



TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY
P. O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO.
WQ0004705000
[For TCEQ office use only – EPA
I.D. No. TXS000401]

This is a renewal of TPDES
Permit No. WQ0004705000,
issued on February 22, 2006.

PERMIT TO DISCHARGE UNDER THE TEXAS
POLLUTANT DISCHARGE ELIMINATION SYSTEM
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

PART I: AUTHORIZATION

City of Austin
505 Barton Springs Road
Austin, Texas 78704

is authorized to discharge from discharge from the City of Austin Municipal Separate Storm Sewer System (MS4) 9111 (SIC)

including all areas, except for any agricultural lands, located within the corporate boundary of the City of Austin served by, or otherwise contributing to discharges to the MS4 owned or operated by the permittee, located in Travis, Hays, and Williamson Counties County, Texas, 78610, 78612, 78613, 78617, 78640, 78641, 78645, 78652, 78653, 78660, 78664, 78681, 78701-78705, 78712, 78717, 78719, 78721-78739, 78741, 78742, 78744-78754, and 78756-78759

via the MS4 to various ditches and tributaries that eventually reach Lake Austin, Lake Travis, Onion Creek, Colorado River Below Town Lake, Barton Creek, Colorado River Above La Grange in Segment Nos. 1403, 1404, 1427, 1428, 1429, 1430, 1434 of the Colorado River Basin, and Brushy Creek in Segment No. 1244 of the Brazos River Basin

only according to conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of storm water and certain non storm water discharges along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this 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 permit shall expire at midnight, five (5) years from the date of issuance.

ISSUED DATE: July 20, 2011


For the Commission

PART II: DISCHARGES AUTHORIZED BY THIS PERMIT

- A. This permit authorizes existing or new storm water point source discharges to surface water in the state from those portions of the Municipal Separate Storm Sewer System (MS4) owned or operated by the permittee.

The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:

- 1. Non-storm water and industrial storm water: Discharges of non-storm water; any storm water discharges associated with industrial activity; or other storm water discharges required by the TCEQ to obtain a TPDES permit;
- 2. Discharges of materials resulting from a spill, except when necessary to prevent loss of life, personal injury, or severe property damage.

This permit does not negate any person’s ability to assert the *force majeure* (Act of God, war, strike, riot, or other catastrophe) defenses found in 30 Texas Administrative Code (TAC) Section (§) 70.7. This permit does not transfer liability for discharging without, or in violation of, an National Pollutant Discharge Elimination System (NPDES) or a TPDES permit from the responsible party(ies) of the discharge to the permittee.

- B. Responsibilities of the permittee

The permittee is individually responsible for:

- 1. compliance with permit conditions.
- 2. implementation of the Storm Water Management Program (SWMP).
- 3. compliance with annual reporting requirements.
- 4. collection of monitoring data.

PART III: STORM WATER MANAGEMENT PROGRAM

- A. The permittee shall develop, implement, and revise (as necessary) a comprehensive Storm Water Management Program (SWMP) that includes pollution prevention measures, treatment or pollutant removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the MS4 that reach Waters of the United States (U.S.). Each element of the SWMP must be developed or revised to include measurable goals, whenever feasible.

The SWMP, taken as a whole, must include controls necessary to effectively prohibit the discharge of non-storm water into the MS4 (except as described in Part III. Section B.3. of this permit), and reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP).

The SWMP must cover the term of the permit and must be updated as necessary or as required by the TCEQ, to ensure compliance with Section 402 of the Clean Water Act (CWA), Chapter 26 of the Texas Water Code, applicable EPA and TCEQ regulations, and

the requirements of this TPDES permit. Any modifications to the SWMP shall be made in accordance with Part III. Section H.2. of this permit. Compliance with the SWMP is defined as compliance with Part III. Sections B. and C. The SWMP and all approved updates are incorporated by reference.

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

B. SWMP Components

The SWMP must contain the following minimum Control measures (MCMs):

1. MS4 Maintenance Activities:
 - a. *Structural Controls*: To the MEP, the permittee shall operate and maintain the MS4, including any storm water structural controls in such a manner as to reduce erosion and the discharge of pollutants.
 - b. *Floatables*: The permittee shall implement a program to reduce the discharge of floatables (for example, litter and other human generated solid refuse) into the MS4. This program element must include source controls at a minimum, and structural controls and other appropriate controls where necessary.
 - c. *Roadways*: The permittee shall operate and maintain public streets, roads, and highways to minimize the discharge of pollutants, including pollutants related to deicing or sanding activities.
2. Post-Construction Storm Water Control Measures:
 - a. *Areas of New Development and Significant Redevelopment*: The permittee shall implement a comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant redevelopment, after construction is completed. The goals of such controls must include:
 - (1) limiting increases in erosion and the discharge of pollutants in storm water as a result of new development; and
 - (2) reducing erosion and the discharge of pollutants in storm water from areas of redevelopment.

Within one (1) year of permit issuance, this measure shall be expanded as necessary to include all new development and redevelopment projects that disturb one acre or more of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one acre or more.

The permittee shall evaluate its existing SWMP as necessary to ensure that this MCM includes a regulatory mechanism such as an ordinance to implement and enforce the new requirements of this program, and shall ensure that the SWMP

includes strategies for structural and non-structural controls (i.e., BMPs) appropriate for the community. In addition, the permittee shall provide for adequate long-term operation and maintenance of BMPs.

