TOWN OF PROSPER

STORMWATER MANAGEMENT PROGRAM

July 2019

Prepared by the Town of Prosper for application to the Texas Commission on Environmental Quality TPDES General Permit Number TXR04000

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REVISION HISTORY

Revision Number	Effective Date	Description
0	6/10/2014	Complete Revision of Engineering Design Standards
1	8/27/2014	Modifications per TCEQ review
2	5/13/2019	Updates for new permit term
3	11/13/2023	Revisions made per TCEQ

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A. INTRODUCTION

Stormwater runoff is generated when precipitation from rain events flow over land or impervious surfaces and does not percolate into the ground. As the runoff flows over the land or impervious surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the runoff is discharged untreated. Polluted stormwater runoff from "urbanized areas" is a major cause of impairment to our Nation's waterways. Efforts to improve water quality came with the passage of the Clean Water Act (CWA) in 1948 and were significantly expanded and reorganized in 1972. Under the authority of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) developed a stormwater permitting program with the goal of significantly reducing stormwater pollution.

The EPA passed the permitting authority for the State of Texas on to the Texas Commission on Environmental Quality (TCEQ). The Town of Prosper has been designated as an "urbanized area" (UA) and therefore must make application to TCEQ to discharge stormwater to waters of the United States. In order to become authorized under the new TCEQ permit, the Town has developed a stormwater management program (SWMP) and intends to implement best management practices (BMPs) that are designed to:

- Reduce the discharge of pollutants to the maximum extent practicable;
- Protect water quality; and
- Satisfy the water quality requirements of the Clean Water Act.

Town Background

The Town of Prosper is a growing community generally located in northwestern Collin County and partly in eastern Denton County with US 380 as its southern boundary, and is approximately 35 miles north of downtown Dallas. Prosper is a home-rule municipality, governed by a council-manager form of government. In 2010, the U.S. Census Bureau calculated Prosper's population at 9,423, and in 2019, Prosper had an estimated population of 24,248 (per Town of Prosper Economic Development Corporation). The Town of Prosper has a projected build-out population of 70,000 residents.

Prosper has a land area of 27 square miles in the Northern Blackland Prairie ecoregion of North Texas. Stormwater from the Town falls in the Upper Trinity River basin with areas contributing to the Lewisville Lake watershed and the Lake Lavon watershed by means of Doe Branch, Wilson Creek, Rutherford Creek and Parvin Branch.

B. REGULATORY BACKGROUND

The Clean Water Act establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches.

Polluted stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (MS4s), from which it is often discharged untreated into local waterbodies. To prevent harmful pollutants from being washed or dumped into an MS4, operators must obtain a NPDES permit and develop a stormwater management program.

- Phase I, issued in 1990, requires *medium* and *large* cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges.
- Phase II, issued in 1999, requires regulated small MS4s in urbanized areas, as well as small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges.

In 1998, the U.S. EPA and the Texas Commission on Environmental Quality (TCEQ) signed a memorandum agreement for the TCEQ to assume the regulatory authority for the NPDES as it applies to the State of Texas. This program has been named the Texas Pollutant Discharge Elimination Program (TPDES). In 2007, TCEQ issued the

Phase II TXR040000 General Permit under the TPDES program, and was newly updated in December 2018. This TPDES General Permit program extends coverage of the Phase II Rule to include small MS4s in the "urbanized areas" as designated by the U.S. Census Bureau.

Regulatory Requirements

The TCEQ TPDES General Permit Number TXR040000 requires small MS4s apply for authorization to discharge stormwater to surface waters in the State of Texas. Application for coverage under this permit includes the submittal of a Notice of Intent (NOI) form and preparation of a Stormwater Management Program (SWMP). The TPDES permit will provide coverage for a five-year period and requires an annual report submittal to TCEQ.

A SWMP must be developed and submitted to TCEQ with the NOI for eligible discharges that will reach waters of the United States (U.S.), including discharges from the regulated small MS4 to other MS4s or privately-owned separate storm sewer systems that subsequently drain to waters of the U.S. according to the requirements of Part III of the TPDES general permit:

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

The SWMP shall include a time line that demonstrates a schedule for implementation of the program throughout the permit term. The program must be completely implemented within five years of the issuance date of the TPDES general permit, or within five years of being designated for those small MS4s which are designated following permit issuance. Implementation of the SWMP is required immediately following receipt of written authorization from the TCEQ.

Our SWMP identifies and applies best management practices (BMPs) developed to prevent stormwater pollution to the maximum extent practicable (MEP). BMPs were developed to satisfy six stormwater quality Minimum Control Measures (MCM):

1. Public Education, Outreach, and Involvement
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Sites Stormwater Runoff Control
4. Post-Construction Stormwater Management in New Development and Redevelopment
5. Pollution Prevention and Good Housekeeping Measures for Municipal Operations
6. Industrial Stormwater Sources

Impaired Water Bodies

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list, as not meeting Texas Surface Water Quality Standards.

The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs as provided in sections (a) and (b) below *(only section b provided in SWMP)*, and shall assess the progress in controlling those pollutants.

