

Stormwater: MS4

**Permitting requirements for small
municipal separate storm sewer systems**

**Fort Worth STEP Meeting
January 25, 2019**



Compliance Assistance Specialist

DFW– Region 4

- Danielle Cochran
817-588-5927

Danielle.Cochran@TCEQ.Texas.Gov



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



Technical Assistance

- Free and Confidential.
- Multi-media.
- Compliance Hotline.
- One-on-one help from regional staff.
- EnviroMentor Program (if eligible)



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



Who does SBLGA help?

- Airports.
- Auto Body / Repair.
- Building Contractors.
- Car Washes.
- Compost Operations.
- Concrete Batch Plants.
- Drinking Water Plants.
- Dry Cleaners.
- Foundries
- **Local Governments**
- Marinas
- Metal Finishers/Fabricators
- PST Facilities (fuel)
- Print Shops
- Manufacturing Facilities
- Reinforced Plastics
- Surface Coaters
- Trade Associations
- Transportation/Distribution
- Wastewater Plants
- Wood Products



How can SBLGA help me?

- Provide training for MS4 employees
- Set up a Workshop for CGP or MSGP
- Review Guidance created by MS4 ex. mobile car washes or Power washing
- Assist with STEERS questions or Regional issues.



www.TexasEnviroHelp.org

Compliance resources can be searched by industry, issue, or special topics

The screenshot displays the TexasEnviroHelp.org website interface. At the top, the Texas Commission on Environmental Quality logo is on the left, and navigation links for 'Org Chart | A to Z index' and a search box are on the right. A horizontal menu below the logo includes 'Home', 'Public', 'Businesses', 'Governments', 'Air', 'Land', and 'Water'. A banner image shows a person using a green air pump. The left sidebar lists various compliance resources: 'Air Compliance Resources', 'Compliance Resources for Local Governments', 'Water Compliance Resources', 'Waste Compliance Resources', 'Compliance Resources for Small Businesses', 'EnviroMentor Program', 'Small Business Advisory Group', and 'TCEQ Rural Ombudsman'. Below these are links for 'About Us' and 'Contact Us', and a survey link: 'How are we doing? Take our customer satisfaction survey'. The main content area features the heading 'TexasEnviroHelp - Small Business and Local Government Assistance' and a sub-heading 'Resources specifically tailored to help small businesses and local governments comply with environmental regulations.' A green banner for 'FREE AND CONFIDENTIAL ENVIRONMENTAL ASSISTANCE TexasEnviroHelp.org' is prominent. Below this, a paragraph describes the SBLGA program, followed by a bulleted list of services: 'Call us toll free at 1-800-447-2827.', 'Find the nearest Compliance Assistance Specialist.', and 'Read more about rule changes that impact small businesses and local governments in The Advocate.' Further down, a section titled 'Learn more about environmental compliance assistance' lists 'Small Business Assistance' and 'Local Government Assistance'. At the bottom, a 'Search by Environmental Issue' section is partially visible. On the right side, there is a video player with the title 'TCEQ Compliance and Assi...' and a play button, featuring Jon Niermann, TCEQ Commissioner. Below the video is a 'Hot Topics' section with a 'HOT 2017 Environmental Trade Fair & Conference' and a subscription prompt: 'Subscribe to The Advocate Sign up to receive an e-mail or text alert when the TCEQ posts articles online regarding compliance issues and regulatory concerns that affect small businesses and local governments.'

