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;

b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;

c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

d. Soaps or solvents used in vehicle and equipment washing; and

e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

(3) 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 the TPDES CGP, TXR150000.

The permittee may require and accept a plan, such as a stormwater pollution prevention plan (SWP3), that has been developed pursuant to the TPDES CGP, TXR150000.

(4) 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 inspection of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

a. The permittee shall conduct inspections based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies; proximity to receiving water bodies; 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 and implement updated 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; and
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 documentation 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 appropriate TCEQ Regional Office.

(5) Information Submitted By the Public

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

(6) 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.

Table 9: Required Construction Site Stormwater Runoff Control BMPs

Activity/BMP	**Measurable Goals**
Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.4.(a).	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Prohibit discharges as described in Part IV.D.4.(b)(2).	Develop and maintain an ordinance or other regulatory mechanism to prohibit these discharges. Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction as described in Part IV.D.4.(b)(3).	Review and update site plan review procedures at least one time annually to address changes and make improvements to the established procedures where applicable. Implement site plan review procedures for 100% of new construction site plans received each year.

Activity/BMP	Measurable Goals
Implement procedures for inspecting large and small construction projects as described in Part IV.D.4.(b)(4).	Review and update inspection procedures at least one time annually to address changes and make improvements to the established procedures where applicable.
Conduct construction site inspections as described in Part IV.D.4.(b)(4).	Conduct inspections at a minimum of 80% of active construction sites annually according to the established procedures (or some Level 2b small MS4s must notify the appropriate agency with the authority to act). Each year, conduct follow up inspections in 100% of cases where necessary as described in the established procedures (except for some Level 2b small MS4s without the appropriate authority to act).
Develop, implement, and maintain procedures for receipt and consideration of information submitted by the public as described in Part IV.D.4.(b)(5).	Review and update procedures for the receipt and consideration of information submitted by the public at least one time annually to address changes and make improvements to the established procedures where applicable. Maintain one webpage, hotline, or similar method for receipt of information submitted by the public throughout the permit term.
Conduct training for all the MS4 staff whose primary job duties are related to implementing the construction stormwater program as described in Part IV.D.4.(b)(6). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of MS4 staff whose primary job duties are related to implementing the construction stormwater program.

(c) Additional Requirements for Levels 3 and 4 small MS4s

In addition to the requirements described in Parts IV.D.4.(b) above, permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements including Table 10.

Construction Site Inventory

Permittees who operate Levels 3 or 4 small MS4s shall maintain an inventory of all TPDES permitted active public and private construction sites in the small MS4 area, 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 must be made by submittal of a copy of an NOI or a

small construction site notice, as applicable. The permittee shall make this construction site inventory in the small MS4 area available to the TCEQ upon request for review.

Table 10: Additional Required Construction Site Stormwater Runoff Control BMPs for Levels 3 and 4 Small MS4s

Activity/BMP	**Measurable Goals**
Maintain a Construction Site inventory as described in Part IV.D.4.(c).	Maintain an annual inventory of 100% of TPDES permitted active public and private construction sites in the small MS4 area, 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. • New Levels 3 or 4 small MS4s shall develop the inventory within one year of obtaining their authorization under this general permit.

5. Post Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

All permittees shall meet the requirements below including Table 11.

(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.

(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.

(b) Requirements for All Permittees

All permittees shall meet all the following requirements including Table 11.

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

(2) 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 IV.D.6)

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 requirement 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.

Table 11: Required Post Construction Stormwater Management in New Development and Redevelopment BMPs

Activity/BMP	**Measurable Goals**
Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.5.(a)(2).	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
Document and maintain records of enforcement actions and make them available for review by the TCEQ as described in Part IV.D.5.(b)(1).	Maintain records of 100% of enforcement actions taken each year. Make 100% of enforcement records available to TCEQ for review within 24 hours of request.
Ensure the long term operation and maintenance of structural stormwater control measures installed as described in Part IV.D.5.(b)(2).	Each year, implement a maintenance plan and schedule established by the small MS4 operator addressing 100% of stormwater control measures where the small MS4 operator is responsible for maintenance. Each year, require 100% of the owners or operators of any new development or redeveloped sites to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. Require the site owner or operators to maintain documentation, such as a tracking log, onsite of 100% of the maintenance performed and made available for review by the small MS4 operator or TCEQ within 24 hours of the request.