(b) **Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL**
The permittee shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the permittee

discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities:

(1) Discharging a Pollutant of Concern

a. Within the first year following the permit effective date, the permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.

b. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.

c. In addition, no later than three years following the permit effective date, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

(2) Impairment of Bacteria

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

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

C. PROGRAM OVERVIEW

The Town of Prosper has developed this SWMP in accordance with TPDES requirements for obtaining authorization for stormwater and certain non-stormwater discharges. The SWMP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the Town's stormwater quality. The SWMP also sets measurable goals and provides a schedule for the implementation of BMPs over the next five years. The permit will be renewed every five years, and permit conditions will reflect progress made in the Town to improve stormwater quality. Various BMPs have been developed for each of six required minimum control measures that are expected to minimize or eliminate stormwater pollutants discharged into the storm sewer system and provide water quality protection for receiving water bodies.

The SWMP was originally developed by Town staff from multiple departments (Stormwater Stakeholder Committee) and led by the Engineering Department. These "stakeholders" discussed and considered various structural and non-structural BMPs that were used in the selection to meet the six MCMs. Multiple BMPs were selected and are being implemented throughout the five-year permit term authorized under the General Permit. The Stakeholder Committee was comprised by department heads and/or their designees from select Town departments including:

- Engineering
- Public Works
- Building Inspections
- Parks & Recreation
- Planning
- Library

Various other departments including the Fire Department, Police, Town Secretary, Utility Billing, Purchasing, Human Resources, and Town Administration were solicited for additional input. Supplementary advice was given through the Collin County MS4 Stormwater Forum.

The continuing updating of the SWMP is conducted by the Town's Stormwater Utility Administrator (SUA).

The Best Management Practices (BMP's) proposed in this SWMP have been selected to address the six minimum control measures. These BMPs were selected based on analyzing existing practices in the Town of Prosper as well

as nearby communities. After extensive research, additional BMPs were also chosen from the EPA's *National Menu of Stormwater Best Management Practices*, NCTCOG's *Stormwater BMPs: A Menu of Management Plan Options for Small MS4s in North Central Texas*, and various TCEQ resources.

Impaired Water Bodies: The Town of Prosper contributes stormwater runoff in the Upper Trinity River basin with areas contributing to the Lewisville Lake watershed and the Lake Lavon watershed by means of Doe Branch, Wilson Creek, Rutherford Creek and Parvin Branch. And according to CWA §303(d), Wilson Creek is listed as being an impaired body.

SegID: 0821C	**Wilson Creek (unclassified water body)** From the confluence with Lake Lavon in Collin County up to West FM 455 (NHD RC 12030106000086), just east of Celina, Collin Co., TX.		
Parameter(s)		*Category*	*Year Segment First Listed*
bacteria		**5c**	**2010**
0821C_01	Entire water body		

Category 5c – Additional data or information will be collected and/or evaluated for one or more parameters before a management strategy is selected.

The Town discharges in the listed water body segment which is listed as impaired for bacteria. Bacteria is likely to be found in stormwater discharges and may contribute to the impairment of the water body. While additional data or information shall be collected and/or evaluated before a management strategy is selected, this SWMP will include BMPs that will focus on the reduction of discharge of bacteria to the maximum extent practical. Specifically focused BMPs, along with corresponding measurable goals, will target sanitary sewer systems, on-site sewage facilities, illicit discharges and dumping, animal sources and residential education. The annual report will include information on compliance with these BMPs and corresponding measurable goals.

D. MINIMUM CONTROL MEASURES

Operators of small municipal separate storm sewer system (MS4) must develop and submit to the TCEQ, a stormwater management program (SWMP) that includes at least these six control measures:

- public education and outreach
- public involvement or participation
- detection and elimination of illicit discharges
- controls for stormwater runoff from construction sites
- post-construction stormwater management in areas of new development and redevelopment
- pollution prevention and "good housekeeping" measures for municipal operations

These measures must be developed by identifying and applying best management practices (BMPs). The minimum control measures include the regulatory requirements, a description of the selected BMP's along with the implementation schedule and measureable goals for the Town of Prosper's SWMP.

1. PUBLIC EDUCATION, OUTREACH, AND INVOLVEMENT

Regulatory Requirements:

(a) Public Education and Outreach

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

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of

pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. The program must, at a minimum:

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

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

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

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

(b) Public involvement

All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

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

(1) If feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;

(2) If feasible, create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Highway" programs, and educational activities; and

(3) Ensure the public can easily find information about the SWMP.

Program Development

Objective: Through the selected BMPs, the Town of Prosper will provide educational material to reach a range of audiences to help promote stormwater quality and to reduce pollutants within our waterways. Material shall be provided to reach residents, visitors, businesses, and Town employees in a variety of ways. Educational material shall be provided and updated at a minimum of annual intervals. Opportunities throughout the permit term shall be provided to allow the general public to offer public comment as well as participate in annual events. The goal is to educate residents and others about the importance of stormwater quality, and show what steps can be done to reduce pollutants in stormwater. High priority community-wide issues include, but are not limited to: bacteria, pet waste, yard clippings, construction pollutants and environmental health.

Selected BMPs:

BMP 1.1 Utility Bill Inserts

Description: Educational material regarding general stormwater information especially pertaining to TCEQ permit guidelines shall be included in utility bill inserts at least once per year. Material are to include a variety of information from year to year and shall include topics on hazards associated with bacteria in our waterbodies and improper disposal of waste, as well as the impact that stormwater discharges can have on local waterways. The inserts will also contain contact information for questions and comments. Inserts will reach all Prosper residents and businesses currently being served by Town utilities.

Measurable Goal: The number of Prosper resident and business addresses with utility inserts.

Schedule of Implementation:

~ Years 1-5: Update material and continue insertion into utility bills, 100% of Town utility customers will receive inserts.