- b. *Flood Control Projects:* Impacts on receiving water quality shall be assessed for all flood control projects. Where feasible, new flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from storm water. If applicable, the retrofitting of existing structural flood control devices to provide additional pollutant removal from storm water shall be implemented, to the maximum extent practicable.
3. Illicit Discharges Detection and Elimination:
- a. *Illicit and Allowable Discharges:* The permittee shall prohibit illicit non-storm water discharges from entering the MS4. For the purposes of this permit, the following discharges need not be addressed as illicit discharges by the permittee nor prohibited from entering the MS4:
 - (1) Discharges regulated by a separate NPDES or TPDES permit.
 - (2) Discharges for which an NPDES or TPDES permit application has been submitted or an NPDES/TPDES permit is not required.
 - (3) Other non-storm water discharges, as described below, that are not prohibited by the permittee in the SWMP. The SWMP shall identify any categories of non-storm water discharges that are not prohibited from being discharged into the MS4, in accordance with the following conditions:
 - (a) Categories of non-storm water discharges that the permittee may exempt from the prohibition on non-storm water entering the MS4 include the following: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; street wash water; individual residential vehicle washing; wash waters using only potable water, and which are similar in quality and character to street wash water or individual residential vehicle washing but without the use of detergents or surfactants; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; other allowable non-storm water discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1); other allowable non-storm water discharges as listed in the TPDES Construction General Permit No. TXR150000 and TPDES Multi-Sector General Permit No. TXR050000; as well as other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges. Program descriptions must address discharges or flows from fire fighting only where such

discharges or flows are identified as significant sources of pollutants to surface waters.

- (b) The non-storm water discharges exempted from the prohibition on non-storm water must be reasonably expected not to be significant sources of pollutants based on either the nature of the discharges, or conditions placed on the discharges by the permittee.
 - (c) The SWMP must include a description of any local controls or conditions placed on discharges exempted from the prohibition on non-storm water. The permittee shall prohibit any individual non-storm water discharge otherwise exempted under this paragraph from the prohibition on non-storm water that is determined by the permittee to be contributing significant amounts of pollutants to the MS4.
- b. *Detection and Elimination of Illicit Discharges:*
 - (1) *Elimination of Illicit Discharges and Improper Disposal:* The permittee shall require the operator of an illicit discharge or improper disposal practice, to eliminate illicit discharges and improper disposal practices as quickly as reasonably possible. Where elimination of an illicit discharge within 30 days is not possible, the permittee shall require the operator of the illicit discharge to remove the discharge according to an expeditious schedule. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable measures to minimize the discharge of pollutants to the MS4.
 - (2) *Within one (1) year from the date of permit issuance, the SWMP must be revised in necessary to include the following:*
 - (a) a list of techniques used for detecting illicit discharges; and
 - (b) appropriate actions and enforcement procedures for removing the source of an illicit discharge.
- c. *Overflows and Infiltration:* The permittee shall implement controls where necessary and where feasible to prevent dry weather and wet weather overflows from sanitary sewers into the MS4, and shall limit the infiltration of seepage from municipal sanitary sewers into the MS4.
- d. *Household Hazardous Waste and Used Motor Vehicle Fluids:* The discharge or disposal of used motor vehicle fluids, household hazardous wastes, and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into the MS4 shall be prohibited. The permittee shall ensure the implementation of programs to collect used motor vehicle fluids (including, at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis. Household hazardous waste collection centers which are operated by the permittee as a

SWMP element are not considered an industrial activity requiring a separate TPDES authorization for the discharge of storm water.

- e. *MS4 Screening and Illicit Discharge Inspections:* The permittee shall implement the Dry Weather Screening Program described in Part III, Section B.8.a of this permit, to locate portions of the MS4 with suspected illicit discharges and improper disposals.

Follow-up activities to eliminate illicit discharges and improper disposals may be prioritized on the basis of magnitude and the nature of the suspected discharge; sensitivity of the receiving water; or other relevant factors. The entire MS4, but not necessarily each individual outfall, shall be screened at least once per five years.

- f. *NPDES and TPDES Permittee List:* The permittee shall maintain an updated list of dischargers that discharge directly to the MS4 that have been issued an NPDES or a TPDES permit. The list shall include the name, location and permit number (if known) of the discharger.

- g. *MS4 Map:*

(1) Requirements:

- (a) the permittee shall develop or revise as necessary, the MS4 map to include the following information:

- (a) the location of all MS4 outfalls;
- (b) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and
- (c) any additional information needed by the permittee to implement its SWMP.

- (b) The permittee shall document the source information used to develop the MS4 map, including how the outfalls are verified and how the map will be regularly updated.

(2) Deadlines for Compliance:

- (a) *New MS4 Areas:* Within *one (1) year* from the date of permit issuance, the permittee shall develop and implement procedures to insure that the above requirements are met for all new portions of the MS4.
- (b) *Existing MS4 Areas:* Within *three (3) years* from the date of permit issuance, the permittee shall demonstrate that it has evaluated all existing portions of the MS4 and that the above requirements have been met to the maximum extent practicable.

- h. *Spill Prevention and Response:* The permittee shall continue to implement and improve as necessary existing programs which prevent, contain, and

respond to spills that may discharge into the MS4. The spill response programs may include:

- (1) a combination of spill response actions by the permittee or another public or private entity, and
- (2) legal requirements for private entities within the jurisdiction of the permittee.

4. Pollution Prevention/Good Housekeeping for Municipal Operations:

- a. *Pollution Prevention/Good Housekeeping program:* Within one (1) year from date of permit issuance, the permittee shall implement a pollution prevention/good housekeeping program for municipal operations. The program must include the following MCMs that address:
 - 1) Good Housekeeping and Best Management Practices (BMPs) must be identified and implemented with the goal of reducing pollutant runoff from municipal operations. (e.g., street and highway maintenance, parks, municipal office buildings, water treatment plants)
 - 2) The permittee shall reduce the discharge of pollutants to the MEP from road repair, equipment yards, and material storage facilities, or maintenance facilities.
 - 3) *Training.* The permittee shall develop training for all employees responsible for municipal operations. The training must include materials directed at preventing and reducing storm water pollution from all municipal operations subject to this MCM.
- b. *Waste Handling:* The permittee shall ensure proper disposal of waste that is removed from the MS4 or from other municipal operations from maintenance of storm water structural controls in MCM 1 or other operations.
- c. *Pesticide, Herbicide, and Fertilizer Application:* The permittee shall implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers, by the permittee's employees or contractors, to public right-of-ways, parks, or other municipal property. The permittee, if it has jurisdiction over lands it does or does not, directly own (e.g. incorporated city) shall implement programs to reduce the discharge of pollutants related to the application and distribution of pesticides, herbicides, and fertilizers on those lands.
- d. *List of Municipal Facilities:* The SWMP must include a list of all municipal operations subject to the municipal operation, maintenance, and training programs listed under this program element and all municipally owned and operated industrial activities subject to TPDES or NPDES industrial storm water regulations.

