TCEQ Office Use Only

Permit No.: RN: CN: Region:

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

IMPORTANT:

- Use the <u>INSTRUCTIONS</u> to fill out each question in this form.
- Use the <u>CHECKLIST</u> to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: http://www.tceq.texas.gov/goto/wg-dpa

APPLICATION FEE:

- You must pay the \$100 Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
 - Go to https://www3.tceg.texas.gov/epay/index.cfm

ect Fee Type I APPLICAT	e: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE TION
de your pa Mailed [yment information below, for verification of payment: Check/Money Order No.: Name Printed on Check:
EPAY [✓ Voucher No.: 211142 Is the Payment Voucher copy attached? ✓ Yes
	I and Stormwater Management Program (SWMP) with the er Sheet MUST be submitted with the original NOI and
ached?	✓ Yes
on? Ithorizatio ne existing a f an autho	OI a Renewal of an existing Phase II MS4 General Permit on cannot be renewed after June 11, 2014.) uthorization number is: TXR04 0048 rization number is not provided, a new number will be
	DI APPLICA de your pa Mailed EPAY of the NO WMP Cov ached? Is this NO on? Ithorizatione existing a

1)	OPERATOR (Applicant)					
	If the applicant is currently a customer with TCEQ, what is the Customer Number (CN)					
	issued to this entity? You may search for your CN at:					
	http://www.tceq.texas.gov/goto/cr-customer					
	CN <u>600741003</u>					
b)	What is the Legal Name of the entity (applicant) applying for this permit?					
	City of Alamo Heights					
	(The exact legal name must be provided.)					
c)	What is the contact information for the Operator (Applicant)? The mailing address must be					
	recognized by the US Postal Service. You may verify the address at:					
	https://tools.usps.com/go/ZipLookupAction!input.action					
	Prefix (Mr. Ms. Miss): Mr.					
	First/Last Name: Patrick Sullivan Suffix:					
	Title: Director of Public Works Credential:					
	Phone Number: (210) 882-1506 Ext: Fax Number: (210) 882-1517					
	E-mail: psullivan@alamoheightstx.gov					
	Mailing Address: 6116 Broadway					
	Internal Routing (Mail Code, Etc.):					
	City: San Antonio State: 1X ZIP Code: 78209					
	If outside USA: Territory:Country Code:Postal Code:					
d)	Indicate the type of Customer (The instructions will help determine your customer type):					
	Federal Government State Government County Government County Government					
	✓ City Government					
ر.	Number of Employees:					
e)	Number of Employees:					
2)	ANNUAL BILLING CONTACT					
	e Operator is responsible for paying the annual fee. The annual fee will be assessed to					
	horizations active on September 1 of each year. TCEQ will send a bill to the address provided					
	his section. The Operator is responsible for terminating the permit when it is no longer					
	ded.					
	he billing contact and contact information the same as the Operator identified in Section 1)					
	ine billing contact and contact information the same as the operator identified in Section 1)					
	Yes, go to Section 3).					
V	1 1es, go to section s).					
Г	No, complete section below					
	1 No, complete section below					
Dro	fix (Mr. Ms. Miss):					
Tit						
	e:Credential:					
Dh	ganization Name:Ext:Fax Number:					
F ₋ r	nail·					
\/ a	nail:					
	ernal Routing (Mail Code, Etc.):					
OIL	y:State:ZIP Code:					

APPLICATION CONTACT If TCEQ needs additional information regarding this application, who should be contacted? Is the application contact and contact information the same as the Operator identified in Section 1) above? Yes, go to Section 4). No, complete section below Prefix (Mr. Ms. Miss):_____ Prefix (Mr. Ms. Miss):_____ First/Last Name:____ ____Suffix: ____ Credential: Title: Organization Name:_____ Phone Number: _____ Ext: ____ Fax Number: ____ E-mail: Mailing Address: Internal Routing (Mail Code, Etc.):_____ State:____ZIP Code:____ Mailing Information if outside USA: Territory: ______ Country Code: _____ Postal Code: _____ 4) REGULATED ENTITY (RE) INFORMATION If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: http://www.tceg.texas.gov/goto/cr-searchrn If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information. a) TCEQ issued RE Reference Number (RN): RN 105482020 **b)** Name that is used to identify the small MS4 (Example: City of XXX MS4) City of Alamo Heights c) Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):

Municipal Boundaries of the City of Alamo Heights, excepting other MS4 jurisdictions such as

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

e) ZIP code where the largest residential population exists within the regulated MS4

TxDot rights-of-way.

Alamo Heights

boundaries: 78209

f)	County where the largest residential population exists within the regulated MS4 boundaries: Bexa		
	_	cated within additional counties? es, what county (or counties)?	
	✓ No		
g)	Latitude:	Longitude:	
	Is the project	CHARACTERISTICS /site located on Indian Country Lands? íes, you must obtain authorization through EPA, Region 6.	
b)		cant's Standard Industrial Classification (SIC) code?	
c)		ategory or level of the MS4 based on the population served? Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).	
	Level 2:	Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.	
		This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.	
	Level 3:	Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.	
	Level 4:	Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.	
d)	☐ N/A ☐ Yes ☑ No - If No	designated" the small MS4 as needing coverage under this general permit? and no portion of the small MS4 is located within an UA as determined by the	
	subn	or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be nitted, the operator is not eligible for coverage under this general permit ugh the NOI.	

e)	Wł	nat is your annual reporting year?
		Calendar year
	\checkmark	MS4 general permit year
		Fiscal year – If Fiscal year, what is the last day of the fiscal year?
f)	Sto 1.	ormwater Management Program (SWMP) I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000. Yes
		\square No – If No, the application is considered incomplete and may be returned.
	2.	I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP Ves
		No − If No, the application is considered incomplete and may be returned.
	3.	Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.) First/Last Name: Patrick Sullivan
		Title: Director of Public Works
		Company: City of Alamo Heights Phone Number: (210) 882-1506 Ext: Fax Number: (210) 882-1517
		E-mail: psullivan@alamoheightstx.gov
		Mailing Address: 6116 Broadway Internal Routing (Mail Code, Etc.):
		City: San Antonio State: TX ZIP Code: 78209
g)		Minimum Control Measure (MCM) for Municipal Construction Activities Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP? Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)
		✓ No
	2.	Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer? Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
		✓ No

h)	Dis 1.	charge Information What is the name of the water body (ies) receiving stormwater from the MS4?			
		Olmos Creek, Tributaries or Olmos Creek, San Antonio River and Tributaries of San Antonio River			
	2.	What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?			
		1911			
		Do you discharge directly or indirectly?			
		indirectly			
	3.	Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)? Yes – If Yes:			
		What is the name of the impaired water body (ies) receiving the discharge from the small MS4?			
		Upper San Antonio River			
		What is/are the pollutant(s) of concern?			
		impaired fish community (5c), bacteria (5a) and depressed dissolved oxygen (5c) - *See Attachment B (revised)			
		□ No			
	4.	Is the discharge into any other MS4 prior to discharge into surface water in the state? ✓ Yes − If Yes, what is the name of the MS4 Operator?			
		City of San Antonio			
		□ No			
i)	Is t Cor Aqu	wards Aquifer he discharge or potential discharge from the MS4 within the Recharge Zone, htributing Zone, or Contributing Zone within the Transition Zone of the Edwards uifer? Yes - If Yes, complete certification below by checking "Yes". No			
		I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP. Tyes			

i)

Public	Partici	pation	Process
	Public	Public Partici	Public Participation

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

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

1.	I will comply with the Public Participation requirements described in Part II.E.12 of the general permit. ✓ Yes No − If No, coverage under this general permit is not obtainable.
2.	Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.) First/Last Name: Marian T. Vargas Title: Asst to the City Manager/Information Service Manager
	Company: City of Alamo Heights
	Phone Number: (210) 882-1508
	E-mail: mvargas@alamoheightstx.gov
	Mailing Address: 6116 Broadway
	Internal Routing (Mail Code, Etc.):
	City: San Antonio State: TX ZIP Code: 78209
3.	What is the name and location of the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed? Name of Public Place:
	Alamo Heights City Hall
	Address of Public Place:
	6116 Broadway San Antonio, TX 78209
	County of Public Place:
	Bexar

6)	CERTIFICATION				
Check Yes to the certifications below. Failure to indicate Yes to ALL items may result in denial of coverage under the general permit.					
a)	I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000.	✓ Yes			
b)	I certify that the small MS4 qualifies for coverage under the general permit TXR040000.	✓ Yes			
c)	I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.	√ Yes			
d)	I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee.	✓ Yes			
On	perator Certification:				
Op	erator Certification:				
	Patrick Sullivan Public Works Di	rector			
•,_	Typed or printed name Title				
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.					
int					
l fu	ormation, including the possibility of fine and imprisonment for knowing violation urther certify that I am authorized under 30 Texas Administrative Code §303	ns. 5.44 to sign			
I fu	ormation, including the possibility of fine and imprisonment for knowing violation urther certify that I am authorized under 30 Texas Administrative Code §303 disubmit this document, and can provide documentation in proof of such authorized usest.	ns. 5.44 to sign			
I fu	ormation, including the possibility of fine and imprisonment for knowing violation urther certify that I am authorized under 30 Texas Administrative Code §30 3 disubmit this document, and can provide documentation in proof of such authorized under the	5.44 to sign zation upon			
I fu and req	ormation, including the possibility of fine and imprisonment for knowing violation urther certify that I am authorized under 30 Texas Administrative Code §30 5 d submit this document, and can provide documentation in proof of such authorized.	5.44 to sign zation upon			

NOTICE OF INTENT CHECKLIST (TXR040000)

- Did you complete everything? Use this checklist to be sure!
- Are you ready to mail your form to TCEQ? Go to the General Information Section of the Instructions for mailing addresses.

This checklist is for use by the operator to ensure a complete application. Missing information may result in denial of coverage under the general permit. (See NOI process description in the Instructions)

Histi actions)				
Application Fee:				
If paying by Check:				
Check was mailed separately to the TCEQs Cashier's Office. (See Instructions for				
Cashier's address and Application address.)				
Check number and name on check is provided in this application.				
If using ePay:				
The voucher number is provided in this application or a copy of the voucher is attached.				
AUTHORIZATION NUMBER:				
Authorization number provided – if this application is for renewal of an existing				
authorization.				
OPERATOR INFORMATION - Confirm each item is complete:				
Customer Number (CN) issued by TCEQ Central Registry				
Legal name as filed to do business in Texas (Call TX SOS 512/463-5555)				
Name and title of responsible authority signing the application				
✓ Mailing address is complete & verifiable with USPS. www.usps.com Phone numbers/e-mail address				
Type of operator (entity type)				
Type of operator (entity type)				
Number of employees				
Billing address is complete & verifiable with USPS. http://www.usps.com				
REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is				
complete:				
MS4/Regulated Entity Name				
✓ Site description				
✓ Latitude and longitude http://www.tceq.texas.gov/gis/sqmaview.html				
✓ County				
Site/project physical address. Do not use a rural route or post office box.				
✓ Business description				
GENERAL CHARACTERISTICS - Confirm each item is complete:				
✓ Indian Country Lands –the facility is not on Indian Country Lands				
✓ Standard Industrial Classification (SIC) Code www.osha.gov/oshstats/sicser.html				
✓ Level of MS4				
Qualifying TCEQ "Designated" small MS4				
Annual Reporting Year				
 ✓ Qualifying TCEQ "Designated" small MS4 ✓ Annual Reporting Year ✓ 7th Minimum Control Measurement (MCM) for Municipal Construction Activities ✓ Discharge information 				
✓ Discharge information				
✓ Edwards Aquifer rule				
Public participation information				
CERTIFICATION				
✓ Certification statements have been checked indicating "Yes"				

attached to the NOI.

Signature meets 30 Texas Administrative Code (TAC) 305.44 and is original.

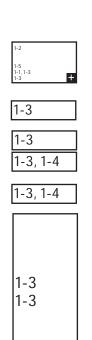
Stormwater Management Program (SWMP), and completed SWMP Cover Sheet are

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET

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

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

This cover sheet MUST be attached to the front of the SWMP. Operator: Operator name on NOI: City of Alamo Heights Assessment of program elements: Program elements that were described in the previous permit have been assessed and modified as necessary. New elements have been developed and implemented as necessary. N/A, If newly regulated MS4. MCM 1: Public Education, Outreach, and Involvement Page # (s) — Provide the page number (s) to the left of each item. The SWMP includes the following required elements: Requirements for all MS4s: SWMP includes a stormwater education and outreach program to educate public 1-1 employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater. 2. Defines the goals and objectives of the program based on high-priority 11-1 community-wide issues. 1-1 3. Identifies the target audiences. 4. Appropriate educational material is developed or used. 1-1 -> 1-3 5. Education material is distributed. 1-1 -> 1-3 SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. 1-2 Examples of possible BMPs include, but are not limited to, the following: Classroom Education Use of media 1-5 Education/Outreach for Commercial Activities 1-1, 1-3 Lawn and garden activities 1-3 Promotional giveaways 1-1 Water conservation practices for homeowners 1-2 Outreach programs tailored to specific communities and children Stormwater educational materials 1-2 Educational displays, pamphlets, booklets, and utility stuffers Webpage Storm drain stenciling 1-2 Speakers to community groups 1-5 Encouragement of proper lawn and garden care 1-3 Encouragement of low impact development Support of pollution prevention for businesses



1-4

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

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

- 7. May include using public input in the implementation of the program.
- 8. May include opportunities for citizen to participate in implementation of control measures.
- 9. Ensure the public easily can find information about the SWMP.

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:

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

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

Attach A

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

MCM 2: Illicit Discharge Detection and Elimination

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

The SWMP includes the following required elements:

Requirements for all MS4s:

Attach D 2-2

2-1

2-2

2-2

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

2-2 ->2-3

- 5. Procedures for removing the source of the illicit discharge.
- 6. Facilitate public reporting of illicit discharges of water quality impacts associated with discharges into or from the small MS4.