Responsible Department: Utility Billing

BMP 1.2 Social Media

Description: Informative and educational material will be posted on the Town's Facebook page annually containing general stormwater material pertaining to TCEQ permit guidelines. The Town will research additional forms of social media to provide material to the general public and businesses who are "connected" to Prosper. Social media such as Facebook, Instagram and Twitter allows users to interact with like-minded individuals, and seek or share information on related topics.

Measurable Goal: Listed number of friends to Town Facebook page, and number of "likes" by Facebook/Twitter users for each related post.

Schedule of Implementation:

~ Years 1-5: Update material and continue yearly posts.

Responsible Department: Engineering Department

BMP 1.3 Town Website

Description: Provide educational and informative material regarding stormwater related topics through links on a dedicated webpage. The webpage is to include general TCEQ permit information as well as Town staff contact information for questions or reporting purposes. Related topics will include information on hazards associated with illegal discharges and improper disposal of waste, as well as the impact that stormwater discharges can have on local waterways. Educational information addressing the impacts of bacteria on impaired water bodies and promoting its reduction shall be included. The webpage is typically the most used form of gathering information for a wide variety of users from businesses to consultants/developers to general public.

Measurable Goal: Upload one new educational stormwater video per year.

Schedule of Implementation:

~ Years 1-5:

- Continue to provide links to stormwater related websites.
- Update website as necessary to educate as many residents and businesses as possible.
- Upload one new educational stormwater video per year.

Responsible Department: Engineering Department

BMP 1.4 Reference Material at Town Library and Local Businesses

Description: Provide educational material for reference at the Public Library and local businesses. Reference material to include informative material relating to Town of Prosper stormwater program, educational material on various stormwater BMP's including information on bacteria and promotion of its reduction in stormwater discharge, and information relating to Town of Prosper stormwater management program.

Measurable Goal: Place 30 educational fliers at the library front desk per year and mail 30 educational fliers to Prosper businesses per year.

Schedule of Implementation:

- Year 1: Update reference material for Library and local businesses.
- Year 2: Distribute stormwater survey with materials to obtain feedback on the effectiveness of materials.
- Years 3-5: Update material and continue to provide reference material.
- Years 1-5: Place 30 educational fliers at the library front desk and 30 educational fliers to local businesses.

Responsible Department: Engineering Department

BMP 1.5 Town Staff Education/Training

Description: Provide educational material to Town staff through various formats. Educational material related to stormwater issues as it relates to Town functions shall be sent via staff email as well as be available on the Town's intranet (once implemented). Additional training will be provided for staff directly related to construction activities.

Measurable Goal: Training sign-in sheets are collected at every training, to count the number of employees who attended each training. 25% of applicable Town staff will be trained every year.

Schedule of Implementation:

- Year 1: Develop new training material for Parks and Rec targeting grass clippings and chemicals.
- Year 2: Conduct educational stormwater trainings for Parks and Rec with new material.
- Years 1-5: Continue to hold training sessions for specific Town staff as job functions relate to stormwater quality.

Responsible Department: Engineering Department

BMP 1.6 Stormwater Hotline

Description: Continue to advertise a dedicated stormwater hotline to solicit information related to illicit discharges and illegal dumping, stormwater complaints, and general comments regarding Prosper's stormwater management program.

Measurable Goal: Keep log of all residents' questions and complaints. The log will be turned into TCEQ with annual report.

Schedule of Implementation:

- Years 1-5: Continue to provide contact info for Stormwater Utility Administrator to respond to resident questions and complaints on stormwater related issues. Write a report for every complaint and turn in a complaint log with Annual Report.

Responsible Department: Engineering Department

BMP 1.7 Educational Booth at Community Events

Description: Provide booth and table with various educational material and staffed with Town employees to collect input from event's attendees and provide educational material.

Measurable Goal: Two events per year.

Schedule of Implementation:

~ Year 1: Purchase stormwater program logo table runner for booth.

~ Year 1: Purchase a prize wheel.
~ Year 1: Purchase stormwater related SWAG to hand out for watershed model participation.
~ Years 2-5: Continue to purchase SWAG to keep residents visiting the stormwater booth.
~ Years 1-5: Demonstrate watershed model to residents.

Responsible Department: Engineering Department

BMP 1.8 Watershed Model Demonstrations at PISD Middle Schools

Description: Visit local middle schools to demonstrate the Town's watershed model and educate the middle school students about the impacts of stormwater on their local watersheds, rivers and lakes.

Measurable Goal: The Town has a goal to present the watershed model to no less than 500 students per year.

Schedule of Implementation:

~ Years 1-5: Visit or lend out watershed model to at least one school per year.

Responsible Department: Engineering Department

BMP 1.9 Resident and Business Educational Stormwater Violation Letters

Description: Residents and Businesses that are found to be violating the Town's Stormwater Ordinance, will be sent an educational letter to inform them why an action may be harmful to stormwater quality.

Measurable Goal: Number of residents and businesses who receive stormwater educational letters. All educational letters that are mailed to residents and businesses will be logged. The yearly log will be provided to TCEQ with the annual report.

Schedule of Implementation:

~ Year 1: Draft stormwater letter to educate residents and businesses on stormwater regulation and Town stormwater ordinance.
~ Year 1: As residents and businesses are spotted violating Town ordinance, identify the offender's address, and send customized educational letter based on each individual violation.
~ Years 1-5: Continue to send out stormwater educational letters to residents and businesses/track all correspondence.