5. Industrial and High Risk Runoff:

The permittee shall continue to improve as necessary the existing programs to identify and control pollutants in storm water discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); 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 MS4. This control measure must include:

- a. priorities and procedures for inspections and for establishing and implementing control measures for such discharges; and
- b. an Industrial and High Risk Monitoring Program as described in Part III, Section B.8.c. of this permit.

6. Construction Site Storm Water Runoff:

- a. The permittee shall continue to implement a program to reduce the discharge of pollutants into the MS4 from construction sites. *Within one (1) year of date of permit issuance*, the permittee shall ensure that this program addresses construction projects that are more than one acre in size, or that are part of a larger common plan of development or sale that is one or more acre in size. This MCM must include:
 - (1) requirements to use and maintain appropriate structural and nonstructural BMPs to reduce pollutants discharged to the MS4 from construction sites;
 - (2) requirements for construction site operators to address the control of site waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at a construction site within five (5) years from date of issuance;
 - (3) inspection of construction sites and enforcement of control measure requirements;
 - (4) appropriate education and training measures for construction site operators; and
 - (5) notification to construction site operators of their potential responsibilities under the NPDES or TPDES permitting regulations and permits for construction site runoff.
- b. *Lists of Sites*: The permittee shall maintain, and update as necessary, a list of construction sites that discharge directly to the MS4, that have been issued an NPDES or a TPDES permit. The list must include the name, location and permit number of the discharges that have been authorized under an NPDES or TPDES storm water discharges permit for construction activities (if known).

- c. *Within one (1) year from date of permit issuance*, the permittee shall ensure and demonstrate that this MCM includes the following elements, in addition to those listed above:
- (1) the permittee shall require construction site contractors to, at a minimum, implement appropriate erosion and sediment control BMPs; and control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site, that may cause adverse impacts to water quality.
 - (2) the permittee shall develop procedures for site plan review that incorporates consideration of potential water quality impacts; receipt and consideration of information submitted by the public; and site inspection and enforcement of control measures to the extent allowable under state and local law.

7. Public Education and Outreach/Public Involvement and Participation:

- a. *Public Education*: The permittee shall continue to implement a public education program component with the following elements:
- (1) a program element to promote, publicize, and facilitate public reporting of illicit discharges or improper disposal of materials, including floatables, into the MS4;
 - (2) a program element to promote, publicize, and facilitate the proper management and disposal of used oil and household hazardous wastes; and
 - (3) a program element to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors.

Within one (1) year from the date of permit issuance, the permittee shall document and ensure that the SWMP promotes, publicizes, and facilitates public education and outreach to: residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel and provide justification for any group that is not addressed by the program. The permittee must document the activities conducted and materials used to fulfill this program element and provide enough detail to demonstrate the amount of educational and outreach resources and materials used to address each group.

b. *Public Involvement and Participation*:

Within one (1) year from date of permit issuance, the permittee shall develop and implement a public involvement/participation program which, at a minimum, must comply with State, Tribal, and local public notice requirements. This program element must include opportunities for a wide variety of constituents within the MS4 area to participate in the SWMP development and implementation.

8. Monitoring, Evaluation and Reporting:

The permittee shall implement the following monitoring and screening programs:

- a. *Dry Weather Screening Program:* This program must continue ongoing efforts to detect the presence of illicit connections and improper discharges to the MS4. All areas of the MS4 must be screened at least once during the permit term.

Screening methodology may be modified based on experience gained during the actual field screening activities, and is not required to conform to the protocol for field screening at 40 CFR § 122.26(d)(1)(iv)(D). Sample collection and analysis is not required to conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures." However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice must conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures."

- b. *Wet Weather Screening Program:* The permittee shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the MS4. The program shall:

- (1) screen the MS4, as specified in the SWMP; and
- (2) specify the sampling and non-sampling techniques to be used for current screening and also for follow-up screening. Sample collection and analysis for this Wet Weather Screening Program is not required to conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures." However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice must conform to the requirements of Part V.B.2. of this permit, "Test Procedures."

The permittee shall provide an implementation schedule for watershed protecting measures which were developed based on the results of the data collected in the first permit term. This schedule must be submitted to the TCEQ within 90 days of permit issuance, and shall evaluate the need for additional watershed improvement projects.

- c. *Industrial and High Risk Runoff Monitoring Program:* The permittee shall monitor for pollutants in storm water discharges from type 1 and 2 facilities which discharge to the MS4. Analytical monitoring data collected by a facility to comply with, or apply for, a TPDES or NPDES discharge permit (other than this permit) may be used, on a parameter-by-parameter basis, to avoid unnecessary cost and duplication of effort. Frequency of monitoring shall be established by the permittee.