2-1->2-3

- 7. Procedures for responding to illicit discharges and spills.
- 8. Inspections in response to complaints.

N/A

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

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

N/A

Additional Requirements for Level 3 and 4 small MS4s:

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

N/A

Additional Requirements for Level 4 small MS4s:

- 1. Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges.
- 2. Implement a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4.

2-1 2-2

Attach

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs may include the following:

- List of non-stormwater discharges that will not be considered illicit
- Procedures to address illegal dumping
- Hazardous materials disposal opportunities
- Industrial/Business connections
- Addressing wastewater connections to MS4
- Addressing recreational sewage (boats/camping/etc.)
- System inspections
- Dye testing
- Recycling programs

2-3

- Informing public/employees/businesses of hazards associated with illicit discharges
- Identification of illicit discharges
- Used oil collection centers
- Public outreach and education programs regarding illicit discharges
- · Publicize and facilitate public reporting

2-1->2-3

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

Attach A

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

MCM 3: Construction Site Stormwater Runoff Control

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

The SWMP includes the following required elements:

Requirements for all MS4s:

- 1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from construction once acre and greater (including larger common plan).
 - 2. Ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
 - 3. Program requires construction site operators to implement erosion and sediment control – BMPs to minimize the discharge of pollutants.
 - a. Program requires soil stabilization measures, and implementation of BMPs to control pollutants from equipment and vehicle washing and other wash waters.
 - b. Program requires operators to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials.
 - c. Minimize the discharge of pollutants from spills and leaks. As an alternative, ensure that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.
 - 4. Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities.
 - 5. Procedures for construction site plan review to consider water quality impacts.
 - 6. Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law.
 - 7. Procedures for receipt and consideration of information submitted by the public.
 - 8. Procedures for MS4 staff training.

Additional Requirements for Level 3, and 4 small MS4s:

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

SWMP lists BMPs used to fulfill this MCM. Examples may include:

- Requirement to comply with TPDES CGP
- Notification to discharger of responsibilities under TPDES CGP
- Hire staff to review construction site plans
- Provide a web page for public input on construction activities
- Require overall construction site waste management
- Perform site inspections and enforcement
- Provide education and training for construction site operators
- Notify dischargers of requirement to obtain TPDES permit coverage
- Mechanism to prohibit discharges into MS4 where necessary

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

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

3-2

3-1

- 3-1
- 3-2 3-4
- 7-1
- 3-1
- 3-1 3-1->3-2
- 3-3
- 5-1
- N/A

3-1

3-3

3-2

3-2

3-1

3-2

3-1,2

3-1->3-3

Attach A

MCM 4: Post-Construction Stormwater Management in New Development and Redevelopment

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

The SWMP includes the following required elements:

Requirements for all MS4s:

4-1

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

4-2

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

4-1, 4-2

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

4-2

4. Document and maintain records of enforcement actions.

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

4-1->4-2

6. Operation and maintenance is documented.

N/A

Additional Requirements for Level 4 small MS4s:

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

4-2 4-1 SWMP lists BMPs used to fulfill this MCM. Examples may include:

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

4-1->4-3

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

Attach A

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

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

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

The SWMP includes the following required elements:

Requirements for all MS4s:

	Re	equirements for an wi54s:
5-1 5-2	1.	An operation and maintenance (O&M) program, including an employee training component, in place or scheduled, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.
5-1	2.	Develop and maintain an inventory of the MS4's facilities and stormwater controls.
5-2	3.	Inform or train staff involved in good housekeeping practices.
5-2->5-3	4.	Waste from the MS4 is removed and properly disposed.
6-1	5.	Contractors hired by the MS4 must be required to comply with operating procedures.

- a. MS4 develop contractor oversight procedures.
- 6. MS4 evaluates O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, and right-of-way maintenance etc.
 - a. MS4 identifies pollutants of concern that could be discharged from the O&M activities.
 - b. MS4s develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities.
 - c. MS4s inspects pollution prevention measures at MS4 facilities.
- 7. MS4 maintains structural controls.

Additional requirements for Level 3 and 4 small MS4s:

- Storm sewer system O&M.
 a. MS4 develops and implements an O&M program to reduce the collection of pollutants in catch basins and other surface structures.
 b. MS4 develops a list of potential problem areas for increased inspection
 - b. MS4 develops a list of potential problem areas for increased inspection (for example, areas with recurrent illegal dumping).
 - 2. Implement an O&M program to reduce discharge of pollutants from roads that might include a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure.
 - 3. MS4 map identify MS4 facilities and stormwater controls.
 - 4. MS4 assess its facilities for their potential to discharge pollutants into stormwater.
 - a. The MS4 identifies high priority facilities that have a high potential to generate stormwater pollutants. At a minimum, facilities include the MS4s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharge in stormwater.
 - b. The MS4 documents the result of the assessments.
 - 5. The MS4 develops stormwater management Standard Operation Procedures for high priority facilities.
 - 6. The MS4 implements stormwater controls at high priority facilities that address:
 - a. Good housekeeping

N/A

5-1

5-2

5-1

N/A

- b. De-icing and anti-icing storage
- c. Fueling operations and vehicle maintenance
- d. Equipment and vehicle washing

N/A

7. The MS4 develops and implements an inspection program that includes high priority facilities.

N/A

Additional requirements for Level 4 small MS4s:

MS4 has an application and management program for pesticides, herbicides, and fertilizers that address:

- a. Evaluating materials and activities used at public open spaces.
- b. Implementing the following practices to minimize generating pollutants related to landscaping.
 - i. Education for applicators and distributers
 - ii. Encouragement of non-chemical solutions for pest management
- c. Development of schedules that minimizes discharge of pollutants.
- d. Ensuring collection and proper disposal of unused pesticides, herbicides, and fertilizers.

5-3 5-2 SWMP lists BMPs used to fulfill this MCM. Examples may include:

- BMPs which address fleet vehicle maintenance/washing
- BMPs which address parking lot and street cleaning
- Catch basin and storm drain system cleaning
- Landscaping and lawn care (e.g. xeriscaping)
- Waste materials management
- Road salt application and storage practices
- Used oil recycling
- Pest management practices
- Fire training facilities
- BMPs which address roadway and bridge maintenance
- Golf course maintenance/waste disposal
- Disposal of cigarette butts
- Park maintenance (e.g., providing trash bags)

5-2->5-3

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

Attach A

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

MCM 6: Industrial Stormwater Sources

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

The SWMP includes the following required elements:

Requirements for Level 4 MS4 only:

N/A

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

- a. MS4 landfills, other treatment, storage, or disposal facilities for municipal waste, hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA).
- b. Priorities and procedures for inspections and for implementing control measures for such discharges.

Optional 7th MCM: Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)

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

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

		this work is applicable, the swittin includes the following information.
N/A	1.	Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations.
N/A	2.	Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary).
N/A		If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
N/A	4.	Description provided for one of the following: a. How contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or b. How the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed.
N/A	5.	General description of how a construction SWP3 will be developed for each construction site.
N/A	6.	Records of municipal construction activities authorized under this optional MCM.

Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXRO40000)

General Information and Instructions

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI):

BY REGULAR U.S. MAIL: BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team

Texas Commission on Environmental Quality
Applications Review and Processing Team

(MC-148) (MC-148)

P.O. Box 13087 12100 Park 35 Circle Austin, Texas 78711-3087 Austin, TX 78753

TCEQ Contact List:

Small Business and Local Government Assistance
Application – status and form questions:

Technical questions:

Environmental Law Division:

Records Management - obtain copies of forms:

800/447-2827
512/239-4671
512/239-0600
512/239-0900

Reports from databases (as available): 512/239-DATA (3282)

Cashier's office: 512/239-0357 or 512/239-0187

Notice of Intent Process:

When your NOI and SWMP is received by the program, the form will be processed as follows:

1) **Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(s) on the form must be verified with the US Postal service as receiving regular mail delivery. Never give an overnight/express mailing address.

An application will not be declared administratively complete or approved if delinquent fees and/or penalties of \$25 or more are owed to the TCEQ. All such fees must be paid prior to approval of the NOI.

- 2) **Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3) **Technical Review of SWMP**: More information may be requested by phone or technical NOD letter mailed to the SWMP contact. The executive director's preliminary determination on the NOI and SWMP will be prepared and filed with the TCEQ Chief Clerk.
- 4) **Public Participation Process:** The TCEQ Chief Clerk will mail written instructions for publishing the executive director's preliminary determination on the NOI and SWMP at least once in the newspaper of general circulation in the county where the small MS4 is located. If applicable, a public meeting may be held.

5) **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

-or-

Denial of Coverage: Coverage may be denied if the operator fails to respond to the NOD, the response is inadequate, or find the NOI and SWMP do not meet the requirements of this general permit. If coverage is denied, the operator will be notified.

General Permit

Coverage under the general permit begins upon approval of the NOI and the SWMP by TCEQ and after the public notice process has been completed. You should have a copy of the general permit when submitting your application. You may view and print the permit for which you are seeking coverage, on the TCEQ web site http://www.tceq.texas.gov. Search using key word TXR040000.

General Permit Forms

The Notice of Intent (NOI), Notice of Termination (NOT), and Notice of Change (NOC) (including instructions) are available in Adobe Acrobat PDF format on the TCEQ web site http://www.tceq.texas.gov.

Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. Do not send a Core Data Form to TCEQ. After final acknowledgment of coverage under the general permit, the program will assign a Customer Number and Regulated Entity Number.

You can find the information on the Central Registry web site at http://www15.tceq.texas.gov/crpub/. You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your authorization number under the search field labeled *Additional ID*. Capitalize all letters in the authorization number.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area.

Fees associated with a General Permit

Payment of the fee may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

Application Fee: This fee is required to be paid at the time the NOI is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit.

Mailed Payments:

Payment must be mailed under separate cover at one of the addresses below using the attached Application Fee submittal form. (DO NOT SEND A COPY OF THE NOI WITH THE APPLICATION FEE SUBMITTAL FORM)

BY REGULAR U.S. MAIL Financial Administration Division Cashier's Office, MC-214 P.O. Box 13088 Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL Texas Commission on Environmental Quality Texas Commission on Environmental Quality Financial Administration Division Cashier's Office, MC-214 12100 Park 35 Circles Austin, TX 78753

ePAY Electronic Payment: http://www.tceq.texas.gov/epay

When making the payment you must select Water Quality, and then select the fee category "General Permit MS4 Phase II Stormwater Discharge NOI Application". You must include a copy of the payment voucher with your NOI. Your NOI will not be considered complete without the payment voucher.

Annual Water Quality Fee: This fee is assessed to permittees with an active authorization under the general permit on September 1 of each year. The designated billing contact will receive an invoice for payment of the annual fee in December of each year. The payment will be due 30 days from the invoice date. A 5% penalty will be assessed if the payment is received by TCEQ after the due date. Annual fee assessments cannot be waived as long as the authorization under the general permit is active on September 1.

It's important for the permittees to submit a Notice of Termination (NOT) when coverage under the general permit is no longer required. A NOT is effective on the postmarked date of mailing the form to TCEQ. It is recommended that the NOT be mailed using a method that documents the date mailed and received by TCEQ.

Mailed Payments:

You must return your payment with the billing coupon provided with the billing statement.

ePAY Electronic Payment: http://www.tceq.texas.gov/epay

You must enter your account number provided at the top portion of your billing statement.

Payment methods include American Express, MasterCard, Visa, and electronic check payment (ACH).

INSTRUCTIONS FOR FILLING OUT THE NOI FORM

Renewal of General Permit: Dischargers holding active authorizations under the expired General Permit are required to submit a NOI to continue coverage. The existing authorization number is required. If the authorization number is not provided or has been terminated, expired, or denied a new permit number will be issued.

1) OPERATOR (Applicant)

a) Enter assigned Customer Number (CN)

TCEQ's Central Registry will assign each customer a number that begins with CN, followed by nine digits. This is not an authorization number, registration number, or license number.

If this customer has not been assigned a CN, leave the space for the CN blank. If this customer has already been assigned this number, enter the permittee's CN.

b) Legal Name

Provide the current legal name of the permittee.

c) Operator Contact Information

Provide the first and last name, and the title of the Operator (Applicant) Contact.

Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service at http://www.usps.com for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery.

The area code and phone number should provide contact to the operator. Leave Extension blank if not applicable.

The fax number and e-mail address are optional and should correspond to the operator.

d) Type of Customer (Entity Type)

Check only one box that identifies the type of entity. Use the descriptions below to identify the appropriate entity type. Note that the selected entity type also indicates the name that must be provided as an applicant for a permit, registration or authorization.

Government

Federal, state, county, or city government (as appropriate)

The customer is either an agency of one of these levels of government or the governmental body itself. The government agency's 'legal name' must be provided as the applicant. A department name or other description of the organization should not be included as a part of the 'legal name' as applicant.

Other Government

A utility district, water district, tribal government, college district, council of governments, or river authority. Write in the specific type of government.

e) Number of Employees

Check one box to show the number of employees for this customer's entire company, at all locations. This is not necessarily the number of employees at the site named in the application.

2) ANNUAL BILLING CONTACT

An annual fee is assessed to each operator holding an active authorization under the general permit on September 1 of each year. Provide the complete mailing address where the annual fee invoice should be mailed. Verify the address with the USPS. It must be an address for delivery of regular mail, not overnight express mail. Also, provide a phone number of the operator's representative responsible for payment of the invoice.

3) APPLICATION CONTACT

Provide the name, title, and contact information of the person that TCEQ can contact for additional information regarding this application. This contact may be a consultant or entity other than the applicant.

4) REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE

a) Regulated Entity Reference Number (RN)

A number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not an authorization number, registration number, or license number. If this regulated entity has not been assigned an RN, leave this space blank.