Responsible Department: Engineering Department

BMP 1.10 Household Hazardous Waste Collection and Recycling

Description: Participate in area household hazardous waste collection day and advertise to residents. Continue to enter into interlocal agreement with neighboring municipalities to allow collection of common household hazardous material.

Measurable Goal: Hold annual event to allow residents an opportunity to participate in activities that promote stormwater quality and reduction of pollutants in Town's waterways, we will track how many pounds of waste is collected.

Schedule of Implementation:

~ Years 1-5: Hold and promote yearly event for household hazardous waste collection.
~ Years 1-5: Track amount and type of all waste collected and report numbers to TCEQ with annual report.

Responsible Department: Public Works Department

2. ILLICIT DISCHARGE DETECTION AND ELIMINATION

Regulatory Requirements:

(a) Program Development

(1) All permittees shall develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

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

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

a. An up-to-date MS4 map (see Part III.B.2.(c)(1));
b. Methods for informing and training MS4 field staff (See Part III.B.2.(c)(2));
c. Procedures for tracing the source of an illicit discharge (see Part III. B.2.(c)(5));
d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));
e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;

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

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

Allowable Non-Stormwater Discharges

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

Requirements for all Permittees

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

(1) MS4 mapping

a. All permittees shall maintain an up-to-date MS4 map, which must be located on site and available for review by the TCEQ. The MS4 map must show at a minimum the following information:
b. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S;
c. The location and name of all surface waters receiving discharges from the small MS4 outfalls; and
d. Priority areas identified under Part III.B.2.(e)(1) if applicable.

(2) Education and Training

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

(3) Public Reporting of Illicit Discharges and Spills

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

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

(5) Source Investigation and Elimination

a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.
   (i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.
   (ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.
   (iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or TCEQ's Field Operation Support Division according to Part III.A.3.b.
c. Corrective Action to Eliminate Illicit Discharge
   (i) If and when the source of the illicit discharge has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.

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

Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)(1)-(6) above, permittees who operate levels 3 and 4 small MS4s shall meet the following requirements:

(1) Source Investigation and Elimination

Permittees who operate level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C., no further action is required.

Program Development

Objective: The Town shall implement, and enforce a program to detect, investigate, and eliminate illicit connections and illicit discharges into the small MS4. Town staff shall be trained to detect and investigate potential illicit connections and illicit discharges. Ordinances have been created and implement to give Town authority to eliminate illicit connections and illicit discharges. The goal is to continue to give Town employees tools to detect and enforce removal of illicit connections and illicit discharges. When a report of an illicit connection or illicit discharge is received by Town staff, the incident is assigned to a Town stormwater inspector, who visits the site, documents any physical evidence, and writes a comprehensive report if necessary. If a report is necessary, it will include: location, date and time of incident, photos of incident, responsible parties, corrective actions required, and will notify TCEQ if the substance is on the list of reportable substances. In the case that the illicit connection or illicit discharge is coming from a residential home, the resident is notified with a warning letter. If the resident does not respond with appropriate action, stormwater staff will enlist the assistance of our Code Compliance Division to escalate as needed.

Selected BMPs

BMP 2.1 Storm Sewer Map

Description: A storm sewer map has been developed in accordance with TCEQ requirements. Using existing GIS data for current mapped infrastructure and performing field survey where data is unavailable.

Measurable Goal: Storm sewer map to show locations of existing storm sewer in addition to storm outfalls in relation to names receiving bodies of water/Waters of the U.S. Including locations and names of all surface waters receiving discharge from these outfalls.

Schedule of Implementation:

- Years 1-5: Update map due to continuing development within the Town.

Responsible Department: Engineering Department

BMP 2.2 Stormwater Management Ordinance - Illicit Discharge Elimination

Description: Review and update existing ordinances and create new ordinances as needed to comply with current TCEQ requirements to provide the Town of Prosper the authority to require the elimination of illicit connections, illicit discharges or illegal dumping activities within the Town. Ordinance to address the reduction of bacteria in stormwater discharge into Wilson Creek as well as other water bodies.

Measurable Goal: Review Ordinance once a year and update Ordinance as needed to continue to eliminate illicit connections and illicit discharges.

Schedule of Implementation:

- Years 1-5: Continue to commence enforcement and track progress. Review one time per year and update, as needed.

Responsible Department: Engineering Department

BMP 2.3 Illicit Discharge Investigation and Elimination

Description: Conduct investigations to determine the source of illicit connections, illicit discharges and illegal dumping activities. Follow procedures to remove the source of the illicit discharge, and issues fines, as needed.

Measurable Goal: 100% of reported illicit connections, illicit discharges and illegal dumping will be investigated.

Schedule of Implementation:

- ~ Years 1-5:
  - Update procedures to remove illicit discharge.
  - Conduct investigations for 100% of reported discharges, in accordance with established parameters.
  - Continue and update training for appropriate personnel. Update procedures, as needed.

Responsible Department: Engineering Department / Code Compliance Department

BMP 2.4 Household Hazardous Waste Collection and Recycling (also BMP 1.10)

Description: Participate in area household hazardous waste collection day and advertise to residents. Continue to enter into interlocal agreement with neighboring municipalities to allow collection of common household hazardous material.

Measurable Goal: Hold annual event to allow residents opportunity to participate in activities that promote stormwater quality and reduction of pollutants in the Town's waterways. Record weight of waste collected.