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts IV.D.5.(b)(1)-(2), permittees who operate Level 4 small MS4s shall meet the following requirements including Table 12.

(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.

(2) Inspection Reports – The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

Table 12: Additional Required Post Construction Stormwater Management in New Development and Redevelopment BMPs for Level 4 Small MS4s

Activity/BMP	**Measurable Goals**
Develop and implement an inspection program as described in Part IV.D.5.(c)(1).	Develop and implement an inspection program to ensure that of post construction stormwater control measures in the small MS4 area are operating correctly and are being maintained as required consistent with its applicable maintenance plan each year. At a minimum, the small MS4 operator must inspect 20% of the post construction stormwater controls in the small MS4 area each year, or more if required by the MS4 maintenance plan. For small MS4s with limited enforcement authority, this requirement applies only to 100% of the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area each year. New Level 4 small MS4s shall develop the inspection program within one year of obtaining their authorization under this general permit.
Maintain Inspection Reports as described in Part IV.D.5.(c)(2).	Document inspection findings in an inspection report for 100% of inspections performed each year. Make 100% of inspection reports available to TCEQ staff for review within 24 hours of request.

6. Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program Development

All permittees shall develop and implement an operation and maintenance program (O&M), 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.

(b) Requirements for All Permittees

All permittees shall meet the requirements described below including Table 13.

(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. The inventory must 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 review 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 IV.D.6.(b)(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 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, including such areas as pothole repair, pavement marking, sealing, and re-paving;

(ii) Bridge maintenance, including 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 must include at least two the following:

(i) Replacing materials and chemicals with more environmentally friendly materials or methods;

(ii) Tracking application of deicing and anti-icing compounds;

(iii) Using suspended tarps, booms, or vacuums to capture paint, solvents, rust, paint chips and other pollutants generated by regular bridge maintenance; and

(iv) 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 to ensure they are working properly. The permittee shall develop written procedures that describes frequency of inspections occurring at least one time annually and how they will be conducted. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed by the permittee and consistent with maintaining the effectiveness of the BMP. The permittee shall develop written procedures that define the frequency of inspections occurring at least one time annually and how they will be conducted.

Table 13: Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs

Activity/BMP	**Measurable Goals**
Permittee-owned Facilities and Control Inventory as described by Part IV.D.6.(b)(1).	Develop and maintain an annual inventory for 100% of the small MS4 owned and operated facilities and controls in the small MS4 area. Review and update the inventory at least one time annually to address changes or additions to the facilities and controls where applicable.
Training and Education as described in Part IV.D.6.(b)(2). Training may be conducted in person or using self-paced training materials such as videos or reading materials.	Conduct a minimum of one training annually for 100% of employees involved in implementing pollution prevention and good housekeeping practices. For small MS4s which use only contractors to implement pollution prevention and good housekeeping practices, ensure training of 100% of applicable contract staff is conducted at least one time annually using contract language or another similar method.
Disposal of Waste Material as described in Part IV.D.6.(b)(3).	Ensure that 100% of waste from the MS4 is disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable each year.

Activity/BMP	Measurable Goals
Contractor Requirements and Oversight as described in Part IV.D.6.(b)(4).	Each year, ensure that 100% of contractors hired by the MS4 to perform maintenance activities on permittee-owned facilities is contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts IV D.6.(b)(2)-(6). Implement oversight procedures of contractor activities in 100% of contracts to ensure that contractors are using appropriate control measures and SOPs each year. Oversight procedures must be maintained on-site 100% of the time and made available for review by TCEQ within 24 hours of request.
Assessment of permittee-owned operations as described in Part IV.D.6.(b)(5)a.	Evaluate 100% of O&M activities, in conjunction with procedure reviews if appropriate, for their potential to discharge pollutants in stormwater annually including but not limited to: • Road and parking lot maintenance, including such areas as pothole repair, pavement marking, sealing, and re-paving; • Bridge maintenance, including such areas as re-chipping, grinding, and saw cutting; • Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and • Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
Identify pollutants of concern as described in Part IV.D.6.(b)(5)b.	Identify pollutants of concern that could be discharged from all of the O&M activities described in Part IV.D.6.(b)(5)b and maintain a list of 100% of the pollutants identified. Including for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash. Review and update the pollutants of concern list at least one time annually to address changes or additions to the O&M activities where applicable.