If the site of your business is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at: http://www.tceq.texas.gov/goto/cr-searchrn

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

An example is a chemical plant where a unit is owned or operated by a separate corporation that is accessible by the same physical address of your unit or facility. Other examples include industrial parks identified by one common address but different corporations have control of defined areas within the site. In both cases, an RN would be assigned for the physical address location and the permitted sites would be identified separately under the same RN.

b) Site/Project Name/Regulated Entity

Provide the name of the site as known by the public in the area where the site is located. The name you provide on this application will be used in the TCEQ Central Registry as the Regulated Entity name.

c) Describe the boundaries of the regulated portion of the small MS4.

In your own words, briefly describe the boundaries of the regulated portion of the small MS4. Do not repeat the SIC Code description.

- **d)** Provide the city where the largest residential population exists within the regulated MS4 boundaries. If there is no city within the boundaries of the MS4, provide the name of the nearest city.
- **e)** Provide the ZIP code where the largest residential population exists within the regulated MS4 boundaries.

f) County

Identify the county or counties in which the regulated entity is located.

g) Latitude and Longitude

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to:

http://www.tceq.texas.gov/qis/sqmaview.html or http://nationalmap.gov/ustopo

5) GENERAL CHARACTERISTICS

a) Indian Country Lands

If your site is located on Indian Country Lands, the TCEQ does not have authority to process your application. You must obtain authorization through EPA, Region 6, Dallas. Do not submit this form to TCEQ.

Indian Country means (1) all land within the limits of any American Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or outside the limits of a State; and (3) all Indian allotments, the Indian titles which have not been extinguished, including rights-of-way running through the same.

Indian Tribe means any Indian Tribe, band, nation, or community recognized by the Secretary of the Interior and exercising substantial governmental duties and powers.

b) Standard Industrial Classification (SIC) code

Provide the SIC code that best describes the operator's primary business. Common SIC Codes are provided below. For help with SIC codes, go to: www.osha.gov/oshstats/sicser.html

- 9111 Executive offices (such as for a city, county, ect.)
- 8221 Colleges, Universities, and Professional Schools
- 8222 Junior Colleges and Technical Institutes
- 9621 Regulation and Administration of Transportation Programs
- 4111 Local and Suburban Transit
- 4952 Sewerage Systems
- 4971 Irrigation Systems
- 9223 Correctional Institutions
- 9511 Air and Water Resource and Solid Waste Management (including flood control, drainage development, etc.)

c) Category or level of the MS4

The general permit defines MS4s by four different categories or levels, based on the population served within the 2010 UA. "Population served" means the residential population within the regulated portion of the small MS4 based on the 2010 Census, except for non-traditional small MS4s.

A reference map identifying the 2010 Census UAs can be found at www.epa.gov/npdes/stormwater/urbanmaps

d) TCEQ "Designated" small MS4

A small MS4 that is outside of urbanized area that is "designated" by TCEQ is eligible for coverage under this general permit. The small MS4 Operator must obtain authorization under this general permit or apply for coverage under an individual TPDES stormwater permit within 180 days of notification of their designation.

Information about urbanized areas (UAs) and a link to the UA maps are found on the EPAs website at: http://cfpub1.epa.gov/npdes/stormwater/urbanmaps.cfm

e) Annual Reporting Year

The annual report must address the previous reporting year. The selected reporting year cannot be changed during the permit year.

- 1. The first reporting year begins on the permit effective date (December 13, 2013) and lasts for a period of one (1) year.
- 2. If the MS4 selects the fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year.
- 3. If the MS4 selects the calendar year then the first reporting year will last until December 31, 2014.

f) SWMP

1. The NOI must include the SWMP when submitted to TCEQ for processing, and the Operator is required to certify the SWMP has been developed according to the general permit. Also, the SWMP Cover Sheet must be completed and placed to the front of the

- SWMP. When completing the SWMP Cover Sheet, be sure to enter the page number and/or page range for each item under an MCM.
- 2. The general permit requires the name, address, phone number and fax number of the designated person responsible for implementing and coordinating implementation of the SWMP. All information is required with an exception of email, however, this information is desired.

Changes to the SWMP may require TCEQ approval. Changes must be submitted by Notice of Change to the same address as the NOI. Notice of Change will either be automatically approved or additional information may be request before approval.

g) 7th Minimum Control Measure (MCM)

- 1. Indicate if the municipality is seeking coverage under this general permit for municipal construction activities where the municipality meets the definition of "construction site operator".
- 2. If authorization for municipal construction activities is proposed in this NOI the developed MCM must be included with the SWMP and the NOI must include a description of the boundaries covered in the MCM. The area included for this MCM must include only the regulated MS4 area; or it may include additional areas of the MS4 if all other MCMs are implemented over the additional area as well.
 - This coverage may be obtained after the original NOI is approved. This may be accomplished by submitting a Notice of Change that includes the developed MCM and a description of the proposed municipal construction activity boundaries addressed in the MCM. If the MS4 operator proposes to include additional areas outside of the regulated MS4, then the Notice of Change must also indicate that the MS4 operator will implement the entire SWMP over the additional areas.
- 3. If the discharge or potential discharge from regulated construction activities is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For construction activities that will be regulated under TXR040000, the approved Contributing Zone Plan or Water Pollution Abatement Plan must be included or referenced as part of the construction site stormwater pollution prevention plan. For other activities regulated under 30 TAC Chapter 213, information must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

h) Discharge Information

- 1. The stormwater may be discharged directly to a receiving stream or through another **MS4*** from your MS4. It eventually reaches a receiving water body such as a local stream or lake, possibly via a drainage ditch. You must provide the name of the surface water body that receives the discharge from the site (a local stream or lake). Please note that this general permit does not grant permission to use another MS4 as a conveyance of stormwater and certain non-storm water discharges along the discharge route.
- 2. Identify the classified segment number(s) receiving a discharge directly or indirectly. Go to the link below to find the segment number of the classified water body where wastewater would flow: www.tceq.texas.gov/publications/gi/gi-316

3. Identify any surface water bodies receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d).

The EPA approved CWA 303(d) list of impaired waters and Texas Integrated Report of Surface Water Quality for CWA Section 305(b) and 303(d) can be found at: http://www.tceq.texas.gov/waterquality/assessment/305_303.html

4. Identify the **MS4*** Operator name if the stormwater discharge is into an MS4.

*MS4 is an acronym for Municipal separate storm sewer system. MS4 is defined as a separate storm sewer system owned or operated by a state, city, town, 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 or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to water in the state.

For assistance, you may call the technical staff of the Water Quality Assessment & Standards Section at 512/239-4671.

i) Edwards Aquifer Rule

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer at http://www.tceq.texas.gov/field/eapp/viewer.html

If the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For activities regulated under 30 TAC Chapter 213, any required plans must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

j) Public Participation

The applicant must indicate on the NOI that it will comply with the public participation requirements described in Part II.D.12 of the general permit. The person responsible for receiving the information from the TCEQ Chief Clerk for publishing in the newspaper must be identified and all contact information must be provided.

After review of the NOI and SWMP is completed, the Office of Chief Clerk will mail the Executive Director's preliminary determination to the contact provided in the NOI for publishing in the newspaper of largest circulation in the county of the small MS4.

The comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held it will end at the closing of the public meeting.

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

If significant public interest exists, the executive director will direct the applicant to publish notice of the meeting and to hold the public meeting. The applicant must publish the notice of

public meeting at least 30 days prior to the public meeting and hold the meeting in the county where the MS4 is located.

6) CERTIFICATIONS

Failure to indicate **Yes** to ALL of the certification items may result in denial of coverage under the general permit.

Operator Certification:

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

IF YOU ARE A CORPORATION:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at (512)239-0600.

30 Texas Administrative Code

§305.44. Signatories to Applications

- (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).

Texas Commission on Environmental Quality General Permit Payment Submittal Form

Use this form to submit your Application Fee only if you are mailing your payment.

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your NOI form.
- Do not mail this form to the same address as your NOI.

Mail this form and your check to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental Quality Financial Administration Division Cashier's Office, MC-214 P.O. Box 13088 Austin, TX 78711-3088 Texas Commission on Environmental Quality Financial Administration Division

BY OVERNIGHT/EXPRESS MAIL

Financial Administration Division Cashier's Office, MC-214 12100 Park 35 Circle Austin, TX 78753

	Fee Code: GPA	General Permit:	TXR040000			
1.	Check / Money Order No:					
2.	Amount of Check/Money Order:					
3.	Date of Check or Money Order:					
4.	Name on Check or Money Order:					
5.	NOI INFORMATION					
	If the check is for more than one NOI, list each Project/Site (RE) Name and Physical Address exactly as provided on the NOI. DO NOT SUBMIT A COPY OF THE NOI WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.					
	See Attached List of Sites (If more space is needed, you may attach a list.)					
	Project/Site (RE) Name:					
	Project/Site (RE) Physical Address:					
	Stanle Check in This Snace					

The City of Alamo Heights Storm Water Management Plan

TPDES (Phase II)
Municipal Separate
Storm Sewer System
(MS4)

Storm Water Management Plan

Section Description	Location
Overview	Page 1
Minimum Control Measure No. 1: Public Education, Outreach and Involvement	Tab 1
Minimum Control Measure No 2: Illicit Discharge Detection and Elimination	Tab 2
Minimum Control Measure No 3: Construction Site Stormwater Runoff Control	Tab 3
Minimum Control Measure No 4: Post-Construction Stormwater Management in New	Tab 4
Development and Redevelopment	
Minimum Control Measure No 5: Pollution Prevention and Good Housekeeping for	Tab 5
Municipal Operations	
Minimum Control Measure No. 6: Industrial Stormwater Sources	N/A
Minimum Control Measure No. 7: Municipal Construction Activities	Tab 6
Attachments	Tab 7
Comprehensive Schedule	Attachment A
Receiving Waters of Impaired Quality Appearing on the Clean Water Act 303(d) List	Attachment B
Definitions and Acronyms	Attachment C
Stormwater Map	Attachment D
Ordinance 1817 – Storm Water Drainage	Attachment E

Overview

The Federal Water Pollution Control Act was passed in 1972. After the law was amended in 1977, it became commonly known as the Clean Water Act'. The Act established the structure for federal regulation of pollutant discharges into the waters of the United States, authorized the Environmental Protection Agency (EPA) to implement pollution control programs, extended the requirement to establish standards for surface water contaminants, and made it unlawful to discharge unpermitted point source pollutants into navigable waters. The Act also established funding for construction of sewage treatment plants and promoted planning to address non-point source pollution. In order to reduce storm water pollution, amendments were made to the Clean Water Act in 1987, requiring storm water discharges to be permitted in two phases.

Phase 1 applied, among other things, to larger cities with separate storm water sewer systems. The regulations required these cities to obtain National Pollutant Discharge Elimination System (NPDES) permits. The permit process imposed controls on the cities to reduce pollution in storm water discharges.

The Stormwater Phase II rule, promulgated December 8, 1999 to the Texas Commission on Environmental Quality (TCEQ), was the next step in the EPA's efforts to preserve, protect, and improve the nation's water resources from polluted stormwater runoff. TCEQ reissued the Texas Pollution Discharge Elimination System General Permit TXR040000 on December 13, 2013. The reissued permit categorizes MS4 operators by levels based on the population served within the 2010 Urbanized Area (UA). The City of Alamo Heights is defined as a level 1 MS4. Level 1 operators serve a population less than 10,000 within an urbanized area (UA). The intent of the MS4 permit is to implement programs and practices to control polluted stormwater runoff. This program requires that the City of Alamo Heights:

- Reduce the discharge of pollutants to the maximum extent practicable (MEP);
- Protect water quality;
- Satisfy the appropriate water quality requirements of the Clean Water Act; and
- Manage stormwater quality activities through the Stormwater Management Program (SWMP).

Stormwater Management Program

The City of Alamo Heights has updated the SWMP in accordance with the requirements of the reissued TPDES General Permit TXR040000 for obtaining authorization for stormwater discharges and certain non-stormwater discharges. The SWMP has been developed to facilitate the City's efforts in reducing stormwater pollutants from the City's MS4 to the maximum extent practicable.

The City of Alamo Heights is required to develop a SWMP that describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's stormwater quality to the maximum extent practicable. The specific activities to be

implemented are best management practices (BMPs). The SWMP must also set measurable goals and provide a schedule for the implementation of the BMPs. BMPs must be developed for each of the six minimum control measures (MCMs) that are required by the Phase II Rules.

The Implementation Program for the SWMP proposes to reduce storm water pollution by increasing the city's control of pollution sources. The Implementation Program provides maps (see Tab 7), which identify many of the points where storm water is discharged from the city to other municipalities.

The plan must be fully implemented within 5 years of the TCEQ's issuance of the General Permit. The general schedule is as shown:

December 13, 2013 The TCEQ issued the General Permit.

June 11, 2014

Submit NOI and a SWMP Implementation Program to the TCEQ.

- 1. Publish notice of the executive director's preliminary determination on the NOI and SWMP.
- 2. Receive public comment for at least 30 days. Hold a public meeting if a high level of interest exists. TCEQ staff will facilitate the meeting.
- 3. File a copy and an affidavit of the publication of notice(s).
- 4. The TCEQ shall approve, approve with conditions, or deny the NOI.

December 13, 2018 The SWMP must be fully implemented.

A detailed, comprehensive schedule for the Implementation Program is provided behind Tab 7 of this document.

The Implementation Program proposes the means to develop, to implement, and to enforce a plan to reduce the discharge of pollutants to the maximum extent practicable (MEP). It identifies seven Minimum Control Measures (MCMs), which are required to be addressed by the General Permit:

- **1. Public Education, Outreach and Involvement** Distribute educational materials and/or provide presentations to inform citizens about storm water pollution. Provide opportunities for citizens to participate in program development and implementation. See Tab 1.
- **2. Illicit Discharge Detection and Elimination** Detect and eliminate illicit discharges to the storm system. See Tab 2.
- **3.** Construction Site Storm Water Runoff Control Control erosion and sediment in non-municipal construction activities. See Tab 3.