Schedule of Implementation:

- ~ Year 1-5: Hold and promote yearly event for household hazardous waste collection.

Responsible Department: Public Works Department

BMP 2.5 Stormwater Hotline (also BMP 1.6)

Description: Continue to advertise a dedicated stormwater hotline to solicit information related to illicit connections, illicit discharges and illegal dumping, stormwater complaints, and general comments regarding Prosper's stormwater management program.

Measurable Goal: Keep log of all residents' questions and complaints.

Schedule of Implementation:

- ~ Years 1-5: Continue to provide contact info for Stormwater Utility Administrator to respond to resident questions and complaints on stormwater related issues.

Responsible Department: Public Works Department

BMP 2.6 Hazardous Material Spill Response

Description: Continue implementation of existing spill response procedures and training to contain and properly dispose hazardous material spills, and prevent those spills from entering the MS4. Review and update existing procedures and training, as needed.

Measurable Goal: Provide annual Haz-Mat training to Fire Department staff that includes topics covering stormwater quality impacts and preventing spills from entering the storm drain system and waterways. Document annual training provided, create log of attendees and provide the log to the TCEQ with the annual report.

Schedule of Implementation:

- ~ Years 1-5:
  - Continue implementation of existing procedures and training.
  - Track number of responses to spills / Hazmat incidents.
  - Track number of training hours for appropriate employees.

Responsible Department: Fire Department

3. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

Regulatory Requirements:

(a) Requirements and Control Measures

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

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

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

(b) Requirements for all Permittees

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

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

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

a. Erosion and Sediment Controls - Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.
b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the permittee. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.
c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:
   (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
   (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
   (iii) Minimize the discharge of pollutants from spills and leaks.
d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

(3) Prohibited Discharges - The following discharges are prohibited:

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

(4) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

a. The site plan review procedures must incorporate consideration of potential water quality impacts.
b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000.

The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspections of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

a. Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.
b. Inspections must occur during the active construction phase.
   (i) All permittees shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on site or in the SWMP and be made available to TCEQ.
   (ii) Inspections of construction sites must, at a minimum:

      1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage.

      2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements.

      3. Assess compliance with the permittee's ordinances and other regulations.

      4. Provide a written or electronic inspection report.

c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the TCEQ's Field Operations Support Division according to Part III.A.3(b).

(6) Information submitted by the Public

All permittees shall develop, implement, and maintain procedures for receipt and consideration of information submitted by the public.

(7) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.

(c) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.3(b)(1)-(7) above, permittees who operate levels 3 and 4 small MS4s shall meet the following requirements:

(1) Construction Site Inventory

Permittees who operate levels 3 and 4 small MS4s shall maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 should be made by submittal of a copy of an NOI or a small construction site notice. The permittee shall make this inventory available to the TCEQ upon request.

Program Update

Objective: The Town will implement the Construction General Permit (CGP) requirements to construction sites that are equal to or more than 1 acre. Town has developed, implemented, and enforced a program to address stormwater runoff from construction sites one acre or greater to promote stormwater quality and prevent pollutants from entering waterways. Town staff has been trained to implement and enforce maintenance of construction stormwater BMPs. Ordinances were created to require erosion and sediment control measures for all new and existing construction with the goal being to reduce pollutants from construction sites. All aspects of the program will be looked at and updated as necessary.

Selected BMPs

BMP 3.1 Stormwater Management Ordinance - Erosion and Sediment Control Requirements

Description: Developed Town ordinance requiring the implementation of appropriate erosion and sediment control BMP's as well as other TCEQ permit requirements.

Measurable Goal: Review Ordinance one time per year, to ensure Prosper is in full compliance with TCEQ regulation when enforcing the implementation of erosion and sediment control BMP's.

Schedule of Implementation:

- Years 1-5:
  - Review Erosion and Sediment Control Ordinance one time per year as needed.
  - Continue to commence enforcement and track process. Update and modify as needed.

Responsible Department: Engineering Department

BMP 3.2 Requirements for Construction Site Contractors

Description: Update and continue to implement requirements for construction site contractors as it relates to construction site runoff.

Measurable Goal:

A. Continue to implement construction plan review checklist to use during plan review process. Require 100% of consultants to prepare plans in accordance with stormwater ordinance and developed checklist.

B. Continue to enforce procedures to control waste, such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site or business that may cause adverse impacts to water quality on 100% of construction sites.

Schedule of Implementation:

~ Years 1-5:
- Continue to implement construction plan review checklist. Require Consultants to follow checklist guidelines.
- Continue to implement procedures to control waste from construction site contractors.
- Review and update checklist and procedures, as needed. Continue to implement procedures.

Responsible Department: Engineering Department

BMP 3.3 Construction Site Inspections

Description: Continue to conduct construction site inspections and enforcement of erosion and sediment control requirements for regulated construction activities.

Measurable Goal: Track and implement inspection and enforcement program. Conduct full SWPPP inspection on 20 sites per month.

Schedule of Implementation:

~ Years 1-5: Continue to implement procedures for construction site inspections. Review and update procedures, as necessary.

Responsible Department: Engineering Department

BMP 3.4 Receipt and Consideration of Information from Public

Description: The Town has developed a program to receive and consider information provided by the public in the development of procedures of construction site stormwater runoff. The Town has used various medium such as stormwater hotline, social media, public input meetings, and other to collect information provided by Town residents and the general public.

Measurable Goal: Track input from the public regarding procedures as it relates to construction site runoff. Review and consider public input, and incorporate into procedures, as appropriate.