Activity/BMP	**Measurable Goals**
Pollution Prevention Measures as described in Part IV.D.6.(b)(5)c.	Develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the permittee-owned operations. Implement at least two of the following pollution prevention measures: • Replace at least 50% of the MS4's materials and chemicals with more environmentally friendly materials or methods by the end of the permit term; • Track 100% of the application of deicing and anti-icing compounds in the MS4 area and record the amount of compound used for each application annually; • Use suspended tarps, booms, or vacuums to capture paint, solvents, rust, paint chips and other pollutants during 80% of regular bridge maintenance each year; and • Place barriers around or conduct runoff away from 100% of deicing chemical storage areas to prevent discharge into surface waters each year.
Inspection of Pollution Prevention Measures as described in Part IV.D.6.(b)(5)d.	At least one time annually, visually inspect 100% of pollution prevention measures implemented at permittee-owned facilities to ensure they are working properly. Develop and maintain written procedures that describe the frequency of inspections and how they will be conducted. Review and update the inspection procedures at least one time annually to address changes or additions to the pollution prevention measures. Maintain a log of 100% of the inspections conducted annually and make the log available for review by the TCEQ within 24 hours of a request.
Structural Control Maintenance as described by Part IV.D.6.(b)(6).	At least one time annually, perform maintenance of 100% of the structural controls which require maintenance. Maintenance must follow a plan and schedule developed by the small MS4 operator to be consistent with maintaining the effectiveness of the BMP. The permittee shall develop and maintain written procedures that define the frequency of inspections and how they will be conducted. Review and update the maintenance procedures at least one time annually to address changes or additions to the pollution prevention measures.

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

In addition to the requirements described in Part IV.D.6.(b) above, permittees who operate Levels 3 or 4 small MS4s shall meet the following requirements including Table 14.

(1) Storm Sewer System Operation and Maintenance

a. Permittees who operate Levels 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the MEP the collection of pollutants in catch basins and other surface drainage structures.

b. Permittees who operate Levels 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 Levels 3 or 4 small MS4s shall implement an O&M program that includes at least one of the following: 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 to address at a minimum 75% of the areas in the program annually.

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 Levels 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 Levels 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 IV.D.6.(b)(1) once per permit term for their potential to discharge pollutants into stormwater.

b. Identification of *high priority* facilities – Based on the assessment above, the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants and shall develop and maintain 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 water bodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of POCs 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 Procedures

Permittees who operate Levels 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 IV.D.6.(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 onsite when possible and must be kept up-to-date.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate Levels 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part IV.D.6.(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 must be sheltered from exposure to stormwater.

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) that 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 Levels 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.

Table 14: Additional Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs for Levels 3 and 4 Small MS4s:

Activity/BMP	**Measurable Goals**
Storm Sewer System Operation and Maintenance Program as described by Part IV.D.6.(c)(1)a.	Develop and implement an O&M program to reduce to the MEP the collection of pollutants in catch basins and other surface drainage structures each year. Implement at least two of the following: • Inspect at least 25% of the small MS4 owned and operated detention basins each year. • Inspect at least 20% of the small MS4 owned and operated stormwater inlets in problem areas identified by the small MS4 operator (for example, areas with recurrent illegal dumping) each year. • Inspect and clean at least 20% of the small MS4 owned and operated surface drainage system in problem areas identified by the small MS4 operator (for example, areas with recurrent illegal dumping) each year. • Collect and dispose of or recycle used oil and other household hazardous waste (HHW) from the public in at least three events each year. An event is any day in which the public has an opportunity to dispose of or recycle HHW either through collection or drop off

Activity/BMP	**Measurable Goals**
Storm Sewer System Operation and Maintenance Problem Areas as described by Part IV.D.6.(c)(1)b.	Develop a list of 100% of the identified potential problem areas. Identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping). Review and update the list of potential problem areas at least one time annually to address changes or additions to the list.

Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads as described by Part IV.D.6.(c)(2).	Implement the following:
	• A street sweeping and cleaning program to address 75% of the MS4 area where street sweeping is technically feasible annually.
	  ○ Ensure 100% of the MS4 area where street sweeping is technically feasible is addressed at least two times by the end of the permit term.
	• One or a combination of the following non-street sweeping controls:
	  ○ an inlet protection program addressing 100% of the small MS4 area where street sweeping is technically infeasible by the end of the permit term, which must include an implementation schedule and a waste disposal procedure, or
	  ○ Ensure that trash receptacles, or similar trash capturing devices are provided and maintained in 100% of the areas identified as high trash generating areas within the areas where street sweeping is technically infeasible (such as areas near parks, event spaces, etc.).

Mapping of Facilities as described by Part IV.D.6.(c)(3).	On a map of the area regulated under this general permit, identify where 100% of the permittee-owned and operated facilities and stormwater controls are located. Review and update the map at least one time annually to address changes or additions to the facilities and controls.
Assessment of Facilities' Pollutant Discharge Potential as described by Part IV.D.6.(c)(4)a.	Review 100% of the facilities identified in Part IV.D.6.(b) at least one time per permit term for their potential to discharge pollutants into stormwater.

Activity/BMP	**Measurable Goals**
Identification of high priority facilities as described by Part IV.D.6.(c)(4)b.	Based on the assessment in Part IV.D.6.(c)(4)a., the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants. A list of 100% of the identified facilities must be developed and maintained each year. Review and update the list of high priority facilities at least one time annually to address changes or additions to the facilities.
Documentation of Assessment Results as described by Part IV.D.6.(c)(4)c.	Document the results of all the assessments and maintain copies of 100% of the site evaluation checklists used to conduct the assessments each year. The documentation must include: • the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.
Development of Facility-Specific SOPs as described by Part IV.D.6.(c)(5).	Develop facility-specific stormwater management SOPs for 100% of the MS4 owned and operated facilities. A description of 100% of the BMPs developed to comply with Part IV.D.6.(c)(6) must be included in each facility-specific SOP. Review and update the facility-specific SOPs at least one time annually to address changes or additions to the facilities. If requested, SOPs must be made available to TCEQ within 24 hours of the request for review.
Stormwater Controls for High Priority Facilities, General Good Housekeeping as described by Part IV.D.6.(c)(6)a.	Shelter from exposure to stormwater 100% of material with a potential to contribute to stormwater pollution (such as, fertilizers, solvents, paints, cleaners, automotive products, etc.) each year.
Stormwater Controls for High Priority Facilities, De-icing and anti-icing material storage as described by Part IV.D.6.(c)(6)b.	Implement one or a combination of the following: Ensure that 100% of stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged each year. Or ensure that 100% of discharges from the piles are authorized under a separate discharge permit each year.
Stormwater Controls for High Priority Facilities, Fueling and vehicle maintenance as described by Part IV.D.6.(c)(6)c.	Develop and implement SOPs that address spill prevention and spill control at 100% of permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities each year. Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities.

Activity/BMP	Measurable Goals
Stormwater Controls for High Priority Facilities, Equipment and vehicle washing as described by Part IV.D.6.(c)(6)d.	Develop and implement SOPs that address equipment and vehicle washing activities at 100% of the permittee-owned and operated facilities where washing occurs. To ensure that wastewater is not discharged under this general permit, the permittee's SOP must include one or more of the following: • 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. Review and update the facility specific SOPs at least one time annually to address changes or additions to the facilities.
Inspections as described by Part IV.D.6.(c)(7).	Develop and implement an inspection program, which at a minimum must include inspections of 100% of high priority permittee-owned facilities one time per year. The results of 100% of the inspections and observations must be documented and available for review by the TCEQ each year.