- **4.** Post-Construction Storm Water Management in New Development and Redevelopment Control pollutant discharges from new development and redevelopment areas. See Tab 4.
- **5.** Pollution Prevention/Good Housekeeping for Municipal Operations Prevent or reduce pollutant runoff from municipal operations. See Tab 5.
- **6. Municipal Construction Activities** (optional) Control erosion and sedimentation on municipal projects. See Tab 6.

The Implementation Program proposes scheduling for each MCM and establishes criteria for measuring the success of the implementation. The detailed proposals for each MCM are provided behind tabs which are numbered correspondingly.

The city must maintain records on the SWMP, submit an annual report to the TCEQ regularly, and submit other records to the TCEQ when requested. The records must include documentation pertaining to the effectiveness of BMPs and shall be included in the annual reports as required in Part IV.B.2. of the General Permit. The records must also be kept available to the public. Any changes to the SWMP must be included in the annual report as described in Part IV.B.2. of the General Permit and must meet the requirements of Part II.D.3. of the General Permit. The city must report non-compliance with the General Permit to the TCEQ and maintain accurate records at TCEQ offices.

TAB 1

SWMP MCM No. 1

Minimum Control Measure No. 1: Public Education and Outreach on Storm Water Impacts

The city will develop and implement a public education program which will distribute educational materials to the community and/or conduct equivalent outreach activities that will be used to inform the public. The city will direct its education and outreach efforts toward multiple segments of the population to promote a broad understanding among those who have the potential to impact storm water quality. The city will seek to encourage citizens and business owners to invest themselves more into preventing and reducing storm water pollution and, thereby, to increase the effective resources in perceiving and in addressing storm water pollution problems. The city will, as a minimum, comply with any state and local public notice requirements when implementing this public involvement/participation program. The general rule will be to open opportunities to participate in the SWMP development and implementation to all people in the city.

Efforts will be directed toward residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel. This MCM will inform the public about the impacts that storm water runoff can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps that can be taken to reduce pollutants in storm water runoff.

The city shall document the activities performed and materials used to fulfill this MCM. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be included in the annual reports.

Discussions of the Best Management Practices (BMPs) to be utilized in public education and outreach follow:

BMP 1.1: Brochures and Fact Sheets

Description – Develop or obtain informational brochures and fact sheets pertaining to the improvement and preservation of storm water quality. Distribute through city newsletter and/or utility mailings such as bills and notices. Place brochures at city hall and on city website. Coordinate with other nearby government offices and/or utilities to determine if resources might be shared in a productive manner.

Frequency and Target Population – The BMP will be directed toward:

- 1. **residents** through newsletter articles included twice a year in the monthly newsletter sent with the water bill to all customers;
- 2. **visitors** by posting the SWMP on the city's website;
- 3. **public service employees** by posting the SWMP on the city's website and through the employee manual training;
- 4. **businesses** through newsletter articles included twice a year in the monthly newsletter sent with the water bill to all customers:
- 5. **commercial and industrial facilities** through newsletter articles included twice a year in the monthly newsletter sent with the water bill to all customers; and

SWMP MCM No. 1

6. **construction site personnel** through instructions attached to the building permit. The instructions will require contractors requiring building permits to prominently display a particular brochure or fact sheet on the project site in plain view for the workers to read.

Topics – Brochures and fact sheets will educate residents on how to maintain their homes in an environmentally-friendly manner including proper fertilizer, herbicide, and pesticide use and proper waste disposal. Other brochures and fact sheets will address commercial, industrial, and institutional pollution issues.

Evaluation Criteria for Effectiveness – The number and frequency of mailings and publishing's shall be recorded in the document file.

Implementation Start Date – The city will publish its first newsletter article beginning in Year 1 and continue twice a year through Year 5.

BMP 1.2: Speakers to Address Public Groups

Description – Invite environmental professionals, such as TCEQ or EPA representatives or others, to make presentations at city council meetings on preventing storm water pollution.

Frequency – Speakers will be invited annually.

Target Population – The BMP will be directed toward all of the following who attend city council meetings including **residents**, **visitors**, **public service employees**, **businesses**, **commercial and industrial facilities**, and **construction site personnel**.

Evaluation Criteria for Effectiveness – The number, frequency, and topic of the presentation shall be recorded in the document file.

Implementation Start Date - The city will have its first speaker address a city council meeting between beginning in Year 1 and continue annually.

BMP 1.3: Public Service Announcement Planning

Description – PSAs will be provided through the city's website, social media and newsletter articles twice per year. The city will also explore coordination with other agencies and utilities to determine the feasibility of joining existing efforts.

Frequency – The website will be available continuously upon posting and the newsletter articles will be included in the monthly newsletter sent to every water customer at least twice per year.

Target Population – The BMP will be directed toward all of the following who have internet access or receive a monthly water bill including **residents**, **visitors**, **public service employees**, **businesses**, **commercial and industrial facilities**, and **construction site personnel**.

Evaluation Criteria for Effectiveness – The number, frequency, and newsletter article topics shall be recorded in the document file.

Implementation Start Date – The city will publish its first newsletter article beginning in Year 1 and continue twice a year through Year 5.

BMP 1.4: School Book Cover Program

Description – Design storm water pollution prevention messages for school book covers. Distribute to local schools for student use.

Frequency – Distribute to schools once a year.

Target Population – The BMP will be directed toward **residents**.

Evaluation Criteria for Effectiveness – The number, frequency, and examples of the book covers issued shall be recorded in the document file.

Implementation Start Date – The city will make its first distribution by end of Year 1 and continue annually.

BMP 1.5: Public Comment

Description – The city will solicit public comment in its newsletter articles and receive it by email in person, or through the public works hotline at (210) 882-1516.

Frequency – Newsletter articles will be included in the monthly newsletter sent with the water bill twice per year.

Evaluation Criteria for Effectiveness – Copies of the newsletter articles shall be kept in the document file.

Implementation Start Date – The city will publish its first newsletter article in Year 1 and continue twice a year through Year 5.

BMP 1:6 NOI and NOC Public Comment

Description – Post this SWMP Implementation Program on the city's website and make it available in the public works office for public review. When comments from the TCEQ's Executive Director are received regarding this SWMP Implementation Program, publish in the city's official notice newspaper a notice that states that the comments have been received and that public review and comment are invited. Provide at least 30 days for public comment. In the

event that significant public interest exists, host a public meeting that would be facilitated by the TCEQ and that would allow for public participation.

Frequency – This will occur once, when the NOI has been submitted and the initial comments are received from the Executive Director. It will also occur on a recurring basis at least to the extent required by the TCEQ when NOCs are submitted.

Evaluation Criteria for Effectiveness – Record copies of the Executive Director's comments, the public newspaper notice, public meeting records, and any written public comments in the document file.

Implementation Start Date - Publish the newspaper notice inviting public review and comment within two weeks of receipt of the Executive Director's preliminary determination (comments). Host the public meeting within 90 days of receipt of the Executive Director's preliminary determination (comments). The same time frames will apply to the NOC process if required by the TCEQ.

BMP 1.7: Recurring Public Comment

Description – Post this SWMP Implementation Program in on the city's website and make it available in the public works office for ongoing public review. Provide regular opportunities for attendees of city council meetings to address the council on matters that could include the SWMP and its Implementation Program. The regular "Citizens to Be Heard" item on the agenda (or its equivalent) will satisfy this requirement.

Frequency – This will occur approximately once per month, according to the regular city council meeting schedule.

Evaluation Criteria for Effectiveness – Record copies of city council minutes and supplemental documents, if any, in the document file.

Implementation Start Date - The city will receive recurring comment after the initial comment period is complete. This schedule is not controlled by the city, but is dependent on when the TCEQ review of the NOI is completed.

BMP 1:8 Volunteer Projects

Description – The city currently supports the voluntary clean-up efforts of many civic groups that collects litter in the Olmos Basin. The city provides solid waste trucks and staff to pick up the collected litter and take it to the landfill. Unless delayed by weather conditions, the event is normally scheduled each Spring and Fall. The city encourages other organizations interested in sponsoring similar events to combine forces and/or coordinate their efforts with this established annual event. This year the Wells Fargo has organized two events in which volunteers have collected litter in the Olmos Basin.

Frequency – The frequency of projects will vary depending on climate variations, flood conditions, and the timing of pollution accidents or events.

Evaluation Criteria for Effectiveness –Record any project event, the participants, and the accomplishments with a form and possibly photos in the document file.

Implementation Start Date – The city will continue to support work with volunteer organizations that are interested in increasing stormwater quality.

BMP 1:9 Water Conservation Program

Description – Encourage citizen and commercial water conservation efforts in conjunction with the city's water conservation plan. Promote awareness/education on the relationship between appropriate water use and water quality. Distribute appropriate water conservation education information through the city's newsletter and provide water conservation and water quality tips on the city's website.

Frequency – The website will be available continuously upon posting and the newsletter articles will be included in the monthly newsletter sent to every water customer at least twice per year.

Evaluation Criteria for Effectiveness – The number, frequency, and newsletter article topics shall be recorded in the document file.

Implementation Start Date – The city will publish its first newsletter article beginning in Year 1 and continue twice a year through Year 5.

BMP 1:10 Pet Waste Stations

Description – The City of Alamo Heights PW staff continue to maintain the seven pet waste stations/dispensers located around the city to include "mutt mitts" bag dispenser.

Evaluation Criteria for Effectiveness – List of locations and any requests of additional ones.

Implementation Start Date – The city will continue to maintain the seven that have been in place since 2011 and will continue to evaluate the need to increase the number in key spots/streets/walking trails around the city.

Target Population – The BMP will be directed toward **residents**.

BMP 1:11 Stormwater Education Booth

Description – The City staff will man a booth at city events, such as the annual National Night Out Event and Movie Nights in the Heights, which draws several hundred citizens and people from around the area. The information that will be given will be such **NOT** dumping cooking oil,

poultry fat and grease into the kitchen sink or the toilet bowl. The City will collaborate with other entities like SAWS to get the message out.

Evaluation Criteria for Effectiveness – List of events and dates.

Implementation Start Date – The city will implement this in Year 1 at the first City event inviting the "Grease Monster" from SAWS to come out talk about not dumping grease down into the sewer system.

Target Population – The BMP will be directed toward **residents**.

BMP 1:12 Stormwater Education Booth

Description – The City staff marked public storm drains with a durable aluminum plaque during 2009-2011. Modify the City's drainage standards to require all new City inlets to be marked prior to the City's acceptance.

Evaluation Criteria for Effectiveness – List of drainage inlet markers installed or replaced.

Implementation Start Date – City staff will inspect all of the inlets in the city annually, and will replace any missing markers.

TAB 2

Minimum Control Measure No. 2: Illicit Discharge Detection and Elimination

The city will develop and implement a program to detect and to eliminate illicit discharges to the MS4. The program will include an ordinance. This MCM specifies the techniques to be used to detect illicit discharges, provides actions for eliminating the illicit discharges, and provides the basis for establishing an ordinance. The ordinance is, to the extent allowable under state and local law, to establish enforcement procedures for removing the source of an illicit discharge.

The following non-storm water flows (from lists in Part II.B and Part VI.B of the General Permit) do not need to be considered as illicit discharges requiring elimination unless the Operator of the MS4 or the Executive Director identifies the flow as a significant source of pollutants to the MS4:

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

The listed sources are not expected to be significant sources of pollutants because of the nature of their discharges. Consequently, no special controls or conditions are established.

Any changes to the SWMP must be included in the annual report as described in Part IV.B.2. of the General Permit and must meet the requirements of Part II.D.3. of the General Permit. The city shall develop inspection forms and document MS4 inspections and the results of the inspections.

This documentation shall be retained in the annual reports which are required in Part IV.B.2. of the General Permit.

Discussions of the Best Management Practices (BMPs) to be utilized in Illicit Discharge Detection and Elimination follow:

BMP 2.1: Storm Sewer Map

Description – The city has completed mapping the storm sewer system. The map, with its source cited, is found in this section (Tab 3) following the list of BMPs.

The map includes the location of all outfalls, the names and locations of all waters of the U.S. that receive discharges from the outfalls, zones pertaining to inspection schedules, and additional information required to implement the SWMP. The source of information used to develop the final storm sewer map will be cited on the map. A description of how the outfalls were verified will be developed with photos, where possible.

Photos of some outfalls and other significant storm conveyance features are keyed to the preliminary map (Tab 3) and are found following the map within the same section (Tab 3). The Storm Sewer Map will be updated periodically based on inspection records and construction drawings for recently completed projects that affect the drainage system.

Frequency – The Storm Sewer Map will be revised every two years in even-numbered years.

Evaluation Criteria for Effectiveness – At least one copy of the completed/revised Storm Sewer Map, marked with the latest revision date, shall be recorded in the document file.

Implementation Start Date – The map will be updated every two years.

BMP 2.2: Illicit Discharge Detection Plan

Description – The city will write a plan listing techniques to be used to detect illicit discharges and will include forms to be used to document the results of the inspection. The plan will identify city staff that will perform the inspections. Inspection techniques may include: visual observation, conventional photography, in-pipe photography, sampling and analysis of water quality and water characteristics, dye testing, and smoke testing. The plan will also provide actions for eliminating the illicit discharges and provide the basis for establishing an ordinance. The city will use the Storm Sewer Map to develop an inspection plan. The map will be used to divide the city into inspection zones. The city will determine a regular time each year for each zone to be inspected for illicit discharges.

Frequency – each zone identified on the completed Storm Sewer Map will be assigned an inspection season, which is a portion of the calendar year during which the zone's storm water conveyance system will be inspected. The inspections will occur annually during dry weather,

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when illicit discharges are easier to identify. Allowance shall be made for the fact that weather does not always permit inspections to occur at the scheduled times.

Evaluation Criteria for Effectiveness – The city shall file completed inspection forms documenting MS4 inspections and the results of the inspections in the document file with photos and other supporting documents as appropriate.