Small Business & Local Government Assistance

1-800-447-2827

www.TexasEnviroHelp.org



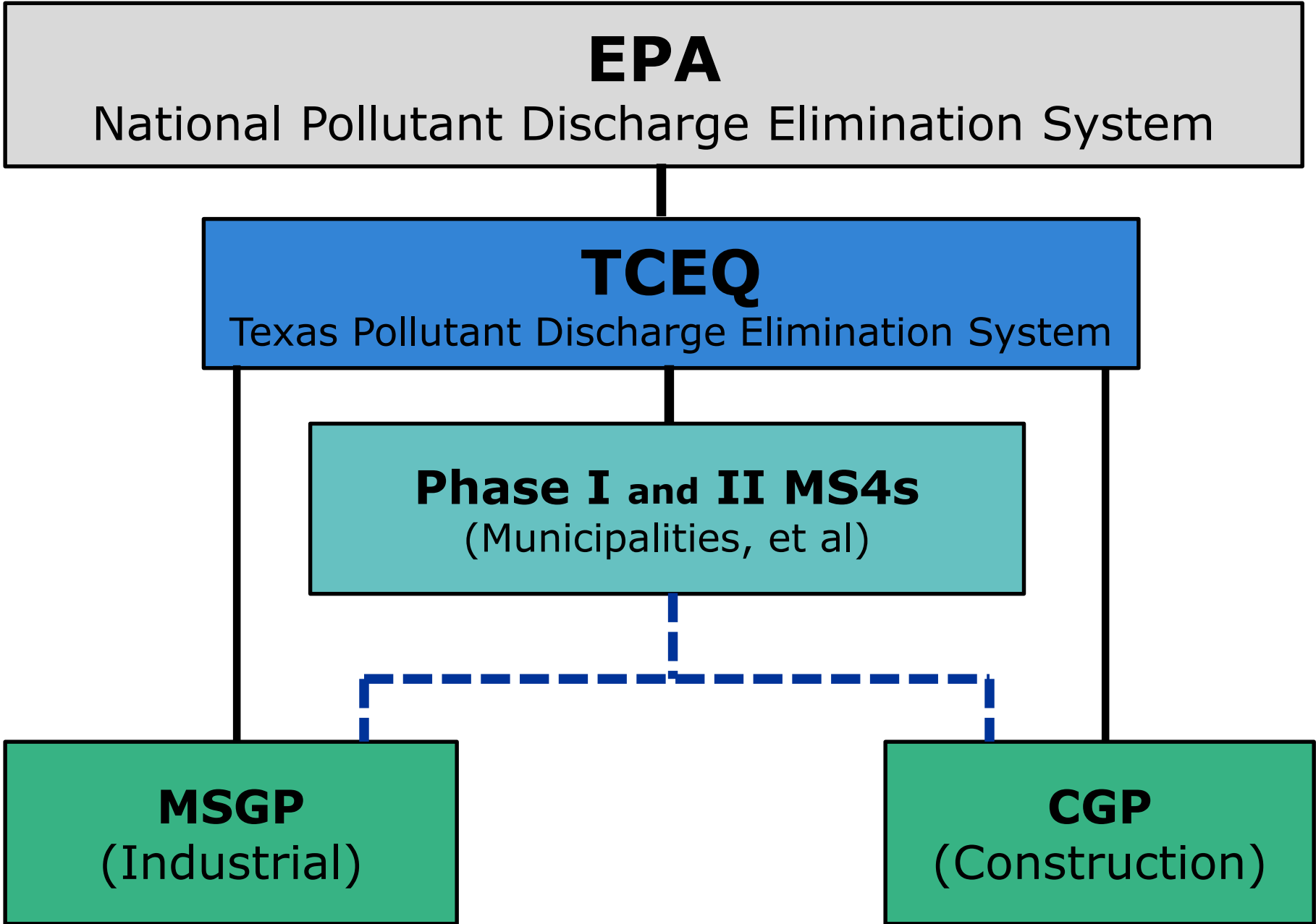
EPA
National Pollutant Discharge Elimination System

TCEQ
Texas Pollutant Discharge Elimination System


Phase I and II MS4s
(Municipalities, et al)

MSGP
(Industrial)


CGP
(Construction)




TPDES

- Multi-Sector General Permit (MSGP).
 - TXR050000 (August 14, 2016-2021).
 - Construction General Permit (CGP).
 - TXR150000 (March 5, 2018-2023).
 - Municipal Separate Storm Sewer Systems (MS4s).
 - Phase I – large and medium cities.
 - Individual / customized.
 - Phase II – small cities.
 - General Permit TXR040000 (Jan. 16?, 2019-2024)
- 
- A decorative graphic at the bottom of the slide consisting of a white wavy line above a blue wavy line, creating a stylized wave effect.

What is an MS4?