- (1) Type 1 facilities are municipal landfills; hazardous waste treatment, disposal and recovery facilities; facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and other industrial facilities the permittee determines are contributing a substantial pollutant loading to the MS4. This program

must include the collection of quantitative data on those parameters which have been identified by the permittee as a pollutant of concern for that facility, and shall:

- (a) coincide with the corresponding industrial sector-specific requirements of the TPDES Multi-Sector General Permit or any applicable general permit issued after September 29, 1995. This provision is not contingent on whether a particular facility is actually covered by the general permit;
 - (b) coincide with the monitoring requirements of any individual permit for the storm water discharges from the facility; or
 - (c) include pollutants of concern for the storm water discharge from the facility as identified by the permittee.
- (2) Type 2 facilities are other municipal waste treatment, storage, or disposal facilities for (e.g., POTWs, transfer stations, incinerators); and industrial or commercial facilities the permittee believe are contributing pollutants to the MS4. This program shall include appropriate monitoring as determined by the permittee for those facilities which discharge to the MS4.
 - (3) In lieu of the monitoring discussed above, the permittee may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Where the permittee accepts a "no exposure" certification, the permittee shall conduct site inspections of the facility not less than once per permit term to verify the "no exposure" exemption.
 - (4) The permittee may also waive monitoring requirements under this permit for facilities that it determines are compliant with the TPDES Multi-Sector General Permit No. TXR050000.

To avoid the duplication of efforts, the permittee may review data collected by a facility as required by any individual or general permit for that facility rather than performing additional sample collection and analysis.

- d. *Storm Event Discharge Monitoring*: The permittee shall comply with the monitoring requirements in Part IV of this permit in order to characterize the discharge from the MS4.
 - e. *Floatables Monitoring*: The permittee shall implement a floatables program as described in Part IV. Section B of this permit.
- C. **Edwards Aquifer Protection**: The permittee is prohibited from causing or knowingly allowing any activity pursuant to this permit which would be in violation of 30 TAC Chapter 213 (related to the Edwards Aquifer).

D. Deadlines for SWMP Compliance: Full implementation of the SWMP is required upon permit issuance, except for the new requirements of the permit that include a specific compliance period.

1. Except as described in item c. below, related to the MS4 map, the permittee shall demonstrate that it has fully implemented the new SWMP program elements *within one (1) year from the date of issuance*, as described in Part III, Section B. of this permit:
 - a. Part III, Section B.2.a., related to post-construction storm water control measures,
 - b. Part III, Section B.3.b., related to the detection and elimination of illicit discharges,
 - c. Part III, Section B.3.g., related to the MS4 outfall mapping requirements, except that existing areas that have previously been mapped must be reviewed within three (3) years from the date of permit issuance to include, to the extent practicable, any outfalls on the MS4 map that were not previously included,
 - d. Part III, Section B.4.a., related to the pollution prevention / good housekeeping program for municipal operations,
 - e. Part III, Section B.6., related to certain construction site runoff control requirements,
 - f. Part III, Section B.7.a., related to certain public education and outreach requirements, and
 - g. Part III, Section B.7.b., related to public involvement and participation.
2. Compliance with any new SWMP requirement(s) not given a compliance schedule in the permit is required 180 days from permit issuance.
3. *Compliance Schedules:* The permittee shall comply with the following compliance schedules.
 - a. *Within three (3) years from the date of permit issuance*, the permittee shall fully implement the control measure related to mapping all MS4 outfalls (see Part III, Section B.3.g.(2)(b)), for all existing portions of the MS4.
 - b. *Within one (1) year from the date of permit issuance*, the permittee shall fully implement all of the control measures described in this permit, with the exception of paragraph 3.a. above (also see Part III, Section C.1 above).
 - c. As part of each annual report (see Part IV, Section C), the permittee shall demonstrate, at a minimum, partial compliance with each new MCM.
 - d. Annual reporting on compliance is required in accordance with Part IV, Sections C.1. and C.2. of this permit.

- E. Roles and Responsibilities of Permittees:** For shared programs, the SWMP shall clearly identify the roles and responsibilities of each permittee.
- F. Legal Authority:** The permittee shall ensure it has the legal authority to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with municipal entities with existing legal authority to:
1. control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;
 2. prohibit illicit discharges to the MS4;
 3. control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes) into the MS4;
 4. require compliance with conditions in ordinances, permits, contracts, or orders; and
 5. carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

G. SWMP Resources:

The permittee shall provide adequate finances, staff, equipment, and support capabilities to implement its activities required by the SWMP.

H. SWMP Review and Updates:

1. *SWMP Review:* The permittee shall participate in an annual review of the current SWMP in conjunction with the preparation of the annual report required under this permit.
2. *SWMP Updates:* The permittee shall not revise the SWMP without the prior written approval of the TCEQ, except as follows:
 - a. The permittee may add components, controls, or requirements to the SWMP at any time upon written notification to the TCEQ.
 - b. The permittee, at any time, may request changes replacing less effective or infeasible Best Management Practices (BMPs) specifically identified in the SWMP with an alternate BMP. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the permittee 60 days from submittal of the request. Such requests must include the following:
 - 1) an explanation of why the BMP was eliminated;
 - 2) an explanation on the effectiveness of the replacement BMP; and

- 3) an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.
 - c. If the permittee determines that a component, control, or requirement is not effective in reducing or eliminating the impacts of pollutants on water quality, then the permittee may remove this BMP without replacement only after receiving written approval from the TCEQ's Storm Water & Pretreatment Team. The permittee shall submit this request in writing to the TCEQ Storm Water & Pretreatment Team (MC-148), and shall include an explanation as to why the BMP is considered ineffective, as well as the method of review that was utilized to determine its ineffectiveness. The permittee shall also demonstrate that the permit discharges from the MS4 will continue to meet the MEP standard for reducing pollutants, as well as the water quality requirements, after the BMP is removed.
 - d. Changes resulting from any compliance schedules contained in this permit may be requested following completion of an interim task or final deadline. Unless denied in writing by the TCEQ, proposed changes meeting the criteria contained in the applicable schedule shall be considered approved and may be implemented by the permittees 60 days from submittal date.
 - e. Change requests or notifications must be made in writing to the TCEQ's Storm Water & Pretreatment Team (MC-148), signed by all directly affected permittees in accordance with Part V, Section B.8. of the permit, and must include a certification that all permittees were given an opportunity to comment on the proposed changes prior to submittal to the TCEQ.
3. *SWMP Updates Required by the TCEQ:* The TCEQ may require changes to the SWMP through a permit amendment or modification as needed to:
- a. address impacts on receiving water quality either caused or contributed to by discharges from the MS4;
 - b. include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements;
 - c. include such other conditions deemed necessary to comply with the goals and requirements of the Texas Water Code or the Clean Water Act; or
 - d. incorporate new program elements necessary to continue to meet the MEP standard.