Implementation Start Date – The city will plan for implementation during Year 1. The first inspections of all inspection zones, based on the first edition of the Storm Sewer Map, will be completed by end of Year 1 and will continue annually thereafter.

BMP 2.3: Illicit Discharge Ordinance

Description – The city has passed an ordinance which, to the extent allowable under state and local law, identifies illicit discharges, prohibit illicit discharges, and establish enforcement procedures for removing the sources of illicit discharges.

Evaluation Criteria for Effectiveness – The city has filed a copy of the adopted ordinance in the city code book and in the document file. Attached.

BMP 2.4: Illicit Discharge and Dumping Hotline

Description – The city shall establish a phone number for reporting illicit discharges and publish the phone number in places that are readily accessible to the public. At the special number, the phone will be answered by trained city staff who will be equipped with forms for recording incoming phone calls and trained in how to refer the information for action. A recording system will accept phone calls after hours.

Evaluation Criteria for Effectiveness – Completed forms, showing the nature of incoming phone calls and the resulting actions will be filed in the document file.

Implementation Start Date – The city will plan for hotline implementation in Year 1.

BMP 2.5: Household Hazardous Chemical Collection

Description - Bexar County operates a free home pickup service for household hazardous waste through a grant administered by the Alamo Area Council of Governments. This service is available to all of the residents of Alamo Heights.

Evaluation Criteria for Effectiveness – Proper disposal of household hazardous waste prevents it from entering the MS4. Obtain a list of Alamo Heights addresses that used this service.

Implementation Start Date – The city will plan implementation of distributing the information on city website, newletter and social media of this service to the residents in Year 1.

Target Population – The BMP will be directed toward **residents**.

TAB 3

Minimum Control Measure No. 3: Construction Site Storm Water Runoff Control

The city will, to the extent allowable under State and local law, develop, implement, and enforce a program to reduce pollutants in construction storm water runoff from projects that disturb areas of one or more acres of land or projects that are part of a larger common plan of development or sale that would disturb one or more acres of land. The plan will not pertain to sites where the construction site operator has obtained a waiver from permit requirements under NPDES or TPDES construction permitting requirements based on a low potential for erosion. The program will include the development and implementation of an ordinance requiring erosion and sediment controls with sanctions to ensure compliance to the extent allowable under state and local law; requirements for construction site contractors to control erosion and sediment; requirements for controlling construction waste; procedures for the city's review of site plans; procedures for receiving information and complaints; and procedures for the city to inspect construction sites and to enforce controls.

The city shall document the activities conducted and materials used to fulfill this MCM. This documentation shall be retained in the annual reports which are required in Part IV.B.2. of the General Permit.

Discussions of the Best Management Practices (BMPs) to be utilized in Construction Site Storm Water Runoff Control follow:

BMP 3.1: Technical Manual for Construction Runoff

Description – The city will develop a manual to explain appropriate erosion and sedimentation controls for construction sites. The manual will provide alternative solutions and give guidance as to when those alternatives are appropriate. The manual will also establish minimum control thresholds and proper maintenance criteria. The manual will be developed with the intent of establishing consistency with other small cities in the region and providing a streamlined approach that will be user-friendly for designers and contractors.

Frequency – The technical manual will be posted on the city's website. Some hard copies will also be available at city offices with building permits.

Evaluation Criteria for Effectiveness – The city council will officially adopt the technical manual. The manual distribution will be incorporated into the building permit process. A copy of the completed technical manual will be recorded in the document file.

Implementation Start Date – The city will plan and develop the manual in Year 2. Developers and contractors will be required to conform to the manual beginning Year 3. The manual will be reviewed for updates at least every three years.

BMP 3.2: Site Plan Review Program

Description – Develop a program that will require city staff to review site plans and storm water pollution prevention plans for eligible projects. The review process will be attached to the building permit process and will ensure that proper measures are incorporated into the construction procedures that will control erosion, sedimentation, and other sources of storm water pollution. The plan will identify city staff to perform the reviews.

Frequency – All eligible projects will be reviewed.

Evaluation Criteria for Effectiveness – Review all eligible projects. Execute review forms and record results with photos and other pertinent materials in the document file.

Implementation Start Date – The city will plan and develop the program during Year 1 and 2. City staff will be required to follow the program beginning Year 3. The program will be reviewed for updates at least every three years.

BMP 3.3: Construction Site Inspection Program

Description – The city will develop procedures for inspecting construction sites for erosion, sedimentation, and other sources of storm water pollution. The program will identify which city staff will perform inspections. It will provide a protocol for inspectors and develop inspection forms.

Evaluation Criteria for Effectiveness – Inspect all eligible projects. Resolve all instances of non-compliance. Record copies of completed inspection forms and related documents, such as photos, in the document file.

Implementation Start Date – The city will plan and develop the program during Years 1 and 2. City staff will be required to follow the program beginning Year 3. The program will be reviewed for updates at least every three years.

BMP 3.4: Construction Storm Water Management Ordinance

Description – The city will adopt an ordinance which, to the extent allowable under State and local law, will establish eligibility for construction sites to be inspected and enforced by the city; establish requirements for contractors to reduce pollutants in construction storm water runoff; specify sanctions to ensure compliance; establish requirements to control construction waste; and require city review of site plans.

Evaluation Criteria for Effectiveness – Record copies of adopted ordinance and supplemental documents, if any, in the document file.

Implementation Start Date - The city will develop the ordinance during Years 1 and 2. The ordinance will be effective as of Year 3.

BMP 3.5: Construction Runoff Hotline

Description – The city shall establish a phone number for reporting illicit discharges and construction erosion and sedimentation and publish the phone number in places that are readily accessible to the public. At the special number, the phone will be answered by trained city staff who will be equipped with forms for recording incoming phone calls and trained in how to refer the information for action. A recording system will accept phone calls after hours.

Evaluation Criteria for Effectiveness – Completed forms, showing the nature of incoming phone calls and the resulting actions will be filed in the document file.

Implementation Start Date – The city will plan for hotline implementation during Years 1 and 2. The hotline will be implemented by Year 3.

TAB 4

Minimum Control Measure No. 4: Post-Construction Storm Water Management in New Development and Redevelopment

The city will, to the extent allowable under state and local law, develop, implement, and enforce a program to address storm water runoff from eligible new development and redevelopment projects. The program will apply to projects that disturb one acre of land or more and smaller projects that are part of a larger common plan of development or sale that will result in a total disturbance of one or more acres. The program will ensure that controls are implemented to prevent or to minimize water quality impacts. The program will include developing and implementing strategies which include a combination of structural and/or non-structural BMPs appropriate for the community. The city will adopt an ordinance to address post-construction runoff and will ensure adequate long-term operation and maintenance of the implemented BMPs.

The city shall document the activities performed and materials used to fulfill this MCM. This documentation shall be retained in the annual reports which are required in Part IV.B.2. of the General Permit.

Discussions of the Best Management Practices (BMPs) to be utilized in Post-Construction Storm Water Management follow:

BMP 4.1: Technical Manual for Post-Construction Runoff

Description – The city will develop a manual to explain appropriate erosion, sedimentation, and other pollutant controls for developed sites. The manual will provide alternative solutions and give guidance as to when those alternatives are appropriate. The manual will also establish minimum control thresholds and proper maintenance criteria. The manual will be developed with the intent of establishing consistency with other small cities in the region and providing a streamlined approach that will be user-friendly for developers.

Frequency – The technical manual will be scanned and made available on the city's web site. Some hard copies will also be available at city offices with building permits.

Evaluation Criteria for Effectiveness – The city council will officially adopt the technical manual. The manual distribution will be incorporated into the building permit process. A copy of the completed technical manual will be recorded in the document file.

Implementation Start Date – The city will plan and develop the manual during Year 2 and 3. Developers and contractors will be required to conform to the manual beginning Year 4. The manual will be reviewed for updates at least every three years.

BMP 4.2: Site Plan Review Program for Post-Construction Runoff

Description – Develop a program that will require city staff to review site plans and storm water pollution prevention plans for eligible projects. The review process will be attached to the building permit process and will ensure that proper measures are incorporated into the construction procedures that will control erosion, sedimentation, and other sources of storm water pollution. The plan will identify city staff to perform the reviews.

Frequency – All eligible projects will be reviewed.

Evaluation Criteria for Effectiveness – Review all eligible projects. Execute review forms and record results with photos and other pertinent materials in the document file.

Implementation Start Date – The city will plan and develop the program during calendar years Year 2 and 3. City staff will be required to follow the program beginning Year 4. The program will be reviewed for updates at least every three years.

BMP 4.3: Long-Term Inspection and Maintenance Plan for Post-Construction Runoff

Description – The city will establish a program for city staff to inspect post-construction storm water management controls on a long-term basis. The program will identify which city staff will perform the inspections, identify control performance criteria, establish the means for determining what maintenance would be required, and establish a protocol for inspectors to follow.

Evaluation Criteria for Effectiveness – Record copies of the forms, checklists, and written procedures in the document file.

Implementation Start Date – The city will develop the plan during Year 2 and 3. City staff will be required to follow the program beginning Year 4. The plan will be reviewed for updates at least every three years.

BMP 4.4: Post-Construction Storm Water Management Ordinance

Description – The city will adopt an ordinance which, to the extent allowable under State and local law, will establish requirements for storm water quality controls for post-construction conditions; specify sanctions to ensure compliance; establish long-term inspection and maintenance requirements; and require city review of proposed long-term storm water pollution prevention plans.

Evaluation Criteria for Effectiveness – Record copies of adopted ordinance and supplemental documents, if any, in the document file.

Implementation Start Date - The city will develop the ordinance during Years 2 and 3. The ordinance will be effective as of Year 4.

BMP 4.5: Sediment Trap Planning

Description – Inspect and study the storm sewer system to see if it is discharging an excess sediment load that could be contributing storm water pollutants. Review the system to see if there are any locations that would be suitable for feasible sediment traps. If appropriate, issue an NOC and develop a plan to design and to maintain sediment traps.

Frequency – Review the entire storm water drain system.

Evaluation Criteria for Effectiveness – Issue a brief report and record with photos and other pertinent materials in the document file.

Implementation Start Date – The city will complete a study of sediment conditions by Year 4.

BMP 4.6: Trash Trap Planning

Description – Inspect and study the storm sewer system to see if it is discharging an excess trash load that could be contributing storm water pollutants. Review the system to see if there are any locations that would be suitable for feasible trash traps. If appropriate, issue an NOC and develop a plan to design and to maintain trash traps.

Evaluation Criteria for Effectiveness – Issue a brief report and record with photos and other pertinent materials in the document file.

Implementation Start Date – The city will complete a study of trash conditions by Year 4.

TAB 5

Minimum Control Measure No. 5: Pollution Prevention/Good Housekeeping for Municipal Operations

The city will develop and implement an operation and maintenance program with the goal of preventing or reducing pollutant runoff from municipal operations. Examples of municipal operations include, but are not limited to:

- 1. park and open space maintenance;
- 2. street, road, or highway maintenance;
- 3. fleet and building maintenance;
- 4. storm water system maintenance;
- 5. new construction and land disturbances;
- 6. municipal parking lots;
- 7. vehicle and equipment maintenance and storage yards;
- 8. waste transfer stations; and
- 9. salt/sand storage locations.

The program will provide employee training and a list of applicable BMPs. The training program will apply to all employees who are responsible for municipal operations that are subject to the pollution prevention/good housekeeping program. The training program will include training materials directed at preventing and reducing storm water pollution from municipal operations. The city will develop a maintenance plan for structural BMPs that will establish the frequency and manner of approach and preserve the effectiveness of the BMPs. The plan will also address the disposal of waste, including dredge spoil; accumulated sediments; and floatables. The program will include a list of municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and municipally owned or operated industrial activities that are subject to TPDES industrial storm water regulations.

The city shall document the activities performed and materials used to fulfill this MCM. This documentation shall be retained in the annual reports which are required in Part IV.B.2. of the General Permit.

Discussions of the Best Management Practices (BMPs) to be utilized in Pollution Prevention/Good Housekeeping for Municipal Operations follow:

BMP 5.1: Municipal Employee Pollution Prevention Manuals

Description – The city will develop written manuals for city employee reference related to proper handling of processes which may impact storm water quality. The manuals will specify what methods will be used to reduce the potential for polluting, and what methods should be used to clean up spills and other types of pollution. These manuals will provide a basis for training as listed in BMP 6.2.

Frequency – See BMP 5.2 for training frequency. Update manuals every three years.

Evaluation Criteria for Effectiveness – Copies of the completed manuals shall be recorded in the document file. The manuals will also be located in areas that are accessible to the employees who are to use them. The manual locations will also be recorded in the document file.

Implementation Start Date – The city will plan and develop the manuals during Years 1 and 2. Municipal employees will be required to conform to the manual beginning Year 3. The manual will be reviewed for updates at least every three years.

BMP 5.2: Municipal Employee Training

Description – The city will develop a program to train city employees who handle processes which may impact storm water quality. The program will identify what process have the potential to impact storm water, identify what employees should receive training, specify what methods will be used to train them, and what forms and methods will be used to certify that the training has been accomplished.

Frequency – The city will provide training on an annual basis and when employees are introduced to pertinent processes.

Evaluation Criteria for Effectiveness – Copies of the completed program shall be recorded in the document file. The training completion documentation shall also be recorded in the document file.

Implementation Start Date – The city will plan and develop the training program in Years 1 and 2. Municipal employees will be required to learn the manual by the end of Year 3. The training program will be reviewed for updates at least every three years.

BMP 5.3: Excess Sediment

Description – Inspect and study the storm sewer system to see if it is discharging an excess sediment load that could be contributing storm water pollutants. Identify areas where catch basins, surface inlets or storm drain manholes should be cleaned.

Frequency – Review the entire storm water drain system.

Evaluation Criteria for Effectiveness – Issue a brief report and record with photos and other pertinent materials in the document file.