Schedule of Implementation:

~ Years 1-5: Continue to track new forms of information as collection methods are established, and additional public input is received.

Responsible Department: Engineering Department

BMP 3.5 Procedures for MS4 Stormwater Staff Training

Description: The Town requires all stormwater staff attend MS4 stormwater inspection certification course.

Currently 100% of stormwater inspectors have Certified Erosion, Sediment, Stormwater Inspector (CESSWI) certifications though Envirocert International Inc.

Measurable Goal: Ensure 100% of Town MS4 inspection staff have or are in the process of obtaining CESSWI or equivalent.

Schedule of Implementation:

- Year 1: Keep all stormwater staff certifications up to date and ensure all applicable employees are staying up to date with current MS4 and erosion control methods and regulations.
- Years 1-5: Keep all stormwater staff certifications up to date and ensure all applicable employees are staying up to date with current MS4 and erosion control methods and regulations. Require all new stormwater staff to obtain CESSWI or equivalent certification within 1 year of hire date.

Responsible Department: Engineering Department

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

Regulatory Requirements:

(a) Post-Construction Stormwater Management Program

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

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

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

(b) Requirements for all Permittees

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

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

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

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

All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

a. Maintenance performed by the permittee. See Part III.B.5.
b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

Program Development

Objective: The Town shall develop, implement, and enforce a program to address stormwater runoff from new development and redeveloped sites to promote stormwater quality and prevent pollutants from entering waterways. Town staff shall create and implement a program to require structural and non-structural BMPs for new development and redeveloped sites. Ordinances shall be created and implement to give Town authority to enforce the program. The goal is to reduce pollutants from new development and redeveloped sites long-term and protect water quality. Long-term operation and maintenance of post construction stormwater control measures will be developed and deployed to ensure all CGP requirements are met. All land owners will be required to document maintenance and improvement activities associated with post construction stormwater control measures.

Selected BMPs

BMP 4.1 Engineering Design Requirements

Description: Update engineering design manuals to include structural and non-structural BMP's in site development design for post-construction stormwater management.

Measurable Goal: Continue to review post-construction stormwater runoff control guidelines within Engineering Design Manuals one time per year.

Schedule of Implementation:

~ Years 1-5:
- Continue to review engineering design manuals to include design guidelines to address post-construction stormwater runoff, one time per year. Implement guidelines with construction plan review process.
- Continue to implement guidelines. Review and update requirements, as appropriate.

Responsible Department: Engineering Department

BMP 4.2 Stormwater Management Ordinance - Post-Construction Requirements

Description: Develop a Town ordinance requiring permanent post-construction stormwater runoff controls for regulated new development and redevelopment projects to prevent or minimize water quality impacts. Utilize and

reference existing ordinances that provide some post-construction controls.

Measurable Goal: A draft ordinance and guidance will be prepared within one year. A final ordinance and post-construction guidance will be available within two years.

Schedule of Implementation:

- Year 1: Create Post-Construction BMP Ordinance.
- Year 2: Inventory all Post-Construction BMPs within Town limits.
- Year 2: Advertise final Post-Construction BMP Ordinance on Town website.
- Years 4-5: Track process. Update and modify, as needed.

Responsible Department: Engineering Department

BMP 4.3 Structural and Non-Structural BMP Maintenance

Description: The Town shall continue to develop public/private partnerships with Homeowner Associations (HOA), developers, or other private entity to provide long-term maintenance of post-construction BMP's as it relates to development and water quality. The Town to develop Post-Construction BMP Operation and Maintenance documents for distribution to developers and HOAs to aid in long-term maintenance. The Town will develop a BMP maintenance contract requiring compliance with the BMP maintenance plan.

Measurable Goal: Development of a program to create public/private partnerships for maintenance of post-construction BMPs. Creation of O&M documents to distribute to developers and HOAs. Creation and enforcement of a BMP maintenance contract. The Town will keep a log of all post construction BMP maintenance inspections and provide the log to the TCEQ with the annual report.

Schedule of Implementation:

- Years 1-2: Develop program. Seek input from public and local developers. Create documents for distribution.
- Draft post construction BMP maintenance ordinance (also BMP 4.2)
- Year 2: Enforce post construction BMP maintenance ordinance, educate HOA, property owners and residence about new ordinance.
- Years 3-5: Continue to develop public/private partnerships for maintenance of post-construction BMPs. Review and modify program, as appropriate.
- Years 3-5: Map new and pre-existing post construction BMPs and inspect 30% of existing features on an annual basis.
- Years 2-5: Create and update spreadsheet of enforcement actions and post construction bmp maintenance schedules for all applicable stormwater features.

Responsible Department: Engineering / Planning/Code Compliance Departments

5. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

Regulatory Requirements:

(a) Program Development

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

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

(b) Requirements for all Permittees

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

(1) Permittee-owned Facilities and Control Inventory

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

a. Composting facilities;
b. Equipment storage and maintenance facilities;
c. Fuel storage facilities;
d. Hazardous waste disposal facilities;
e. Hazardous waste handling and transfer facilities;
f. Incinerators;
g. Landfills;
h. Materials storage yards;
i. Pesticide storage facilities;
j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
k. Parking lots;
l. Golf courses;
m. Swimming pools;
n. Public works yards;
o. Recycling facilities;
p. Salt storage facilities;
q. Solid waste handling and transfer facilities;
r. Street repair and maintenance sites;
s. Vehicle storage and maintenance yards; and
t. Structural stormwater controls.