If the TCEQ requires changes to the SWMP, the changes will be through a permit amendment, which will be conducted in accordance with 30 TAC § 305.62. TCEQ will notify the permittee in writing of the required changes; provide an explanation of the required changes; set forth the time schedule for the permittee to develop these changes; and allow the permittee an opportunity to propose alternative program changes to meet the objective of the request.

4. *Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:* The permittee shall implement the SWMP on all new areas added to their portion of the MS4 (or for areas that they become responsible for

implementation of storm water quality controls) as expeditiously as practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report.

Retention of Records: The permittee shall retain the SWMP and all associated records for at least three years after coverage under this permit terminates.

PART IV. MONITORING AND REPORTING REQUIREMENTS

A. Storm Event Discharge Monitoring: Beginning upon permit issuance (unless stated otherwise), the permittee shall implement a Wet Weather Characterization sampling program in accordance with either Option Part IV, Section A.1, Part IV, or Section A.2. which follow. The permittee may change from one option to another during the permit term as specifically provided in the following language or as otherwise approved in writing by the TCEQ.

1. Option 1: *Representative Monitoring.* The permittee has the option of conducting representative monitoring as described in this section. Monitoring shall be conducted on representative outfalls, internal sampling stations, or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System (MS4).
 - a. Monitoring Requirements and Locations: During the period beginning upon date of issuance and lasting through date of expiration, the permittee is authorized to discharge from the MS4 subject to the following requirements:
 - (1) *Pollutants.* The permittee shall monitor for the following parameters, and shall report the daily maximum concentration in milligrams per liter (mg/L) except as indicated below:

Parameter:

biochemical oxygen demand, 5-day
 chemical oxygen demand (COD)
 oil and grease
 total suspended solids (TSS)
 total dissolved solids (TDS)
 total nitrogen
 nitrate+nitrite
 total kjeldahl nitrogen (TKN)
 total phosphorus
 dissolved phosphorus
 total cadmium ($\mu\text{g/L}$)
 total copper ($\mu\text{g/L}$)
 total lead ($\mu\text{g/L}$)

total silver ($\mu\text{g/L}$)
total zinc ($\mu\text{g/L}$)
chlorides (as Cl)
sulfates
DDT ($\mu\text{g/L}$) (*2)
DDD ($\mu\text{g/L}$) (*2)
DDE ($\mu\text{g/L}$) (*2)
total PCBs ($\mu\text{g/L}$) (*2)
chlordane ($\mu\text{g/L}$) (*2)
E. coli (MPN/100 mL)
Enterococci (cfu/100 mL)
pH (S.U.)
hardness (as CaCO_3)
temperature ($^{\circ}\text{C}$)
Atrazine ($\mu\text{g/L}$)

(2) *Sample Type:* The permittee shall collect composite samples for all pollutants except as described in Part IV, Section A.5.b. below.

(3) *Frequency:*

(a) Monitoring frequency for each pollutant is once per season during each year of permit term unless monitoring under the representative Rapid Bioassessment Monitoring Option (See Part IV, Section A.2.). The pH shall be monitored 1/Season (*1) by grab sample, and the permittee shall report the minimum and maximum values in standard units.

(*1) Parameters required for Outfalls 003 and 004 only.

(b) Seasonal monitoring periods are:
January-March (dry);
April-June (wet);
July-September (dry); and
October-December (wet).

(4) *Sample Locations:*

Discharge monitoring samples must be collected at the following locations:

Outfall 001 (Bear Creek), located at Bear Creek and Farm-to-Market Road 1826;

Outfall 002 (Fort Branch Creek), located at Fort Branch Creek near Webberville Road;

Outfall 003 (Waller Creek), located at Waller Creek and 23rd Street; and

Outfall 004 (Blunn Creek), located at Blunn Creek near Little Stacey Park.

Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for permanent approval of alternate monitoring locations must be made as minor amendment application and must be submitted to the TCEQ's Application Review and Processing Team (MC-148). The application must include the rationale for the requested monitoring station relocation. Requests for temporary approval to revise monitoring locations (such as due to safety concerns or repairing of an outfall) may be made at any time in writing to the TCEQ's Storm Water & Pretreatment Team (MC-148). Unless disapproved by the TCEQ, or unless the outfall contains numeric effluent limitations, temporary (i.e., for one year or less) use of an alternate monitoring location may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, and for permanent changes to locations, the permit must be modified prior to substitution of alternate monitoring locations.

2. Option 2: *Representative Rapid Bioassessment Monitoring*. The permittee has the option of developing and implementing a rapid bioassessment monitoring program.
 - a. The permittee shall obtain all necessary aquatic wildlife permits from appropriate State or Federal agencies.
 - b. If the permittee utilizes the rapid bioassessment monitoring option, monitoring of the MS4 must be conducted as described in Part IV, Section A.2. of this permit, except that monitoring for Years Two, Three, and Five are no longer required.
 - c. If the permittee elects to develop and implement a rapid bioassessment monitoring program, the permittee shall submit a monitoring program to the TCEQ Storm Water & Pretreatment Team (MC-148) for approval no later than one year from the effective date of this permit. An approvable program must include:
 - (1) monitoring of at least two water bodies receiving storm water discharges from the MS4 plus a reference site located within the same ecological region as the MS4, but that does not receive discharges from the MS4;
 - (2) monitoring of at least twice per year, with monitoring conducted at essentially the same time periods each year; and
 - (3) monitoring of the reference site within a week or two each time a station located in the receiving waters of the MS4 is monitored.