Implementation Start Date – The city will begin identifying areas and implement action plan by Year 2.

Page 2 of 3

BMP 5.4: Vehicle Maintenance and Upkeep Plan

Description – Conduct routine inspection on all City vehicles according to manufacturer specifications, also inspecting vehicle for presence of fluid leaks. Wash City vehicles in approved areas to prevent was water entering the storm drains

Evaluation Criteria for Effectiveness – Issue a brief report and other pertinent materials in the document file.

Implementation Start Date – The city will implement vehicle maintenance and inspection program in Year 1.

BMP 5.5: Sediment Trap Enhancements

Description – For each Capital Improvement Project, the City will review the proposed improvements to determine if there are any locations that would be suitable for sediment traps. If an opportunity for a sediment trap is identified, the plans will include the design of the sediment trap with recommendations for regular maintenance.

Evaluation Criteria for Effectiveness – Sediment traps are most cost effective when they are included as part of a larger CIP project.

Implementation Start Date – The City will review the CIPs as they are developed and proposed.

BMP 5.6: Trash Trap Enhancements

Description – For each Capital Improvement Project, the City will review the proposed improvements to determine if there are any locations that would be suitable for trash traps. If an opportunity for a trash trap is identified, the plans will include the design of the trash trap with recommendations for regular maintenance.

Evaluation Criteria for Effectiveness – Trash traps are most cost effective when they are included as part of a larger CIP project.

Implementation Start Date – The City will review the CIPs as they are developed and proposed.

TAB 6

Minimum Control Measure No. 7: Authorization for Municipal Construction Activities

This MCM would establish a city procedure for permitting its own eligible municipal construction activities instead of the default requirement to obtain coverage under TPDES General Permit TXR150000. However, this MCM is optional and **the city has elected not to use this MCM.** The reason for non-implementation of this MCM is twofold. First, most of the city's projects are too small to require permitting under TPDES General Permit TXR150000. Second, most of the city's projects are performed by contractors who are hired by the city. Conformance to TPDES General Permit TXR150000 is routinely made part of the construction contract.

If the city elects to implement this MCM in the future, it will be authorized within the regulated area to discharge storm water and certain non-storm water from construction activities where the permittee can meet the definition of "construction site operator" as defined in the General Permit. An NOG would have to be submitted notifying the executive director of the change. If implemented, the MCM would have to include:

- 1. a description of how construction activities will generally be conducted by the permittee so as to take into consideration local conditions of weather, soils, and other site specific considerations;
- 2. a description of the area that this MCM will address and where the permittee's construction activities are covered;
- 3. a general description of how a SWP3 shall be developed, according to Part VI.E. of the general permit, for each construction site; and
- 4. 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 a description of how the permittee will make certain that contractors have a separate authorization for storm water discharges.

Since the city elects not to implement this MCM, no documentation will be required.

TAB 7

ATTACHMENT A

City of Alamo Heights Storm Water Management Plan Implementation Program

MCM	BMP	Title	Scheduled	Recurring
Public Education	1.1	Brochures (twice a year)	Year 1	Х
Public Involvement	1.6	NOI and NOC Public Comment	Year 1	
Public Involvement	1.5	Recurring Public Comment	Year 1	X
Public Education	1.2	Public Speakers (annual)	Year 1	X
Public Education	1.3	PSA's	Year 1	X
Public Education	1.4	School Book Covers (annual)	Year 1	Х
Illicit Discharge	2.2	Illicit Discharge Detection Plan	Year 1	
Illicit Discharge	2.3	Illicit Discharge Ordinance	Year 1	
Public Involvement	1.8	Volunteer Projects (annual)	Year 1	X
Illicit Discharge	2.4	Illicit Discharge Hotline	Year 1	Χ
Pollution Prevention	5.4	Vehicle Maintenance and Upkeep	Year 1	X
Illicit Discharge	2.1	Storm Sewer Map Updated	Year 2	
Public Involvement	1.7	Public Comment (every 2 years)	Year 2	Χ
Pollution Prevention	5.3	Excess Sediment	Year 2	X
Construction	3.1	Technical Manual	Year 3	
Construction	3.2	Site Plan Review	Year 3	
Construction	3.3	Site Inspection	Year 3	
Construction	3.4	Construction Mgt Ordinance	Year 3	
Construction	3.5	Construction Runoff Hotline	Year 3	X
Pollution Prevention	5.1	Employee Manual	Year 3	X
Pollution Prevention	5.1	Employee Training	Year 3	X
Post-Construction	4.5	Sediment Trap Planning	Year 4	
Post-Construction	4.6	Trash Trap Planning	Year 4	
Post-Construction	4.1	Technical Manual	Year 4	
Post-Construction	4.2	Site Plan Review	Year 4	
Post-Construction	4.3	Long-Term Inspection	Year 4	
Post-Construction	4.4	Post-Construction Ordinance	Year 4	

ATTACHMENT B

The City of Alamo Heights is located in the San Antonio River watershed. Based on review of the 2012 Texas Integrated Report of Surface Water Quality, associated 303(d) list, the Texas TMDL Program, and the San Antonio River Basin Clean Rivers Program, this memorandum describes water quality in the vicinity of the City of Alamo Heights.

303(d) List

As required under Sections 303(d) and 304(a) of the federal Clean Water Act, the 303(d) list identifies the water bodies in or bordering Texas for which effluent limitations are not stringent enough to implement water quality standards, and for which the associated pollutants are suitable for measurement by maximum daily load. Texas' 303(d) list is included as part of the Texas Integrated Report of Surface Water Quality.

One of three subcategories is assigned to each impaired parameter to provide information about water quality status and management activities on that water body. The categories are defined as:

<u>Category 5</u>: The water body does not meet applicable water quality standards or is threatened for one or more designated uses by one or more pollutants.

- Category 5a TMDLs are underway, scheduled, or will be scheduled for one or more parameters.
- Category 5b A review of the standards for one or more parameters will be conducted before a management strategy is selected, including the possible revision to the water quality standards.
- Category 5c Additional data or information will be collected and/or evaluated for one or more parameters before a management strategy is selected.

The stream segments included on the Texas 303(d) list in the area of the City of Alamo Heights are included in **Table 1** below.

Table 1 - Stream Segments and Impaired Parameters in the 2012 Texas 303(d) List

Segment ID	Name	Parameter	Category	Year First Listed
1911	Upper San Antonio River	impaired fish community	5c	2006
1911B	Apache Creek	bacteria	5a	2010
1911C	Alazan Creek	bacteria	5a	2010
1911D	San Pedro Creek	bacteria	5a	2010
1911E	Sixmile Creek	bacteria	5c	2012
1911H Picosa Creek		depressed dissolved oxygen	5c	2012

Water Bodies with Concerns for Use Attainment and Screening Levels

The 2012 Texas Integrated Report includes a list of water bodies of concern. The level of concern is classified as the following:

CN - Concern for near-nonattainment of the Water Quality Standards

CS - Concern for water quality based on screening levels

Table 2 includes the list of stream segments in the area of the City of Alamo Heights where sampling results have led to a level of concern. Potential pollution sources as indicated in the 2012 Texas Integrated Report include non-point sources and municipal point source discharges of nutrients, including nitrate, orthophosphorus, total phosphorus, and bacteria.

Table 2 - Segments with Concerns in the 2012 Texas Integrated Report

Segment ID	Name	Parameter	Level of Concern
1911_08	Upper San Antonio River	impaired fish community	CN
1911_07, 1911_08, 1911_09	Upper San Antonio River	impaired habitat	CS
1911_01,1911_02, 1911_03, 1911_04, 1911_05, 1911_06, 1911_07, 1911_08, 1911_09	Upper San Antonio River	nitrate	CS
1911_01, 1911_02, 1911_03, 1911_05, 1911_09	Upper San Antonio River	orthophosphorus	CS
1911_01, 1911_02, 1911_03, 1911_04, 1911_05, 1911_09	Upper San Antonio River	total phosphorus	CS
1911B	Apache Creek	depressed dissolved oxygen	CS
1911C	Alazan Creek	ammonia	CS
1911C	Alazan Creek	chlorophyll-a	CS
1911D	San Pedro Creek	depressed dissolved oxygen	CS
1911D	San Pedro Creek	nitrate	CS
1911H	Picosa Creek	depressed dissolved oxygen	CS

Total Maximum Daily Loads (TMDLs)

The Texas TMDL Program works with communities to restore and improve water quality of Texas streams, lakes and bays. They work with stakeholders/communities in watersheds where pollution is limiting the full beneficial use of surface waters. The TMDL programs helps to develop targets to reduce pollution and helps the communities to improve their waterways. TMDLs exist in the vicinity of the City of Alamo Heights. TMDL's in the San Antonio River basin are shown in **Table 3**.

Table 3 - TMDLs in the San Antonio River Basin

Segment ID	Name	Parameter
1911	Upper San Antonio River	Bacteria

Clean Rivers Program

The San Antonio River Authority (SARA) administers the Texas Clean Rivers Program (CRP). The CRP Long Term Action Plan/Goal: to maintain and improve the quality of water resources within each river basin in Texas through an ongoing partnership involving the TCEQ, other agencies, river authorities, regional entities, local governments, industry and citizens. The CRP's objective is to provide quality-assured data to the TCEQ for use in Water Quality decision-making, identify and evaluate water quality issues, promote cooperative watershed planning, inform and engage stakeholders, maintain efficient use of public funds and adapt the program to emerging Water Quality issues¹.

To aid in achieving consensus within river basins, the TCEQ contracts with local agencies to administer the program within their respective river basins. SARA is the Planning Agency in the San Antonio River Basin. The City of Alamo Heights is located within the larger San Antonio River watershed. The 2012 San Antonio River Basin Summary Report² summarizes water quality for the San Antonio River basin. The 2012 San Antonio River Basin Highlight Report describes future work to be completed on the Upper San Antonio Watershed Protection Plan Revision in the area that includes the City of Alamo Heights as:

In an effort to enhance the urban reaches of the Upper San Antonio River (segment 1911) and improve and protect water quality, SARA is proposing to update, revise and implement the 2006 Upper San Antonio River Watershed Protection Plan (WPP). The revised WPP will identify and propose water quality Best Management Practices (BMPs) that would serve to abate or control Non-Point Source (NPS) pollution of bacteria, sediments and excess nutrients (nitrogen and phosphorous). The water quality goals of the project are to develop a plan for implementation of approved BMPs that would aid in reducing E. coli bacteria NPS loads to segment 1911 of the San Antonio River. SARA and Bexar Regional Watershed Management (BRWM) partner's objective is to have the Upper San Antonio River compliant with State of Texas Surface Water Quality Standards (less than 126 organisms per 100 ml).

Implementation Plan for Three TMDL for Bacteria in the Upper San Antonio River Watersheds

The City of Alamo Heights began attending the public meetings for stakeholders to understand the I-Plan that will improve water quality for the Salado Creek, Walzem Creek and Upper San Antonio River watersheds. This is a 5 year I-Plan that describes voluntary steps that watershed stakeholders will take toward improving water quality and outlines the schedule for the implementation activities. The ultimate goal of this I-Plan is to achieve Primary Contact Recreation uses in Segments 1910, 1910A and 1911 by reducing concentrations of E. coli bacteria levels established in the TMDL³. This I-Plan is still in development stage and going to TCEQ for review in February/March of 2015 for approval. Once approved the City of Alamo Heights will work with the Upper San Antonio River Watershed Stakeholders involved as an Bexar County stakeholder to help in voluntary implementation of this plan.

¹ 2014, San Antonio River Authority, Clean Rivers Program FY2014

² 2013, San Antonio River Authority, 2012 Basin Highlight Report and Watershed Characterization for Selected Watersheds.

³ 2014, Implementation Plan for Three TMDL for Bacteria in the Upper San Antonio River Watersheds

ATTACHMENT C

Definitions and Acronyms

The following explanations of storm water management terminology are from the TCEQ's TPDES General Permit No. TXR040000.

A. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

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

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

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

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

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

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

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

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (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; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

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

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

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

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

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR ' 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the

impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area=s status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

B. Commonly Used Acronyms

BMP Best Management Practice

CFR Code of Federal Regulations

CGP Construction General Permit, TXR150000

CWA Clean Water Act

DMR Discharge Monitoring Report

EPA Environmental Protection Agency

FR Federal Register

IP Implementation Procedures

MCM Minimum Control Measure

MSGP Multi-Sector General Permit, TXR050000

MS4 Municipal Separate Storm Sewer System

NOC Notice of Change

NOD Notice of Deficiency

NOI Notice of Intent

NOT Notice of Termination (to terminate coverage under a general

permit)

NPDES National Pollutant Discharge Elimination System

SWMP Storm Water Management Program

SWP3, Storm Water Pollution Prevention Plan

SWPPP

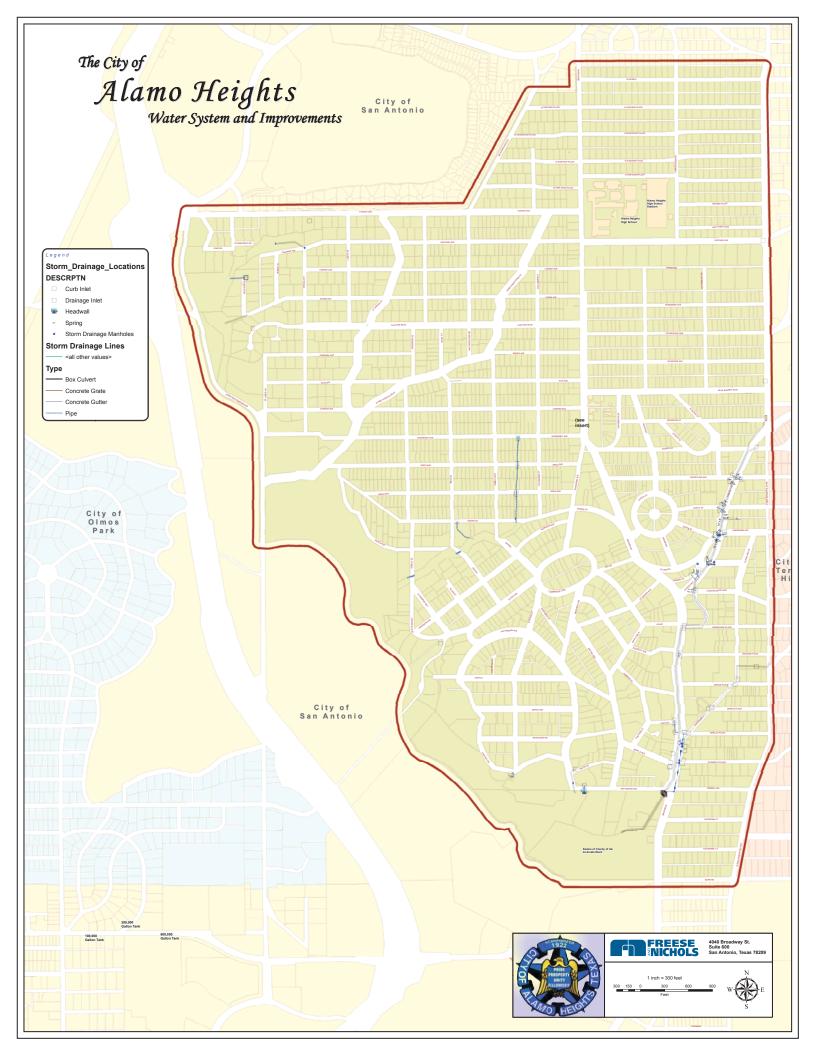
TAC Texas Administrative Code

TCEQ Texas Commission on Environmental Quality

TPDES Texas Pollutant Discharge Elimination System

TWC Texas Water Code

ATTACHMENT D



ATTACHMENT E

AN ORDINANCE AUTHORIZING THE ADOPTION OF A NEW CHAPTER 13 OF THE CITY CODE OF ORDINANCES TITLED STORM DRAINAGE, ADOPTING CHAPTER 402, SUBCHAPTER C OF THE TEXAS LOCAL GOVERNMENT CODE, DECLARING THE DRAINAGE OF THE CITY TO BE A PUBLIC UTILITY, CREATING A STORMWATER FUND, PROHIBITING CERTAIN DISCHARGES INTO THE MUNICIPAL STORM DRAINAGE SYSTEM AND ESTABLISHING STORMWATER COMPLIANCE FOR CONSTRUCTION ACTIVITY

WHEREAS, the Municipal Drainage Utility Systems Act in Subchapter C of Chapter 402 of the Texas Local Government Code permits municipalities to adopt Chapter 402, Subchapter C of the Texas Local Government Code and to establish a municipal drainage utility system and to provide rules for the use, operation, and financing of the system to protect the public health and safety in municipalities;

WHEREAS, the City of Alamo Heights intends to comply with State of Texas regulations to enhance the health, safety and general welfare of its residents and the general public;

WHEREAS, the City of Alamo Heights intends to establish and implement a stormwater development fee and a monthly stormwater fee to protect the health, safety and welfare of the community and in response to the requirements of the Federal Water Quality Act of 1987;

WHEREAS, the City of Alamo Heights intends to declare the City of Alamo Heights Drainage Utility as a municipally operated public utility pursuant to Chapter 402, Subchapter C of the Texas Local Government Code and to charge it with protecting the public health and safety against loss of life and property caused by surface water overflows, surface water stagnation, and pollution arising from nonpoint source runoff within the boundaries of the drainage utility service area;

WHEREAS, the City Alamo Heights City Council approved and passed Ordinance 1814 on March 23, 2009 which found that the City of Alamo Heights will adopt Chapter 402, Subchapter C of the Texas Local Government Code and provide drainage for all real property within the city on nondiscriminatory, reasonable, and equitable terms and establish a schedule of drainage charges against all real property within the city, unless exempted, pursuant to Chapter 402, Subchapter C of the Texas Local Government Code; and

WHEREAS, the City of Alamo Heights provided notice by publication, in a newspaper of general circulation in Alamo Heights, of the entire ordinance and the time and place of a public hearing to consider the ordinance as required by Section 402.045 of the Texas Local Government

Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS: Chapter 13. Storm Drainage is hereby created and adopted as follows:

"Chapter 13

STORM DRAINAGE

ARTICLE I. IN GENERAL

Sec. 13-1.	Definitions.
Sec. 13-2.	Administration; rules and regulations.
Sec. 13-3.	Penalties.
Sec. 13-4.	Injunctive relief and other remedies for violation.
Sec. 13-5.	Conflict.
Sec. 13-6.	Severability.
Secs. 13-7—13-25.	Reserved.

ARTICLE II. ALAMO HEIGHTS MUNICIPAL STORM DRAINAGE SYSTEM

Sec. 13-26.	Declaring the drainage of the City to be a public utility.
Sec. 13-27.	Establishment and revision to drainage utility service area.
Sec. 13-28.	Stormwater fund.
Secs. 13-29-13-50	. Reserved.

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ARTICLE I. IN GENERAL

Sec. 13-1. Definitions.

Alamo Heights Municipal Storm Drainage System (MS4). The system of conveyances, including but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, creeks, streams, tributaries, man-made channels, or storm drains, which:

(1) Provide collection or conveyance of stormwater, rain water, flood water, or other surface water; and

- (2) Are located on public property; and
- (3) Are not designed and intended to be part of the collection system of a sanitary sewer system utilized by a publicly owned treatment works (POTW) as defined in Title 40 C.F.R. 122.2.

Benefitted property: Real property that is a parcel of property or lot within the corporate boundaries of the City of Alamo Heights to which stormwater drainage plans, programs, or services are made available and which receives water, wastewater, or electric utility service from the City of Alamo Heights. A parcel of property is a piece of land regardless of size under one (1) ownership, such ownership being further defined as the way in which property is legally described in duly recorded legal documents in the official public records of real property of the county in which the parcel of property is located. A lot is a designated property shown on a recorded plat duly recorded in the official public records of real property of the county in which the recorded plat is located.

Best Management Practices (BMPs): A technique or series of structural and non-structural techniques and practices which, when used in an erosion control plan or considered as part of a construction site's housekeeping efforts, are proven to be effective in controlling construction-related runoff, erosion, sedimentation, and associated pollutants.

Brush cuttings, clippings: All herbaceous materials, including lawn trimmings and leaves.

Construction activity: Clearing or grading of land, dozing or mechanical removal of trees which dozing or mechanical removal disturbs the soil, excavation for installation of utility lines, streets, drainage facilities, and site preparation for housing and commercial development, as well as ongoing construction activities which produce waste products.

Director: The Director of Public Works of the City of Alamo Heights or designee(s).

EPA: The United States Environmental Protection Agency.

Erosion: the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

Final inspection: Occurs after responsible party meets definition of final stabilization and files a NOT, if required by state or federal law, at which time the City will conduct a final inspection to verify compliance with final stabilization and removal of temporary BMP's has occurred.

Final stabilization: Reference to standards in the NPDES General Permit for Storm Water Discharges for Construction Activities in EPA's Region 6 concerning development acreage that: (1) where state or federally regulated development acreage is concerned, all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover, with a density of seventy percent (70%) of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent permanent stabilization measures have been employed and (2) where local, individual lots associated with residential or commercial construction are concerned, by either (a) the responsible party complying with cover requirements guided by federal or state standards recited above, or (b) the responsible party establishing temporary stabilization including perimeter controls and informing the home buyer or commercial purchaser in writing of the need for and benefits of final stabilization.

Grade: The vertical location of the ground surface.

Grading: Any land disturbance or land fill, or combination thereof.

Household hazardous waste: Waste from materials utilized for residential or housekeeping purposes containing regulated substances which either singularly or by its interaction with other wastes or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant, or animal life, or property. For purposes of this chapter household hazardous wastes include but are not limited

to paint, paint thinners, paint solvents, beaches, and drain cleaners.

Impervious cover: Ground surfaces including concrete or paved driveways, sidewalks, parking lots, buildings and other improvements that resists the infiltration of water, thereby resulting in water runoff. Impervious cover includes any surface material or surface treatment or surface condition which sheds fifty percent (50%) or more of rainfall, or water, which falls on it.

Impervious surface area: For the purposes of calculation for this chapter, the total square footage of all impervious cover on a developed property, excluding public sidewalks.

Improved: Altered by man-made conditions.

Land disturbance/land-disturbing activities: Any moving or removing by manual or mechanical means of the soil mantle or top six (6) inches of soil, whichever is shallower, including but not limited to excavations.

Land fill: Any human activity involving the disposition of soil, earth, or other earthen or aggregate materials.

Measurable volume: For purposes of determining a violation, the amount of sediment, soil, soil material, or pollutant, shall be such volume as is capable of being truly and correctly depicted in a photograph, motion picture, or video recording of the sediment, soil, soil material, or pollutant in question.

Municipal storm drainage system (MS4): All natural and man-made collection and conduit facilities within the corporate limits of the City of Alamo Heights and within applicable limits of its extraterritorial jurisdiction, and for which MS4 protection the City of Alamo Heights has been issued a National Pollutant Discharge Elimination System (NPDES) Permit by EPA, which collection and conduit facilities constitute a system of conveyances, including but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, creeks, streams, tributaries, man-made channels, or storm drains, which provide collection or conveyance of stormwater, rain water, flood water, or other surface water, and may be located on public property, drainage easements, or other property, and are not designated and intended to be part of the collection system of a sanitary sewer system utilized by a publicly owned treatment works (POTW) as defined by federal regulation at 40 CFR 122.2.

NOI: Notice of intent filed by a responsible party with EPA or TCEQ. This NOI is required under federal regulation, or future state regulation, for certain construction activity. The NOI is part of the federal general permit process for construction activity concerning projects or runoff deemed to potentially impact waters of the United States of America.

NOT: Notice of termination. The notice required by EPA or TCEQ for sizeable projects within the jurisdiction of either agency, which notice verifies "final stabilization" of the site has been achieved, as described above; EPA form 3510-7 terminating coverage under the NPDES general permit or corresponding TCEQ form for the TPDES Texas Pollutant Discharge Elimination System general permit.

NPDES: National Pollutant Discharge Elimination System.

Ordinance: This ordinance in its entirety, pertaining to Chapter 13, Code of Ordinances of the City of Alamo Heights.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or the legal representatives, agents, or assigns thereof.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or

mitigating any pest, and/or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Pollutant: Any substance introduced into the environment that adversely affects a resource. Pollutant includes, but is not limited to, soil, soil material, sediment, human waste, other wastes and debris generated at construction sites.

Responsible party: Any person or legal entity, individual or corporate, including an owner, operator, contractor, or subcontractor, any or all of whom may be engaged in, consent to, or actually perform a construction project or construction activity.

Rubbish: Inorganic solid waste including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, glass, crockery, tin and aluminum cans, metal furniture, and other like materials.

Soil and/or soil material: Naturally occurring superficial deposits of earth mantle overlaying bedrock or clay; any naturally occurring surface deposit of sand, gravel, silt, clay, or any mixture thereof.

Storm water: Storm water runoff, snow melt runoff, and surface runoff and drainage, as per NPDES Permit No. TXS001901.

Storm Water Management Plan (SWMP): The state or federally required plan for identifying and implementing appropriate measures to reduce pollutants in storm water discharges into the City's municipal storm water drainage systems (MS4), which pollutants include eroded sediments. Protective measures include, but are not limited to, natural and man made collection components, good house-keeping for site maintenance, and other common sense actions, all frequently referred to as best management practices (BMPs).

TCEQ: Texas Commission on Environmental Quality.

Unimproved: Natural conditions, unaltered.

Unit: Single living, commercial or occupied space within a developed property.

Sec. 13-2. Administration; rules and regulations.

The Director shall be responsible for the administration of this chapter. The Director shall develop necessary rules, regulations and procedures necessary for the administration of the chapter including a methodology for considering variances.

Sec. 13-3. Penalties.

- (a) Any person or entity who shall fail to comply with any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished in accordance with section 1-5 of this Code. Each day any violation or noncompliance shall continue shall be subject to being constituted as a separate offense.
- (b) A civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation of this chapter may be imposed. Each violation of a particular section of this chapter shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of enforcing this chapter. A culpable mental state is not required to prove an offense under this ordinance.

Sec. 13-4. Injunctive relief and other remedies for violation.

(a) Any person or entity who shall fail to comply with any provision of this chapter, or who shall commit any of the acts described by this chapter, or be guilty of any of the omissions thereof, shall be

liable to injunctive action prohibiting the violation of this chapter and shall be subject to being mandatorily enjoined to immediately remediate any violations of this chapter, and shall be liable and responsible for any and all expenses that may be incurred by the city in connection with any such action, omission or other violation, including reasonable attorneys' fees.

- (b) In addition to any other remedies provided by this chapter, the City of Alamo Heights may, at any time, seek legal and/or equitable remedies or may file charges against any person, corporation, or other entity believed to be in violation of this chapter.
- (c) The use of negotiated civil settlements or other methods of alternative dispute resolution to reach a civil settlement is hereby authorized; provided that the civil penalty imposed by any such agreement or settlement is of a sufficient amount in relation to the violations to which they provide a sanction.

Sec. 13-5. Conflict.

The provisions of this article shall take precedence over those of any other existing ordinance of the City of Alamo Heights which may contain provisions that are less restrictive than those specified in this article. However, nothing contained in this article shall mitigate, interfere with, alter or repeal any provisions of any other ordinance of the City of Alamo Heights not in conflict with the provisions of this article. No provision of this chapter is intended to, nor shall any part or portion hereof be construed, so as to conflict with state or federal law.

Sec. 13-6. Severability.