(2) Training and Education

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

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

(4) Contractor Requirements and Oversight

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

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

(5) Municipal Operation and Maintenance Activities

Assessment of permittee-owned operations

a. All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to:
   (i) Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;
   (ii) Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;
   (iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and
   (iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).
c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples:
   (i) Replacing materials and chemicals with more environmentally benign materials or methods;
   (ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and
   (iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.
d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

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

(c) Additional Requirements for Level 3 and 4 small MS4s:

In addition to the requirements described in Parts.B.5.(b)(1)-(6) above, permittees who operate levels 3 or 4 small MS4s shall meet the following requirements:

(1) Storm Sewer System Operation and Maintenance

a. Permittees who operate levels 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures.
b. Permittees who operate levels 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads Permittees who operate level 3 or 4 small MS4s shall implement an O&M program that includes, if feasible and practicable, a street sweeping and cleaning program, or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants.

a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program.
b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.
c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

Permittees who operate levels 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located.

(4) Facility Assessment

Permittees who operate levels 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee:

a. Assessment of Facilities' Pollutant Discharge Potential - The permittee shall review the facilities identified in Part III.B.5.(b) once per permit term for their potential to discharge pollutants into stormwater.
b. Identification of *high priority* facilities - Based on the Part III.B.5.(c)(4)a. assessment, the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants and shall document this in a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.
c. Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility Specific SOPs

Permittees who operate levels 3 or 4 small MS4s shall develop facility specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information:

a. For each high priority facility identified in Part III.B.5.(c)(4)b., the permittee shall develop an SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.
b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate levels 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part III.B.5.(c)(4)b. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

a. General good housekeeping – Material with a potential to contribute to stormwater pollution should be sheltered from exposure to stormwater when feasible.
b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.
c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) which address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.
d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate levels 3 or 4 small Ms4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

Program Development

Objective: Update operation and maintenance program and "good housekeeping" procedures for range of municipal activities in order to reduce or prevent pollutants into our waterways. The Town of Prosper (Prosper) will develop and maintain an inventory of the MS4'sfacilities and stormwater controls. Prosper will inspect pollution prevention measures at all MS4 facilities and maintain all structural BMPs.

Selected BMPs

BMP 5.1 Municipal Best Management Practices

Description: Develop methods and procedures that will include good housekeeping measures and structural/non-structural BMPs to prevent and reduce stormwater pollution from MS4 operations. Procedures to focus on, but not be limited to Town facilities and those staff that routinely maintain those facilities. Town facilities and operations include:

- Park and Athletic Field Maintenance
- Street Maintenance
- Storm Sewer Maintenance
- Material Storage

- New Construction
- Police and Fire Department facilities
- Post Construction stormwater management facilities

Measurable Goal: Continue to develop procedures for Town staff to implement in routine maintenance of municipal operations. By the end of year three, Stormwater staff will have a full set of municipal routine maintenance procedures for all applicable departments/facilities. Stormwater staff will inspect all MS4 facilities 1 time per year.

Schedule of Implementation:

- ~ Years 1-3: Draft procedures to include good housekeeping measures and BMPs to help prevent and reduce stormwater pollution from municipal operations. Begin implementation of procedures.
- ~ Years 4-5: Continue to implement. Review and modify procedures, as appropriate.
- ~ Years 4-5: Inspect 100% of MS4 facilities 1 time per year.

Responsible Department: Parks and Recreation / Public Works / Engineering/Fire/Police Departments

BMP 5.2 Town Staff Training Program

Description: Continue to update annual training program to inform and train Town staff about methods to prevent and reduce stormwater pollution from municipal operations. Training to include procedures developed from BMP 6.1 which consists of good housekeeping measures and BMPs that will assist in the reduction of stormwater pollutant runoff.

Measurable Goal: A record of all employees who attend trainings will be kept and submitted in the annual report. Every other year 50% of relevant employees will attend job related stormwater pollution prevention training.

Schedule of Implementation:

- ~ Years 1-3: Continue to develop advanced training program and provide annual training to directors, managers, and supervisors directly related to the maintenance of municipal operations. 50% of all relevant employees will attend job specific stormwater pollution prevention training.
- ~ Year 4-5: Continue to train directors, managers, and supervisors. Adjust program to include all employees related to maintenance of municipal operations. Review and modify training program, as appropriate. 50% of all relevant employees will attend job specific stormwater pollution prevention training.

Responsible Department: Engineering Department

BMP 5.3 Audit Municipal Facilities and Equipment for Environmental Management

Description: Municipal facilities can have an impact on stormwater quality. A list of municipal activities with a potential to affect stormwater quality has been created, as well as a list of staff with responsibilities related to those activities. Activities that have a positive effect on stormwater quality will be encouraged, and activities with an adverse effect will be evaluated and modified to ensure all preventative measures are being followed to prevent stormwater pollution.

Measurable Goal: A thorough assessment of current activities and staff with responsibilities related to those activities will be conducted in order to identify positive and negative water quality activities. The results of the audits will be used in developing the procedures in BMP 6.1 and included in the training for BMP 6.2. A list of all training attendees will be kept and submitted with the TCEQ Annual Report.