Unless contacted by the TCEQ within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittee may implement the alternate rapid bioassessment program.

The permittee shall provide written notification to the TCEQ's Storm Water & Pretreatment Team at least 14 days prior to commencing a rapid bioassessment monitoring program.

3. *Storm Event Data:* For sampling conducted for Part IV, Section A.1. of this permit and any additional sampling conducted for Part IV, Section A.4., quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed in Part IV, Section A.1. of this permit, the permittee shall maintain records of the storm events which generated the sampled runoff. The records must include: date and duration (in hours); rainfall measurements or estimates (in inches); the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.
4. *Seasonal Loadings and Event Mean Concentrations.* All necessary sampling data must be collected to provide estimates for each of the selected monitoring locations (Outfalls 001 through 004 in this permit) of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in Part IV, Section A.2. of this permit. This information may be estimated from the representative monitoring locations and must take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations must be included in the Annual Report for Reporting Year 4 of this permit term.
5. *Sample Type, Collection, and Analysis:* The following requirements apply only to samples collected for Part IV, Sections A.2 or A.4. of this permit.
 - a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample must be taken.
 - b. Grab samples taken during the first two hours of discharge shall be used for the analyses (if required) of pH, temperature, hardness, cyanide, oil & grease, E-coli, and Enterococci. For all other parameters, data shall be reported for flow-weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.
 - c. Samples of a discharge resulting from a storm event that is greater than 0.1 inches and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event shall be collected. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by at least fifteen minutes.

The required 72 hour storm event interval is waived if the preceding storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived if a permittee documents that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.

6. *Temporary Suspension and Waivers*: Requirements to conduct representative monitoring as described in Part IV, Section A.1.a.(1) within a prescribed monitoring period may be temporarily suspended for adverse weather conditions. Adverse weather conditions are conditions that are either dangerous to personnel (e.g. high wind, excessive lightning) or weather conditions that prohibit access to a discharge (e.g. flooding, freezing conditions, extended period of drought). Adverse weather conditions that result in the temporary suspension of a permit requirement to conduct seasonal monitoring must be documented and included as part of the Annual Report. Documentation shall include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.

When seasonal monitoring is temporarily suspended, that monitoring must be conducted in the same season of the following year, in addition to any monitoring required for that season. If the temporarily suspended monitoring requirement cannot be fulfilled during the same season of the following year, then it is permanently waived.

B. Floatables Monitoring

The permittee shall maintain two (2) monitoring locations for removal of floatable material in discharges to or from the 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 required in this permit.

C. Annual System-Wide Report

1. The permittee shall prepare an annual system-wide report to be submitted to the Storm Water and Pretreatment Team, MC-148, P.O. Box 13087, Austin, Texas, 78711-3087 no later than March 1 of each year. The report must cover the previous reporting year as defined as the period beginning October 1 and lasting through September 30 of each calendar year.
2. The annual report must contain the following sections or chapters to describe the status of the SWMP, or must cross-reference the items in this list so that the following topics may be easily located in the order provided in Part III, Sections B.1. thru B.8., and must be in either the following format or a format approved in writing by the Storm Water and Pretreatment Team:
 - a. MS4 Maintenance Activities
 - (1) Structural Controls
 - (2) Floatables
 - (3) Roadways
 - b. Post-Construction Storm Water Control Measures
 - (1) Areas of New Development and Significant Redevelopment, including the status of complying with new requirements
 - (2) Flood Control Projects

- c. Illicit Discharge Detection and Elimination
 - (1) Illicit and Allowable Discharges
 - (2) Detection and Elimination of Illicit Discharges, including the status of complying with new requirements
 - (3) Overflows and Infiltration
 - (4) Household Hazardous Waste and Used Motor Vehicle Fluids
 - (5) MS4 Screening and Illicit Discharge Inspections
 - (6) NPDES and TPDES Permittee List
 - (7) MS4 Map, including the status of complying with new requirements
 - (8) Spill Prevention and Response
- d. Pollution Prevention/Good Housekeeping for Municipal Operations
 - (1) Pollution Prevention/Good Housekeeping Program, including the status of complying with new requirements
 - (2) Structural Control Maintenance
 - (3) Waste Handling
 - (4) Pesticide, Herbicide, and Fertilizer Application
 - (5) List of Municipal Facilities
- e. Industrial & High Risk Runoff
 - (1) Priorities and Procedures for Inspections and Implementing Control Measures
 - (2) Industrial and High Risk Monitoring Program (alternatively, this may be referenced in the Monitoring section of the annual report)
- f. Construction Site Storm Water Runoff
 - 1) Requirements for Structural and Non-Structural BMPs
 - 2) Inspection of Construction Sites and Enforcement Requirements
 - 3) Education and Training for Construction Site Operators;
 - 4) Notification of Requirements to Construction Site Operators
 - 5) List of Construction Sites
 - 6) Status of complying with new requirements (e.g., site plan review of projects that are one or more acres in size)
- g. Public Education and Outreach/Public Involvement and Participation
 - (1) Public Education, including the status of complying with new requirements
 - (2) Public Involvement and Participation, including the status of complying with new conditions
- h. Monitoring, Evaluation and Reporting
 - (1) Dry Weather Screening Program
 - (2) Wet Weather Screening Program
 - (3) Industrial and High Risk Runoff Monitoring Program
 - (4) Floatables Monitoring