- Publicly owned or **operated** drainage system that conveys stormwater.
 - Not wastewater collection or sewer lines.
 - Includes many non-traditional entities such as military bases, transportation systems, hospitals, universities, correctional facilities and a variety of districts.
 - Located fully or partially within UA.
 - **“Once in, always in.”**
- 
- A decorative graphic at the bottom of the slide consisting of a dark blue wave-like shape at the bottom, a white wave-like shape above it, and a grey wave-like shape at the top, all curving across the width of the slide.

What is an Urbanized Area?

- High density of residential population:
 - at least 1,000 people per square mile **and**.
 - at least 50,000 total population.
 - U.S. Census Bureau.
 - Collects data every 10 years (2010).
 - Develops UA maps, boundaries.
 - MS4 required to regulate only the portion within UA.
 - UA Maps also located on TCEQ and EPA web sites
- 
- A decorative graphic at the bottom of the slide consisting of a dark blue gradient area at the very bottom, a white wavy line above it, and a grey wavy line above that, all curving across the width of the slide.


PII MS4 Applications

- Deadline 180 days permit is issued.
- Options for authorization include:
 - Full permit coverage.
 - Waiver.

Administrative Requirements

- Application for permit coverage.
- Stormwater Management Program.
 - Maintain records evaluating efforts.
 - Implement SWMP by end of permit term.
- Annual Report.
 - Submit within 90 days of end of each permit year

Annual Report Contents

- Status of compliance with permit conditions
 - Progress towards reducing pollutants
 - Summary of information and monitoring data
 - Evaluation of the BMPs
 - Assessment of efforts toward goals
 - Statement of planned activities
- 
- A decorative graphic at the bottom of the slide consisting of a dark blue gradient area at the very bottom, a white wavy line above it, and a grey wavy line above that, creating a layered, wave-like effect.

Annual Report Form Changes

- Review and update SWMP and MCM annually
- Any Changes must be reflected in Annual Report
- Written procedures must be maintained on site or in SWMP



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



Annual Report Form Changes

- Check for the latest EPA approved 303(d) list
- Or *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*
- Post SWMP and Annual Reports to public website within 30 days




Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org




SWMP

Includes a map and six **Minimum Control Measures**:

1. Public Education, Outreach and Involvement
 2. Illicit Discharge Detection and Elimination
 3. Construction Site Runoff Control
 4. Post-Construction Mgmt. in New & Redevelopment
 5. Pollution Prevention and Good Housekeeping for Municipal Operations
 6. Industrial Sources
 7. Optional – Construction by MS4
- 
- A decorative graphic at the bottom of the slide consisting of a dark blue wave-like shape at the very bottom, a white wave-like shape above it, and a grey wave-like shape above that, all curving across the width of the slide.

Sharing a SWMP.

- Form a coalition with other MS4s sharing a boundary or watershed
 - Divide program elements
 - Identify responsibilities for each entity
 - Each MS4 responsible for:
 - Applying for permit coverage
 - Compliance with SWMP
- 
- A decorative graphic at the bottom of the slide consisting of a dark blue gradient area at the very bottom, a white wavy line above it, and a grey-to-white gradient wavy line above that.


Authorization Process

- Submit NOI, proposed Stormwater Management Program, and application fee
- Administrative review by the TCEQ
 - Additional information from applicant
- Technical Review of SWMP
 - Additional information from applicant
- Public Notice published in newspaper
 - Public Meeting
- Approved by the TCEQ





TCEQ Investigations

- Becoming more comprehensive over time
 - Recordkeeping and Reporting
 - Notice of Intent/SWMP
 - Annual Reports
 - Supporting data
 - Noncompliance Notification – 30 TAC 305.125(9)
 - Submitted on time
 - Met signatory requirements
 - Included required elements
 - Used SWMP as reference
 - NOC/revised SWMP if needed
- 
- A decorative graphic at the bottom of the slide consisting of a dark blue wave shape at the very bottom, a white wave shape above it, and a grey wave shape above that, all curving across the width of the slide.

How to be in compliance...

- Know the applicable sections of the permit
- Communicate throughout organization
- Use available resources and partners
- Implement and maintain appropriate controls
- Request to change SWMP when necessary
- Contact the TCEQ for guidance if needed



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



Read the
permit...
and the SWMP!