If any provision of this chapter or the application thereof to any person or circumstance shall be held to be void or invalid for any reason, the remainder of this chapter and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City council hereby declares that this chapter would have been enacted without such invalid chapter.

Secs. 13-7-13-25. Reserved.

ARTICLE II. ALAMO HEIGHTS MUNICIPAL STORM DRAINAGE SYSTEM

Sec. 13-26. Declaring the drainage of the City to be a public utility.

The City Council hereby adopts Texas Local Government Code Chapter 402 Subchapter C (entitled "Municipal Drainage Utility Systems"); declares the drainage of the City to be a public utility, to be known as the City of Alamo Heights Storm Drainage System; and dedicates to the drainage utility all city owned property, real and personal, facilities, materials and supplies constituting the City's drainage system as constituted on the effective date of this chapter and as may be acquired in the future, to be used for the purpose of the drainage utility.

Sec. 13-27. Establishment and revision to drainage utility service area.

Pursuant to the authority granted by Texas Local Government Code § 402.044(8)(B) the drainage service area includes all land within the municipal boundaries of the City.

Sec. 13-28. Stormwater fund.

A separate fund shall be created, effective as of the effective date of this chapter, known as the stormwater fund, for the purpose of identifying and controlling all revenues and expenses

attributable to the drainage utility. All stormwater fees collected by the City and other monies city council may wish to designate for this fund, shall be deposited in the stormwater fund. Such utility revenues shall be used for the purposes of administration, studies, engineering, construction, reconstruction and other reasonable and customary charges associated with the operation of the drainage utility.

Secs. 13-29-13-50. Reserved.

ARTICLE III. PROHIBITED DISCHARGES INTO THE MUNICIPAL STORM DRAINAGE SYSTEM

Sec. 13-51. Prohibited discharges into the MS4.

- (a) It shall be a violation of this chapter for any person to deposit, throw, drain, discharge, cause or allow to be deposited, thrown, drained or discharged, or otherwise cause to be injected into the MS4, or any storm sewer manhole, catch basin, private drain, ditch, street, gutter, creek, stream, tributary, or any other drainage device which connects with or drains into the MS4, any of the following described materials or substances within the corporate limits of the City of Alamo Heights:
- (1) Any acid waste materials;
- (2) Any alkaline waste materials;
- (3) Any water or waste containing free-floating, or insoluble oil;
- (4) Any gasoline, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas;
- (5) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant or animal life, or property; or
- (6) Any domestic wastewater or industrial wastewater as defined in this chapter.
- (b) It shall be a defense to prosecution under this section that such person was authorized to commit any act under a valid permit from the Texas Commission on Environmental Quality or the United States Environmental Protection Agency, which would otherwise constitute a violation at the time of commission.

Commentary: It is the intent of this chapter to prohibit indiscriminate discharging to the MS4; such indiscriminate discharging includes dumping or releasing of any accumulations of process materials, washing or cleaning materials or other wastes into the MS4. It is also the intent to eliminate improper storage or handling of dangerous, hazardous, or otherwise harmful materials in such a manner as to cause or allow their discharge into the MS4. However, these regulations are not intended to prohibit discharge of non-contaminated and non-polluting water which are not expected to be significant sources of pollutants because of the nature of their discharges. Consequently, no special controls or conditions are established for sources such as: 1) water line and fire hydrant flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life); 2) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources; 3) discharges from potable water sources; 4) diverted stream flows; 5) rising ground waters and springs; 6) uncontaminated ground water infiltration; 7) uncontaminated pumped ground water; 8) foundation and footing drains; 9) air conditioning condensation; 10) water from crawl space pumps; 11) individual residential vehicle wash water; 12) external building wash water; 13) flows from wetlands

and riparian habitats; 14) dechlorinated swimming pool discharges; 15) pavement and street wash water; 16) water used to control dust; 17) discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities); 18) other allowable non-storm water discharges listed in 40 CFR ' 122.26(d)(2)(iv)(B)(1); 19) non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General permit (CGP); and 20) other similar occasional incidental non-storm water discharges.

Sec. 13-52. Placing brush cuttings, clippings, and/or rubbish into the MS4.

- (a) It shall be a violation of this chapter for any person to deposit, discard or dump, or cause or allow to be deposited, discarded or dumped any brush cuttings, clippings, or rubbish within the MS4.
- (b) It shall be a violation of this chapter for any person to place or cause or allow to be placed or dropped, brush cuttings, clippings, and/or rubbish within any street in the corporate limits of the City in such a manner that the same may be washed by the flow of water into the MS4.

Commentary: It is the intent of this section to restrict placement of rubbish, brush, lawn clippings or leaves, etc. into the MS4. It is also the intent to require that during certain seasons when leaves are shed that these materials are removed properly and prevented from collecting in mass quantities in the streets or MS4. It is recognized that from time to time during certain seasons or during normal yard maintenance, leaves, clippings, etc. will fall into the streets.

Sec. 13-53. Placing household hazardous wastes into the MS4.

- (a) It shall be a violation of this chapter for any person to place, or cause or allow to be placed, a household hazardous waste within the MS4.
- (b) It shall be a violation of this chapter for any person to place, or cause or allow to be placed, a household hazardous waste within any street in the corporate limits of the City in such a manner that the same may be washed by the flow of water into the MS4.

Commentary: The intent of this ordinance is to prohibit those conducting household activities such as cleaning, renovating, painting, auto repair, and other similar activities which utilize household hazardous wastes from discarding such wastes into the MS4, or from performing any activity that would result in the contamination of the MS4 with such household hazardous wastes.

Sec. 13-54. Prohibiting the improper use of pesticides in order to keep them from entering the MS4.

- (a) It shall be a violation of this chapter for any person to cause or allow a pesticide to enter into the MS4.
- (b) It shall be a violation of this chapter for any person to utilize a pesticide in a manner inconsistent with the proper usage set out in the labeling for such pesticide in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- (c) It shall be a violation of this chapter for any person to utilize a pesticide which is not properly labeled in accordance with FIFRA.
- (d) It shall be a defense to prosecution under this section that the person accused of such violation utilized a pesticide in accordance with the requirements of FIFRA in a manner consistent with its labeling. The term "labeling" pursuant to Section 136 of FIFRA means all labels and all other written, printed or graphic matter:

- (1) Accompanying the pesticide or device at any time; or
- (2) To which reference is made on the label or in literature accompanying the pesticide or device except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, state experiment stations, state agricultural colleges, and other federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

Commentary: It is recognized that excess pesticides will migrate into the MS4 even under normal and proper usage. It is the intent of this ordinance to restrict the usage of those chemicals to the manner deemed appropriate by their manufacturer and consistent with FIFRA.

Secs. 13-55-13-100. Reserved.

ARTICLE IV. STORMWATER COMPLIANCE FOR CONSTRUCTION ACTIVITY

Sec. 13-101. Statement of purpose.

The intent of this article is to satisfy conditions imposed by the City's National Pollutant Discharge Elimination System (NPDES) Permit. Delegation of federal authority to the State of Texas, to administer NPDES Permit requirements, has been made by EPA to the TCEQ. The City will, to the extent allowable under State and local law, develop, implement, and enforce a program to reduce pollutants in construction storm water runoff from projects that disturb areas of one (1) or more acres of land or projects that are part of a larger common plan of development or sale that would disturb one (1) or more acres of land. The program will utilize Best Management Practices (BMPs) to require erosion and sediment controls with sanctions to ensure compliance to the extent allowable under state and local law; requirements for construction site contractors to control erosion and sediment; requirements for controlling construction waste; procedures for the city's review of site plans; procedures for receiving information and complaints; and procedures for the city to inspect construction sites and to enforce controls.

Sec. 13-102. Declaration of nuisance for violation.

- (a) Within the corporate limits of the City, no person shall perform construction activity that violates provisions of this article. Construction activity in violation of this article is hereby declared unlawful.
- (b) Violations committed within the corporate limits and within five thousand (5,000) feet outside the City's corporate limits shall also constitute public nuisance. Violations of any provision of this article within the City's corporate limits shall be deemed a criminal Class C misdemeanor. Violations of any provision of this article within the City's corporate limits or any part of the applicable ETJ shall be further subject to a civil enforcement option.
- (c) No culpable mental state is required of any responsible party in order to constitute a violation of this article. Some of the requirements of this article may be generally characterized as good house-keeping protocols, those expected to be employed by a reasonably prudent contractor, operator, owner, or other person having responsibilities for various activities on a construction site. Where state or federal permits require the site operator, owner, or other responsible party, to make a storm water management plan (SWMP), such plans must be readily available for city inspection.

Sec. 13-103. Prohibition against construction pollution of the municipal storm drainage

system; measurable volumes for violation.

- (a) It is unlawful for any person to engage in construction activity which activity results in a measurable volume of sediment, soils, soils material, or pollutants entering the City's municipal storm drainage system (MS4).
- (b) "Measurable volume" of sediment, soil, soil material, or pollutant, for purposes of determining a violation, shall be such volume as is capable of being truly and correctly depicted in a photograph, motion picture, or video recording of the sediment, soil, soil material, or pollutant in question.
- (c) Nothing in this section shall diminish or change the general prohibitions against MS4 pollution found in section 13-102, Article II of this Chapter 13, Prohibited discharges into the municipal separate storm sewer system. The City shall continue to exercise all enforcement powers set out in this Chapter 13, and to gather such evidence as may include, but not be limited to, samples and analysis appropriate to enforcement of Chapter 13 provisions.
- (d) The responsible party shall use best management practices (BMPs) to prevent sediment, soils, soils materials, and pollutants from entering the City's MS4.
- (e) It is unlawful for any person to engage in construction activity without employing BMPs necessary to protect the City's MS4 from run-off or other media capable of transporting sediment, soil, soil material, and pollutants into the City's MS4.

Sec. 13-104. Additional federal and state requirements generally applicable to responsible parties associated with five (5) acre or larger projects.

- (a) Concerning projects for which the EPA or TCEQ have permitting authority, the responsible party shall post at the site, as required by federal or state regulations, a true and correct copy of the NOI.
- (b) The responsible party shall have available for city inspection, on site, the storm water management plan (SWMP) imposed by EPA or TCEQ, when the site in question is subject to such plans imposed by federal or state law.
- (c) The responsible party shall make the SWMP available to the City inspector, on reasonable request made during normal working hours.
- (d) Failure, refusal, or inability to provide such plan for inspection, when the plan is required under state or federal law, constitutes a violation of this article.
- (e) It shall be unlawful for any person to engage in construction activity in violation of the elements of an applicable SWMP.
- (f) The responsible party shall provide the City a true and correct copy of any notice of termination (NOT) necessary to close out a project regulated by EPA or TCEQ. This copy shall be sent to the City.
- (g) Where permanent improvements have been constructed, the final inspection shall verify whether or not the "final stabilization" criteria have been met.
- (h) Where no permanent improvements are planned, temporary BMPs shall continue to be maintained until site has reached final stabilization.
- (i) A site shall continue to be regulated until final stabilization is achieved; and, where applicable to state and federally regulated sites, until a "notice of termination" (NOT) has been filed. A copy of the NOT, if applicable, will also be filed with the City as described above at subsection (f).
- (j) Where the site has met final stabilization requirements, but the controls or measures implemented thereafter fail, each discharge of construction related contamination by the responsible

party shall constitute a violation of this article.

(k) Removal of temporary BMPs shall be required after the site achieves final stabilization.

Sec. 13-105. Best management practices (BMP) guidelines.

- (a) Responsible parties are advised to utilize established BMPs and other good house-keeping protocols synonymous with federal standards directly associated with EPA's general permit for other construction sites regulated under federal law. Some of these federally regulated construction sites are permitted by the State of Texas under guidelines similar to those of EPA. Responsible parties whose projects of scale fall within state or federal parameters are responsible to EPA or TCEQ to fulfill requirements that may differ from or may be more stringent than the provisions of this ordinance applying to local, individual construction sites of a scale not regulated by state or federal authorities.
- (b) In contrast, the purpose of this article and its requirements for BMPs are to satisfy the City's own federal permit which specifically requires the City to adopt a construction site regulation. Consequently, the intent of this article is to protect MS4 from pollutants generated from local construction sites. Federal jurisdiction to support this directive is found in the conduit of urban runoff traversing the Alamo Heights area into rivers, streams, and especially bays regulated as "waters of the United States of America." Hence, storm water generated in the area of Alamo Heights presumes to enter into and impact federal waters.

Sec. 13-106. Enforcement procedures.

- (a) The Director may designate city inspectors (Inspectors).
- (b) Upon observation of an alleged violation or condition an inspector believes constitutes a violation of this article, the Inspector shall issue a field correction notice to a responsible party. The field correction notice shall be personally delivered to a responsible party, if such person is available on site; or, in the absence of such person, shall be posted at the construction site. Field correction notices shall afford two (2) 24-hour periods to correct the violation alleged. The first 24-hour period should be used to remediate and remove the offending material, if any, from the City's MS4. A second 24-hour grace period shall follow immediately to allow the responsible party to appropriately install or repair corrective BMPs which was lacking or failed to protect city property.
- (c) If the violation is cured within forty-eight (48) hours, as described above, no further city action is required.
- (d) If correction is not made timely, the inspector may issue a stop work order.
- (e) If a stop work order is not honored at the site and/or corrective action is not timely accomplished to protect the City's MS4, citations may be issued or civil injunctive remedies with appropriate penalties may be pursued.
- (f) Additional or cumulative enforcement action may be taken as the seriousness of the alleged pollutant encroachment in the MS4 may warrant.
- (g) Additional compliance time may be afforded, if within the judgment and discretion of the inspector, municipal obligations to environmental health and safety and municipal stormwater compliance obligations to enforcement agencies are not compromised.

Secs. 13-107-13-125. Reserved."

THAT, this Ordinance shall become effective immediately upon adoption by a majority of the entire City Council.

PASSED AND APPROVED this 13th day of April, 2009.

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY ATTORNEY