3. For each program element listed above, the permittee shall include the following separate sections, with an overview for the entire MS4:
 - a. a description of the portion of the current program that the permittee has implemented for each SWMP element;
 - b. the status of implementing the SWMP (status of compliance with any schedules established under this permit);
 - c. any proposed changes to the SWMP in the coming reporting year; and
 - d. a summary describing the number and nature of enforcement actions, inspections, where applicable.
4. The report must include the following appendices after the program/MCM descriptions:
 - a. identification of any water quality improvements, degradations, and progress toward any measurable goals or measured reduction in pollutants;
 - b. annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP, and the budget for the year (reporting year) following each annual report;
 - c. revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application or since the previous annual report;
 - d. a summary of the number of notices of intent and the number of construction site notices received by the permittee from construction site operators and industrial facilities seeking NPDES or TPDES coverage for storm water discharges, and a summary of inspections conducted at industrial and construction sites;
 - e. representative monitoring data and a summary of any additional data that was collected during the reporting year and the status of complying with the new SWMP elements in Part III, Section B of the permit. Full compliance is required beginning three (3) years from the effective date of the permit

E. Certification and Signature of Reports

All reports required by the permit and other information requested by the TCEQ shall be signed and certified in accordance with Part V, Section B.8. of this permit.

F. Reporting, Where and When to Submit

1. Representative monitoring results (Part IV, Section A.1) obtained during the reporting period running from October 1 to September 30 shall be submitted on Discharge Monitoring Report Forms along with the Annual Report required by Part IV, Section C. of this permit. A separate Discharge Monitoring Report Form is required for each monitoring period (season) specified in Part IV. A.1.a.(3)(b).

2. Signed copies of the Annual Report required by Part IV, Section C., and all other reports required by this permit, shall be submitted to the TCEQ's Wastewater Permitting Section, Storm Water & Pretreatment Team (MC-148) and the TCEQ Region 11 Office.

PART V: DEFINITIONS AND STANDARD PERMIT CONDITIONS

A. Definitions:

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§ 305.121 - 305.129, Subchapter F, "Permit Characteristics and Conditions" as promulgated under the Texas Water Code §§ 5.103 and 5.105, and the Texas Health and Safety Code §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit.

All definitions contained in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

1. Best Management Practices (BMPs) - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution in discharges that reach waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. CWA - the Clean Water Act (formerly referred to as 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. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.)
3. Copermittee - one of several entities authorized under a single individual permit that is only responsible for permit conditions relating to the discharge for which it is the operator.
4. Core Municipality - the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (e.g., City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).
5. Daily average concentration - the arithmetic average of all discharge samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements. When four samples are not available in a calendar month, the arithmetic average of the four most recent measurements or the arithmetic average (weighted by flow) of all values taken during the month shall be used as the daily average concentration.

6. Daily maximum concentration - the maximum concentration measured on a single day, by composite sample unless otherwise specified elsewhere in this permit, within a period of one calendar month.
7. Discharge - unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
8. Flow-weighted composite sample - a composite sample consisting of a mixture of aliquots collected at either:
 - a. a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge; or
 - b. a constant volume at varying time intervals, proportional to the discharge flow rate.
9. Grab sample - an individual sample collected in less than 15 minutes.
10. Illicit connection - any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
11. Illicit discharge - any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES or TPDES permit (other than the NPDES or TPDES permit for certain discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and other allowable non-storm water discharges described in Part III, Section B.3. of this permit.
12. Landfill - an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
13. Large or medium municipal separate storm sewer system (MS4) - all MS4s that are either:
 - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
 - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
 - c. owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the EPA as part of the large or medium municipal separate storm sewer system.
14. Major Outfall - an outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for

- industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).
15. MEP, or "Maximum Extent Practicable" - the technology-based discharge standard for MS4 established by Section 402(p) of the Federal Clean Water Act.
 16. Municipal separate storm sewer system, or 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): (i) owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) designed or used for collecting or conveying storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 30 TAC § 305.2
 17. Outfall - a *point source* as defined by 40 CFR § 122.2 at the point where a municipal separate storm sewer discharges to surface water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface water in the state and are used to convey surface water in the state.
 18. Permittee - any entity authorized by this permit to discharge to surface water in the state.
 19. Point source - any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
 20. Storm sewer - unless otherwise indicated, a municipal separate storm sewer (MS4).
 21. Storm water - storm water runoff, snow melt runoff, and surface runoff and drainage.
 22. Storm water discharges associated with industrial activity - defined in TPDES General Permit No. TXR050000.
 23. Storm Water Management Program, or SWMP - a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system. For the purposes of this permit, the SWMP is considered a single document, but may actually consist of separate components (e.g. "chapters") for each permittee.
 24. Structural Control (or Practice) - A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited

to: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

25. Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.
26. Time-weighted composite - a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
27. Waters of the United States - For the purposes of this permit, waters of the United States or waters of the U.S. means:
 - a. all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - b. all interstate waters, including interstate wetlands;
 - c. all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - 1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - 2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - 3) which are used or could be used for industrial purposes by industries in interstate commerce;
 - d. all impoundments of waters otherwise defined as waters of the United States under this definition;
 - e. tributaries of waters identified in paragraphs (a) through (d) of this definition;
 - f. the territorial sea; and
 - g. wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

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

B. Monitoring And Reporting Requirements

1. Self-Reporting

Monitoring results shall be provided at the intervals specified in the permit.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Federal Clean Water Act, the Texas Water Code, Chapters 26, 27, and 28, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

2. Test Procedures

Unless otherwise specified in this permit, analytical procedures shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.

All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Monitoring and reporting records, including the SWMP, requests for SWMP changes, reports, strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee or shall be readily available for review by a TCEQ representative for a period of three years from the date of the original record or sample, measurement, report, application, or the latest revisions, whichever is later. This period shall be extended at the request of the Executive Director.