Phase II MS4 Permit Renewal

- Renewal process began: Feb. 2017
- Stakeholder meeting: March 21, 2017
- Development of draft permit: April through August 2017
- Draft permit sent to EPA: August 29, 2017
- Publish notice: Aug 24, 2018
- 30 day comment period from Aug 24 -September 24, 2018



Phase II MS4 Permit Renewal

- Public meeting: September 24, 2018
- Draft permit was adopted by the Commission on January 16, 2019
- Draft permit and fact sheet can be accessed on our webpage



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



Significant Changes

- Electronic submittal of application and reports will be required by December 21, 2020
- Minimum Control Measure 7 has a lower benchmark value for total suspended solids (TSS) from 100 mg/L to 50 mg/L
- The definition of construction activity is revised to include stockpiling of fill material and demolition



Significant Changes

- Implementation of the MS4 Remand Rule, which modifies the permit language so it becomes clear, specific, and measurable
- A requirement for the MS4 to post its annual reports and the SWMP on its website, if the MS4 has one
- Addition of a public notice process for certain Notice of Changes



Significant Changes

- Level 4 MS4s must control the discharge of floatables in the MS4s and evaluate new and existing flood management projects to determine their impact on water quality
- The application fee will now be \$400 instead of \$100



Renewing Your MS4 Authorization

- Submit a revised SWMP with the NOI within 180 days
- Address all requirements in the General Permit
- TCEQ will review and provide feedback and then draft a public notice
- Publish notice in local newspaper with 30-day comment period
 - Send proof to TCEQ



Renewing Your MS4 Authorization

- Public meeting held, if requested
- TCEQ responds to public comments
- TCEQ approves/renews the MS4 Authorization



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



Electronic Reporting Rule

- Effective Dec. 21, 2015
- Requires electronic submittal of applications and reports
- Phase 2 of Rule: General permit applications (NOIs) and MS4 reports need to be submitted electronically by Dec. 21, 2020
- Waiver is available



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



Texas Water Development Board

- **Clean Water State Revolving Fund.**
 - Public entities - cities, counties, districts.
 - Eligible projects include:
 - Stormwater pollution control.
 - Wastewater recycling, reuse, treatment.
 - Non-point source pollution control.
 - Low interest rate loans and loan forgiveness.
 - Projects added throughout the year.
- **Contact:**
 - Mark.Evans@TWDB.Texas.gov
 - 512-463-8510



U.S. Environmental Protection Agency

- **Water Infrastructure Finance & Innovation Act**
 - Public and private entities.
 - Broad scope of projects:
 - Stormwater.
 - Wastewater.
 - Drinking water..
 - Long-term and low, fixed-rate loans.
- **Contact:**
 - Jordan Dorfman.
 - Dorfman.Jordan@EPA.gov
 - 202-564-0614



Other EPA Resources

- 2010 Urbanized Area Maps
- Training and Webcasts
- Fact Sheets and Guidance:
 - MS4 Measurable Goals Guide
 - MS4 Program Evaluation Guide
 - Model SWMP
 - Green Infrastructure / Green Streets
 - Smart Growth
 - BMPs for Industry
 - Low Impact Development

TCEQ Resources

- Assistance Tools for Stormwater Permitting
 - Check the status of permits online
 - Industrial
 - Construction
 - **Small MS4s**
 - ✓ Model Ordinance Guide
 - ✓ Annual Report - form 20561
 - ✓ Surface Water Maps
 - ✓ Water Quality Data
- 319 Non-point Source Grant
 - Focused on Watershed Protection Plans rather than individual MS4s



More TCEQ Resources

Permit and Technical Questions.

- **512-239-4671.**
- **wqap@tceq.texas.gov.**
- Stormwater & Pretreatment Team, MC-148 .
 - Texas Commission on Environmental Quality.
 - P. O. Box 13087.
 - Austin TX 78711-3087



Small Business & Local Government Assistance
1-800-447-2827 www.TexasEnviroHelp.org



Additional Resources

- Other MS4s
- Texas Watershed Steward Program
- Texas Water Resources Institute
- Texas Coastal Watershed Program
- Water Environment Federation
- Water Environment Association of Texas
- Forester Media
- International Erosion Control Association
- Councils of Government
- Texas Municipal League



**Take Care
OF Texas™**