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts IV.D.6.(b)-(c) above, permittees who operate Level 4 small MS4s shall meet the following requirements including Table 15.

(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 implementing mulching, composting, or landfilling;

(c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; and

(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; and

d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.

(2) Evaluation of Flood Control Projects

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

Table 15: Additional Required Pollution Prevention and Good Housekeeping for Municipal Operations BMPs for Level 4 Small MS4s:

Activity/BMP	**Measurable Goals**
Pesticide, Herbicide, and Fertilizer applicator and distributor measures as described by Part IV.D.6.(d)(1)b.(i).	Require 100% of pesticide, herbicide, and fertilizer applicators and distributors working in the public spaces owned and operated by the permittee, including contract workers, to demonstrate at least one of the following each year: • Training in application or distribution • Permit to apply or distribute • Certification for application or distribution

Activity/BMP	**Measurable Goals**
Landscape maintenance as described by Part IV.D.6.(d)(1)a.	Evaluate at least one time each year the materials used, and activities performed on 100% of the public spaces owned and operated by the permittee for pollution prevention opportunities such as: • parks, • schools, • golf courses, • easements, • public rights of way, and • other open spaces.
Non-chemical solutions as described by Part IV.D.6.(d)(1)b.(ii).	Utilize at least one of the following non-chemical solutions each year in 100% of the public spaces owned and operated by the permittee: • Use of native plants or xeriscaping in 10% of each public space's landscaping area; • Keep clippings and leaves out the small MS4 and the street by implementing mulching, composting, or landfilling; • Limit application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; or • Reduce mowing of grass frequency to allow for greater pollutant removal, but not jeopardizing motorist safety. If it is not feasible for the small MS4 operator to implement at least one of these measures in one or more public spaces owned and operated by the permittee, written documentation of the reason must be maintained and made available to the TCEQ upon request.
Schedules for chemical application as described by Part IV.D.6.(d)(1)c.	Develop and implement chemical application schedules for use in 100% of applicable public spaces owned and operated by the permittee each year. Schedules must minimize the discharge of pollutants from the chemical application due to irrigation and expected precipitation.
Collection and disposal of pesticides, herbicides, and fertilizers as described by Part IV.D.6.(d)(1)d.	Ensure collection and proper disposal of 100% of the permittee's unusable pesticides, herbicides, and fertilizers each year.

Activity/BMP	Measurable Goals
Evaluation of Flood Control Projects as described by Part IV.D.6.(d)(2).	Assess the impacts of the receiving water(s) for 100% of the flood control projects each year. 100% of new flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of 20% of the existing structural flood control devices each year to provide additional pollutant removal from stormwater shall be implemented unless infeasible. • If it is not feasible for the small MS4 operator to retrofit 20% of the existing control devices each year, written documentation of the reason must be maintained and made available to the TCEQ for review upon request.

7. Industrial Stormwater Sources

Permittees operating a Level 4 small MS4 shall meet the requirements below including Table 16.

(a) Permittees who operate Level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from the 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.

(b) The program must include priorities and procedures for inspections and for implementing control measures for such industrial discharges.

Table 16: Required Industrial Stormwater Sources BMPs for Level 4 Small MS4s

Activity/BMP	Measurable Goals
Industrial facilities as described by Part IV.D.7.(a).	Identify and control pollutants in stormwater discharges to the small MS4 from 100% of the 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.

Activity/BMP	Measurable Goals
Inspections as described by Part IV.D.7.(b).	Inspect 100% of small MS4 owned and operated facilities described by Part IV.D.7.(a) at least one time annually. Inspect 100% of industrial facilities permitted under the TPDES MSGP, TXR050000, and located within the small MS4 area at least one time annually.
Priorities and Procedures as described by Part IV.D.7.(b).	Develop and implement SOPs for 100% of inspections of facilities as described by Part IV.D.7.(b) and industrial facilities permitted under the TPDES MSGP, TXR050000, and within the small MS4 area. Review and update the facility inspection SOPs at least one time annually to address changes or additions.

8. 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 construction 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 and implement this MCM will be authorized to discharge stormwater and certain non-stormwater from construction activities only where the MS4 operator meets the definition of a construction site operator. This MCM only authorizes the small MS4 operator and does not provide authorization for other construction site operators at a municipal project.

When developing this measure, permittees are required to meet all requirements of, and be consistent with the following: (1) applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), (2) TPDES CGP TXR150000, (3) Part IV.D.4 and Part VII of this general permit.

The authorization to discharge under this MCM is limited to the small MS4's regulated area, such as the portion of the small MS4 located within an urban area with a population of at least 50,000 people 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. If this MCM is developed after submitting the initial NOI, an 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 a TPDES individual permit.

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

The MCM must include:

(a) A description of how construction activities will generally be conducted by the permittee taking into consideration local conditions of weather, soils, and other site-specific considerations;

(b) 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 urban area with a population of at least 50,000 people, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary);

(c) 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;

(d) A general description of how a SWP3 will be developed for each construction site, according to Part VII of this general permit; and

(e) Records of municipal construction activities authorized under this optional MCM, in accordance with Part VII of this general permit.

Part V. Recordkeeping and Reporting

Section A. Recordkeeping

1. The permittee shall retain all records, a copy of this TPDES general permit (maintained physically or electronically), and records of all data used to complete the application (NOI) for this general permit, for a period of at least three years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit must be retained at a location accessible to the TCEQ for review upon request.
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 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 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, NOC, Option 1 Waiver, Option 2 Waiver, or any other report, the permittee shall promptly submit the facts or information to the executive director.

2. Annual Report

The small MS4 operator shall submit a concise annual report to the executive director by March 31st of each year for the previous calendar year.

The first annual report for this general permit shall address the period beginning on the day that authorization is obtained and ending on December 31 of that same year.

The small MS4 operator shall make a copy of the annual report readily available for review by TCEQ personnel upon request.

The annual report must include:

(a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified activities/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 for receiving water bodies, a summary of any activities taken to address the discharge to impaired water bodies, including a summary of the small MS4s BMPs used to address the pollutant of concern, and if sampling was conducted include the sampling results;

(d) A summary of the stormwater activities the small MS4 operator plans to undertake during the next reporting year;

(e) Proposed changes to the SWMP, including changes to any activities/BMPs or any identified measurable goals that apply to the program elements;

(f) A description and schedule for implementation of additional activities/BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans. For water bodies that are listed as impaired after discharge authorization pursuant to Part III., include a list of such water bodies and the pollutant(s) causing the impairment, and a summary of any actions taken to comply with the requirements of Part III.;

(g) Notice that the small 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 optional 8th 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 optional 8th MCM.

Small MS4s authorized under the 2019 TPDES Small MS4 General Permit must prepare an annual report whether or not the NOI has been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI, then the annual report may include that information.

The annual report must be signed (in accordance with 30 TAC § 305.128 relating to Signatories to Reports) and submitted using the online electronic reporting system, NeT - MS4, available through the TCEQ website unless the permittee requests and obtains an Electronic Reporting Waiver.

If the permittee obtains an Electronic Reporting Waiver, the annual report must be submitted with the appropriate paper annual report forms provided by the executive director and submitted to the following locations:

- Original – TCEQ Austin Headquarters Office c/o the Stormwater Team (MC-148), and
- Copy – The TCEQ Regional Office that serves the area of the regulated small MS4.

If permittees share a common SWMP (*i.e.*, coalitions), they shall contribute to a single system-wide annual report for all participating members and the designated coalition participant shall submit the annual report. At a minimum, each permittee shall sign and certify the annual report in the NeT-MS4 electronic system in accordance with 30 TAC § 305.128 (relating to Signatories to Reports). If the coalition participant designated to submit the annual report changes during the permit term, all participating members must submit an NOC to update the designated member.

Part VI. 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 a TPDES individual 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 O&M also includes adequate laboratory controls and appropriate quality assurance procedures. Proper O&M 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 - 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. 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.

K. 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).

Part VII. Authorization for Municipal Construction Activities – Applicable only if the Optional 8th MCM is Selected

The small MS4 operator may obtain authorization under TPDES CGP, TXR150000, to discharge stormwater runoff from each construction activity performed by the small MS4 operator that results in a land disturbance of one acre or more of land or less than one 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 small MS4 operator may develop the SWMP to include the optional 8th MCM listed in Part IV.D.8 of this general permit if the eligibility requirements in Part VII.A. below are met.

Even if a small MS4 operator has developed the optional 8th MCM, the small MS4 operator may apply under TPDES CGP, TXR150000, for authorization for certain 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 small 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 small MS4 operator meets the definition of construction site operator, are only eligible for authorization under this general permit in those areas where the small MS4 operator meets all the requirements of Parts IV.D.1-8. of this general permit.

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 permit authorization for discharges as required; and

(d) The discharge of stormwater from concrete production facilities meets the requirements in Section F below.

3. Non-Stormwater Discharges

This general permit authorizes the following non-stormwater discharges from construction sites authorized under this general permit:

(a) Discharges from emergency fire-fighting activities (emergency fire-fighting activities do not include washing of trucks, runoff 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 groundwater 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 VII 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:

(a) 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 (NOTE: small MS4 operators may develop and implement a shared SWP3 with other operators covered under the TPDES CGP, TXR150000);

(b) Post a signed copy of the applicable TCEQ approved site notice form 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;

(c) 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;

(d) 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

(e) Ensure that the SWP3 identifies the municipal personnel responsible for implementation of control measures described in the plan.

Section E. 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 an 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 VII of this TPDES general permit.

2. Structural and non-structural controls

The SWP3 must describe the structural and the non-structural controls (BMPs) 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:

Erosion and Sediment Controls

(a) Erosion and sediment controls must be designed to retain sediment on-site to the MEP with consideration for local topography and rainfall.

(b) 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.

(c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.

(d) 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.

(e) 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 must 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 VII.J 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 or more acres:

(1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten 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 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 onsite 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 Limitations

The federal Effluent Limitations Guidelines at 40 CFR § 450.21 apply to all regulated construction activities under the optional 8th 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) All 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) Inspection Requirements. 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.

(b) Inspection Frequency.

(1) 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.

a. If a storm event produces 0.5 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produce 0.5 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.5 inches of rain or more has fallen. When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

b. If a storm event produces 0.5 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.5 inches or more of rain (i.e., only two inspections would be required for such a storm event). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

(2) 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.

(3) 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.

(4) 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 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.

(5) 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).

(6) In the event of flooding or other adverse conditions that prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

(d) 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 VII.E.10.(a) above.

(1) 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.

(2) For representative inspections, personnel must inspect controls along the construction site for 0.25 miles 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 VII.E.10.(a) above.

(3) The conditions of the controls along each inspected 0.25 miles portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 miles portion to either the end of the next 0.25 miles inspected portion, or to the end of the project, whichever occurs first.

(e) Requirements for inspections may be temporarily suspended for adverse conditions. Adverse conditions are conditions that are either dangerous to personnel (e.g., high wind, excessive lightning) or conditions that prohibit access to the site (e.g., flooding, freezing conditions). Adverse conditions that result in the temporary suspension of a permit requirement to inspect must be documented and included as part of the SWP3. Documentation must include:

(1) the date and time of the adverse condition,

(2) names of personnel that witnessed the adverse condition, and

(3) a narrative for the nature of the adverse condition.

(f) 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 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.

(g) 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).

(h) 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. Observation and Evaluation of Dewatering Controls

(a) Personnel provided by the permittee must observe and evaluate dewatering controls at a minimum of once per day on the days where dewatering discharges from the construction site occur. Personnel conducting these evaluations must be knowledgeable of this general permit, the construction activities at the site, and the SWP3 for the site. Personnel conducting these evaluations are not required to have signatory authority for reports under 30 TAC § 305.128 (relating to Signatories to Reports).

(b) Requirements for Observations and Evaluations

(1) A report summarizing the scope of any observation and evaluation must be completed within 24-hours following the evaluation. The report must also include, at a minimum, the following:

a. date of the observations and evaluation;

b. name(s) and title(s) of personnel making the observations and evaluation;

c. approximate times that the dewatering discharge began and ended on the day of evaluation, or if the dewatering discharge that continues after normal business hours, indicate that the discharge is continuous (this information can be reported by personnel initiating the dewatering discharge);

d. estimates of the rate (in gallons per day) of discharge on the day of evaluation;

e. whether or not any indications of pollutant discharge were observed at the point of discharge (e.g., foam, oil sheen, noticeable odor, floating solids, suspended sediments, or other obvious indicators of stormwater pollution); and

f. major observations, including: the locations of where erosion and discharges of sediment or other pollutants from the site have occurred; 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.

(2) Actions taken as a result of evaluations, including the date(s) of actions taken, 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 retained as part of the SWP3 and signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

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

12. 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 F. Stormwater Runoff from Concrete Batch Plant

Discharges of stormwater runoff from concrete batch plants at construction sites authorized under this general permit may be authorized under the provisions of this general permit provided that the requirements in this section are met. 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 general permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at construction sites authorized under this general permit. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

1. Benchmark Sampling Requirements

(a) Small MS4 operated 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 17. Benchmark Monitoring

Benchmark Parameters (*1)	**Benchmark Value**	**Sampling Frequency** (*2)(*3)	**Sample Type** (*4)
Oil and Grease	15 mg/L	1/quarter	Grab
Total Suspended Solids	50 mg/L	1/quarter	Grab
pH	6.0-9.0 S.U.[1]	1/quarter	Grab
Total Iron	1.3 mg/L	1/quarter	Grab

[1]Standard Units (S.U)

(*1) Analytical data intended for compliance with benchmark monitoring requirements must be analyzed by a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory based on state rules located in 30 TAC Chapter 25. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §§ 136.1(c) and 122.44(i)(1)(iv).

(*2) 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.

(*3) 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 small MS4 NOI.

(*4) 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 small MS4 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 runoff on to the permitted facility, by laboratory analyses of samples of stormwater runoff 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 for Concrete Batch Plants

The following are required for concrete batch plants 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 CGP, 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 VII.F.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 review upon request by the agencies and officials in Part VII.J of this general permit.

(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 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 small MS4'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 weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VII.F.2(a), "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part VII.F.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 § 305.128, relating to Signatories to Reports.

(4) The Comprehensive Compliance Evaluation may substitute for one of the required inspections required in Part VII.F.2.(b)(3) of this general permit.

3. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites authorized under this 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 wastewater must be authorized under a separate TCEQ general permit or individual permit.

(a) Direct discharge of concrete truck washout water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.

(b) Concrete truck washout 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 washout 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) The SWP3 shall include concrete wash out areas on the associated map.

Section G. Effective Date of Coverage

Construction activities may not commence under this section until the small MS4 NOI is approved in writing by the TCEQ. Following approval of the NOI, 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 applicable TCEQ approved construction site notice form required under this MCM.

Section H. 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 BMPs; and
3. Provide for compliance with the terms and conditions of this general permit.

Section I. Plan Review and Making Plans Available

The SWP3 must be retained onsite at the construction site or made readily available at the time of an onsite 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 J. 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 K. Delegation of Signatory Authority

If signatory authority is delegated by an authorized representative, then a Delegation of Signatory form must be submitted as required by 30 TAC § 305.128 (relating to Signatories to Reports) using the State of Texas Environmental Electronic Reporting System (STEERS), TCEQ's online permitting system, unless the permittee requested and obtained an Electronic Reporting Waiver. A new Delegation of Signatory form must be submitted if the delegation changes to another individual or position during the permit term.

Section L. Additional Retention of Records

The permittee shall retain the following records for a minimum period of three 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 approved TCEQ construction site notice forms.