Schedule of Implementation:

- ~ Year 1: Conduct audit of current municipal activities and operations. Group into positive and negative impacting categories. Determine if further preventative measures need to be taken in order to prevent

pollutants from entering local waterways.
- Years 2-5: Conduct yearly audits on existing and newly formed activities, and make adjustments, as appropriate.
- Years 2-5: Develop procedures to properly remove and dispose of waste from the MS4

Responsible Department: Engineering Department

BMP 5.4 Maintenance Contractor Requirements and Oversight

Description: Contractors hired by the Town to perform maintenance activities on Town-owned facilities will be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures implemented by the Town. The Town will provide adequate oversight of contractor activities to ensure that contractors are using appropriate control measures and standard operating procedures. Oversight procedures will be developed.

Measurable Goal: Update standard contract language that includes appropriate reference to standard operating procedures and stormwater plans. Include standard contract language and SOPs in 100% of new contracts.

Schedule of Implementation:
- Years 1-5: Contractually require service providers to comply with all control measures and operational procedures. Provide adequate oversight of contractor activities

Responsible Department: Engineering Department

BMP 5.5 Municipal Operation and Maintenance (O&M) Activities

Description: Municipal O&M activities throughout the Town will be examined to determine their potential to discharge pollutants in stormwater to the MS4. A list of pollutants of concern that could discharge from the O&M activities will be made and updated as necessary. After the list of potential pollutants is complete, Town stormwater staff will implement pollution prevention measures that will reduce discharge of pollutants from O&M activities. **Measurable Goal:** 100% of all Town O&M activities will be analyzed within the first year of the SWMP. All other information will be gathered and all pollution prevention measures will be implemented by the end of the 5th year of the SWMP. 50% of tangible pollution prevention measures will be inspected on an annual basis, all inspections will be logged and inspector will write a report that will be added to the O&M file. All inspections and maintenance activities will follow Town procedures for inspecting and maintaining structural controls.

Schedule of Implementation:
- Year 1: Analyze/evaluate all Town O&M activities for potential to discharge pollutants in stormwater.
- Year 2: Identify pollutants of concern that could be discharged from the O&M activities.
- Year 3: Develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities.
- Year 4: Develop procedures for inspecting and maintaining structural controls.
- Year 5: Conduct inspections of tangible pollution prevention measures, write a report for all inspections and log all inspections in Town file system.
- Years 1-5: Continually examine process and analyze O&M activities. Update as necessary.

Responsible Department: Engineering Department

APPENDIX A TOWN OF PROSPER NOTICE OF INTENT

APPENDIX B COMMON USED ACRONYMS

BMP	Best Management Practice
CFR	Code of Federal Regulations
CGP	Construction General Permit, TXR150000
CWA	Clean Water Act
EPA	Environmental Protection Agency
FR	Federal Register
MCM	Minimum Control Measure
MSGP	Multi-Sector General Permit, TXR050000
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination (to terminate coverage under a general permit)
NPDES	National Pollutant Discharge Elimination System
SWMP	Stormwater Management Program
SWP3, SWPPP	Stormwater Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
TWC	Texas Water Code

APPENDIX C GLOSSARY

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

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

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

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

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

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

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

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

Construction Site Operator - The person or persons associated with a small or large construction project that meet(s) 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 stormwater pollutio prevention plan for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the Stormwater Pollution Prevention Plan or comply with other permit conditions).

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

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

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

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 (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 per cent of the native background vegetative cover for the

area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

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

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

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

(c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer stripsimmediately 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.

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

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

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

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

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

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

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

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

Major Outfall - means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

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

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

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

(a) Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved

management agency under the CWA §208 that discharges to surface water in the state;

(b) That is designed or used for collecting or conveying stormwater;

(c) That is not a combined sewer; and

(d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

Non-traditional MS4 - A MS4 that often cannot pass ordinances nor have the enforcement authority like a typical MS4 to enforce the stormwater management program. Examples of non- traditional MS4s include counties, Department of Transportation (DOT), municipal utility districts, military bases, prisons or universities.

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

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

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

Outfall - A point source at the point where a small MS4 discharges to waters of the 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. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-of-way barriers with drainage slots that drain into open culverts, openswales or an adjacenet property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

Small Municipal Separate Storm Sewer System (MS4) – 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):

(a) 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, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under ' 208 of the CWA;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer;

(d) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR ' 122.2; and

(e) 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. This term includes

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

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

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

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

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

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (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.

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

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 and the 2010 Decennial census.

The Bureau of Census defines urbanized areas as **"...a land area comprising one or more places – central place(s) – and the adjacent densely settled surrounding area - urban fringe – that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile"**.

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

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate wetlands;

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

  (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

  (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

  (3) Which are used or could be used for industrial purposes by industries in interstate commerce;

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

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

(f) The territorial sea; and

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

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the 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 the CWA jurisdiction remains with the EPA.

APPENDIX D Allowable Non-Stormwater Discharges

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

1. water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
4. diverted stream flows;
5. rising ground waters and springs;
6. uncontaminated ground water infiltration;
7. uncontaminated pumped ground water;
8. foundation and footing drains;
9. air conditioning condensation;
10. water from crawl space pumps;
11. individual residential vehicle washing;
12. flows from wetlands and riparian habitats;
13. dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
14. street wash water excluding street sweeper waste water;
15. discharges or flows from firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. other allowable non-stormwater discharges listed in 40 CFR ' 122.26(d)(2)(iv)(B)(1);
17. non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR 050000 or the TPDES Construction General permit (CGP) TXR150000;
18. discharges that are authorized by TPDES or NPDES permit or that are not required to be permitted; and
19. other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.