- c. Records of monitoring activities shall include the following:
- 1) date, time and place of sample or measurement;
 - 2) identity of individual who collected the sample or made the measurement.
 - 3) date and time of analysis;
 - 4) identity of the individual and laboratory who performed the analysis;
 - 5) the technique or method of analysis; and
 - 6) the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that maybe instituted against a permittee.

4. Additional Monitoring by Permittee

If the permittee performs additional monitoring for any parameter at the outfalls included in Part IV of this permit using approved analytical methods as specified above, then all results of such monitoring shall be included in the calculation and reporting of the values submitted in the annual or other reports describing these discharges. Increased frequency of sampling shall be indicated on the reports.

5. Calibration of Instruments

All automatic flow measuring and/or recording devices and/or totalizing meters for measuring flows shall be accurately calibrated by a trained person prior to use and as often as necessary to ensure accuracy, but not less often than annually. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained by the permittee and shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

If a compliance schedule is included in this permit, reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule shall be submitted no later than 14 days following each schedule date to the TCEQ Regional Office and to the Enforcement Division (MC-224).

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the TCEQ Regional

Office and to the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

- b. Unauthorized discharges of wastewater or any other waste from the MS4 which results from noncompliance with the SWMP shall be reported under Part V, Section B 7.a. above.
- c. In addition to 7.a. and b. above, and if the permit contains numeric limitations, any violation which deviates from a permitted numeric limitation by more than 40% shall be reported by the permittee in writing to the TCEQ Regional Office and to the Enforcement Division (MC-224) within 5 working days of becoming aware of the noncompliance.
- d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC-224) as promptly as possible.
- e. Duty to Mitigate

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.

8. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

C. PERMIT CONDITIONS

1. General

- a. When a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application in accordance with 30 TAC Chapter 50 and the application process in accordance with 30 TAC Chapter 281, and relying upon the accuracy and completeness of that information and those representations in accordance with 30 TAC Chapter 305. After notice in accordance with 30 TAC Chapter 39 and opportunity for a hearing in accordance with 30 TAC §§ 55.21 - 55.31, Subchapter B, "Hearing Requests, Public Comment", this permit may be modified, suspended, or

revoked, in whole or in part in accordance with 30 TAC Chapter 305 Subchapter D, during its term for cause including but not limited to, the following:

- 1) Violation of any terms or conditions of this permit, or
 - 2) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be maintained as a provision of the permit.
2. Compliance
- a. Acceptance of the permit by a permittee to whom it is issued constitutes acknowledgment and agreement that the permittee will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
 - b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or of an application for a permit for another facility.
 - c. It shall not be a defense for a 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 the permit.
 - d. Before beginning any change in the permitted activity that may result in noncompliance with any permit requirements, authorization from the Commission must be obtained.
 - e. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and the Texas Water Code Section 7.302. The filing of a request by a permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - f. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal Clean Water Act, §§ 301, 302, 306, 307, or 308, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).

3. Inspections and Entry

- a. Inspection and entry shall be allowed as prescribed in the Texas Water Code Chapters 26, 27, and 28, and Texas Health and Safety Code Chapter 361.
- b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in Texas Water Code Section 7.002.

4. Permit Amendment or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned revisions to the SWMP that would require amendment of the permit.
- b. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. Authorization to continue such activity will terminate upon the effective denial of said application.
- c. In accordance with the Texas Water Code § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- d. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge, and that standard or prohibition is more stringent than a numeric limitation that was established for that pollutant in this permit, then this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of a system authorized by this permit. Such notification should be sent to the Applications Review and Reporting Team (MC-148) of the Water Quality Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.33 (relating to Executive Director Action on Application for Transfer).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

D. OPERATIONAL REQUIREMENTS

1. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules.
2. The permittee shall provide a readily accessible sampling point and, where required by the permit, a flow measuring device or other acceptable means by which discharge flow may be determined, at point sources and outfalls with discharge monitoring requirements.
3. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).
4. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for applications, effluent data, permits, and other data specified in 30 TAC § 305.46, any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner

prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice.

5. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
6. Proper Operation and Maintenance

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 by a permittee to achieve compliance with the conditions of this permit and with the requirements of storm water management programs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

Revised 3/2011

PART VI: OTHER REQUIREMENTS

- A. The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent with the applicable CMP goals and policies.
- B. Within 180 days of permit issuance, the permittee shall submit a revised SWMP to the TCEQ Storm Water & Pretreatment Team (MC-148), that includes all of the requirements listed in Part III, Section B of this permit, including a proposed compliance schedule to meet the deadlines for implementing new requirements listed in Part III, Section D of this permit.
- C. Test methods utilized shall be sensitive enough to detect the following parameters at the minimum analytical level (MAL) specified below:

<u>POLLUTANTS</u>	<u>MAL (mg/L)</u>
Cadmium, total	0.001
Copper, total	0.010
Lead, total	0.005
Silver, total	0.002
Zinc, total	0.005
DDT	0.0001
DDD	0.0001
DDE	0.0001
PCBs	0.0001
Chlordane	0.00015
Atrazine	0.0005

When an analysis of an discharge sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (0) shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When an analysis of an discharge sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. A zero (0) may not be used.

- D. Monitoring results shall be provided at the intervals specified in the permit.
- E. For the purposes of this permit, the following definitions apply to this permit term:

Year One: The period beginning upon date of issuance and lasting until September 30, 2012

Year Two: The period beginning October 1, 2012 and lasting until September 30, 2013

Year Three: The period beginning October 1, 2013 and lasting until September 30, 2014

Year Four: The period beginning October 1, 2014 and lasting until September 30, 2015

Year Five: The period beginning October 1, 2015 and lasting through permit expiration.

- F.** For the purpose of this permit, the following definition applies: “ground water infiltration” means uncontaminated ground water that enters an MS4 (including sewer service connection and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. This does not include, and is distinguished from, “inflow.” For the purpose of this permit, “inflow” is defined as water that enters the MS4 (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage.