STORM WATER MANAGEMENT PLAN

City Of Splendora

"The Switch 1896"

Developed to comply with the requirements of Texas Pollutant
Discharge Elimination System
General Permit No. TXR040000

Prepared:
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1.0 INTRODUCTION

The U.S Environmental Protection Agency (EPA) issued regulations in 1999 to protect storm water quality in small cities and urbanized areas. In Texas, the Texas Commission on Environmental Quality (TCEQ) was delegated the responsibility for implementing the regulations, commonly called the Phase II Storm Water Program. The City of Splendora is one of several hundred cities, counties, and other public entities required to develop a program to protect storm water quality under Phase II regulations.

The EPA required the TCEQ to develop stormwater quality permit conditions for regulated public entities such as The City of Splendora by December 9, 2002. The TCEQ reissued the permit December 31, 2013, and provided a 180 day deadline for subject cities to apply for coverage.

The City of Splendora has developed this stormwater management plan (SWMP) to comply with the requirements of the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000. The SWMP includes best management practices (BMPs) that will be implemented by Splendora to reduce storm water pollution to the "maximum extent practicable," as regulations require.

Existing City storm water programs and activities that protect the City's storm water quality were identified and are included in the SWMP. They will be supplemented with several new BMPs to provide even more protection of storm water quality.

A schedule to implement the storm water management program, as well as measurable goals to track the implementation progress, has been developed for each of the BMPs in this SWMP. Each BMP was selected based on the projected effectiveness in protecting storm water quality and its ability to aid in compliance with permit conditions.

The implementation schedule and measurable goals for the first five-year permit term were selected so that the storm water program will be steadily phased in over the permit term. The City of Splendora will review the implementation progress each year and modify the storm water management program as necessary.

Appendix A sets forth the list of BMPs with summary descriptions, responsible City departments, and actions over the five-year permit period. Appendix B lists the BMPs by regulatory requirement.. The subsequent appendices provide reference material, and help serve as a toolbox to keep the SWMP updated as required.

1.1 The City of Splendora

The City of Splendora, Texas is located in Northeastern Montgomery County in East Texas. Latitude N 30.22335, N 30º14’0”, Longitude W95.16198 W 95º9’43”. It is northeast of Houston located along State Highway 59. According to U.S. Census data, the population of Splendora in 2010 was 1,627. In the ten year period from 2000 – 2010, Splendora experienced growth of 26%.

1.2 Water Quality

Storm Water and Water Quality in Texas

Storm water affects the quality of water in urban lakes, rivers, neighborhood creeks, and storm drains. These drainage ways, both natural and man-made, effectively remove storm water runoff from urban areas. In Texas, storm drain systems are separate from sewage systems, and typically untreated storm water runoff flows directly to the nearest bodies of water. Any pollutants such as pesticides, oil, detergents, and bacteria that are present on urban land, streets, or other surfaces are also carried along.

In order to protect water quality, it is necessary to identify the types and sources of pollution and implement plans to protect the City's water resources. Historically, waters have been protected through state and federal regulation of "point-sources" or end-of-pipe sources of pollution. Over time, it has become more evident that overland runoff sources of pollution, such as urban storm water runoff, can create serious problems in water ways and impact the community's quality of life.

The Texas Commission on Environmental Quality (TCEQ) is charged through federal mandate with protecting the quality of waters within Texas. The TCEQ's approach to this mandate includes measuring water quality at locations across the state, determining if the quality in streams, lakes, and creeks is acceptable, and implementing plans to clean up water bodies that are impacted.

The Texas Surface Water Quality Standards are rules designed to establish goals for water quality throughout the state, and provide a basis for regulatory programs to attain those goals. Water quality standards serve to signal a situation where water quality may be inadequate to meet the use or uses of a particular water body. Five general categories for water use are defined in Texas: general, aquatic life use, contact recreation, public water supply, and fish consumption. These are known as "designated uses." Most streams in the state have been classified with designated uses but many smaller, intermittent streams have not been classified and do not have associated designated uses.

Because it would be impractical to test every water body for every possible pollutant, assessments of water quality in Texas are performed by evaluating indicators of water quality. Indicators are an indirect measure of the health or quality of a particular part of the aquatic system. Some indicators, such as the health of fish communities, are tied to specific designated uses, while others such as nutrients are not. Some of the most common indicators used by TCEQ to determine the quality of water bodies include bacteria, dissolved oxygen, dissolved solids, metals, and organic substances.

If the indicator data published in the *Texas Water Quality Inventory* (305(b) report) reveal that water quality is inadequate to meet the goals of the water body's designated use, the TCEQ puts the water body on the state's 303(d) list. This list is required by the federal Clean Water Act and is submitted to EPA for approval. Water bodies put on the list are subject to a Total Maximum Daily Load (TMDL) assessment. The TMDL is an intensive assessment of the root cause of poor water quality and development of a plan by local stakeholders to remediate pollution sources.

Water Quality in the Splendora Area

The major water body receiving urban storm water runoff from Splendora is Lake Houston. The majority of stormwater runoff is captured in Peach Creek, which joins Caney Creek south of Splendora. Caney Creek joins the East Fork of the San Jacinto River, which terminates into Lake Houston.

The TCEQ 303(d) list identifies water bodies in Texas with known water quality impairments. Lake Houston is listed on the 303(d) list as an impaired water body, with a concern for bacteria..

Table 1 lists water quality indicators that reveal actual or potential concerns with local water quality in the vicinity of Splendora.

Table 1: Water Quality Issues for Water Bodies near Splendora

Name of Water Body	Segment ID	Pollutant of Concern	Status
Peach Creek	1101	Bacteria	5a

Status 5a: A TMDL is underway, scheduled, or will be scheduled

1.3 Evaluation and Remedies

Since the outfalls discharge into an impaired water body, within the first year of the permit effective date, the City of Splendora shall contract with a firm to determine whether it is a source for the pollution of concern, in this case, Bacteria. The evaluation will be a part of the IDDE as described in BMP 15.

The City will sample Peach Creek upstream and at the final discharge point of storm runoff into the creek. The Implementation Plan for Houston-Galveston Region's Bacteria Implementation Group (BIG): Waste Load Allocation for the MS4 is 8160 counts/day of Enterococci (pg. 123 of I-Plan).

If Splendora is determined to contributing to the impairment, appropriate actions, such as identifying potential significant sources of pollution, creating focused BMP's with measurable goals (such as BMP's 6,12,14,15, 16,22, and 25, as described later in this document), and a public education program, will be implemented. The City has already sent mail outs to its residents with stormwater awareness and illicit discharge information.

2.0 REGULATORY REQUIREMENTS

Under the requirements of the Clean Water Act, the EPA is required to protect the water quality for natural waters throughout the country. The EPA established the National Pollutant Discharge Elimination System (NPDES) program to identify sources of water pollution and work to reduce or eliminate the pollutants from the waters of the U.S.

The EPA has delegated responsibility for the NPDES program in Texas to the TCEQ. In addition to issuing discharge permits to traditional "point sources," such as municipal wastewater treatment plants, the TCEQ is also responsible for minimizing pollution from "non-point sources", such as storm water runoff from construction sites, industrial facilities or municipal storm sewer systems.

The TCEQ has issued requirements for minimizing storm water pollution from construction sites and industrial facilities through the issuance of general permits. Sites and facilities comply with these requirements by developing and implementing site-specific storm water pollution prevention plans.

To protect storm water quality from pollution entering municipal separate storm sewer systems (MS4s) in highly populated areas such as Splendora, the TCEQ developed a general permit, with specific conditions for municipalities to follow. This SWMP has been developed to meet those requirements.

2.1 Overview

The City of Splendora is required to develop a SWMP that describes specific actions that will be taken to reduce pollutants and protect the City's storm water quality. This SWMP also sets

measurable goals and provides a schedule for the implementation of BMPs over the next five years.

Various BMPs must be developed for each of six required "minimum control measures" (MCMs) that are expected to minimize or eliminate storm water pollutants discharged into the storm sewer system and provide water quality protection for receiving water bodies. An optional seventh minimum control measure, to address municipal construction activities through their SWMP is available for use by The City of Splendora but has not been selected for inclusion in this SWMP.

A general description of the six required and one optional minimum control measures is provided below. The specific requirements for each minimum control measure are provided in Section 4.

1. Public Education and Outreach on Storm Water Impacts – develop a public education program about storm water quality issues
2. Public Involvement/Participation – involve the public in the storm water management program
3. Illicit Discharge Detection and Elimination – develop a program for the detection and elimination of non-storm water discharges
4. Construction Site Storm Water Runoff Control – develop a program to reduce pollutants in storm water runoff from construction sites
5. Post Construction Storm Water Management in New Development and Redevelopment – develop a program to reduce pollutants in storm water runoff from new development and redevelopment projects
6. Pollution Prevention/Good Housekeeping for Municipal Operations – develop an operation and maintenance program to reduce pollutants in storm water runoff from municipal operations

2.2 Goals and Objectives

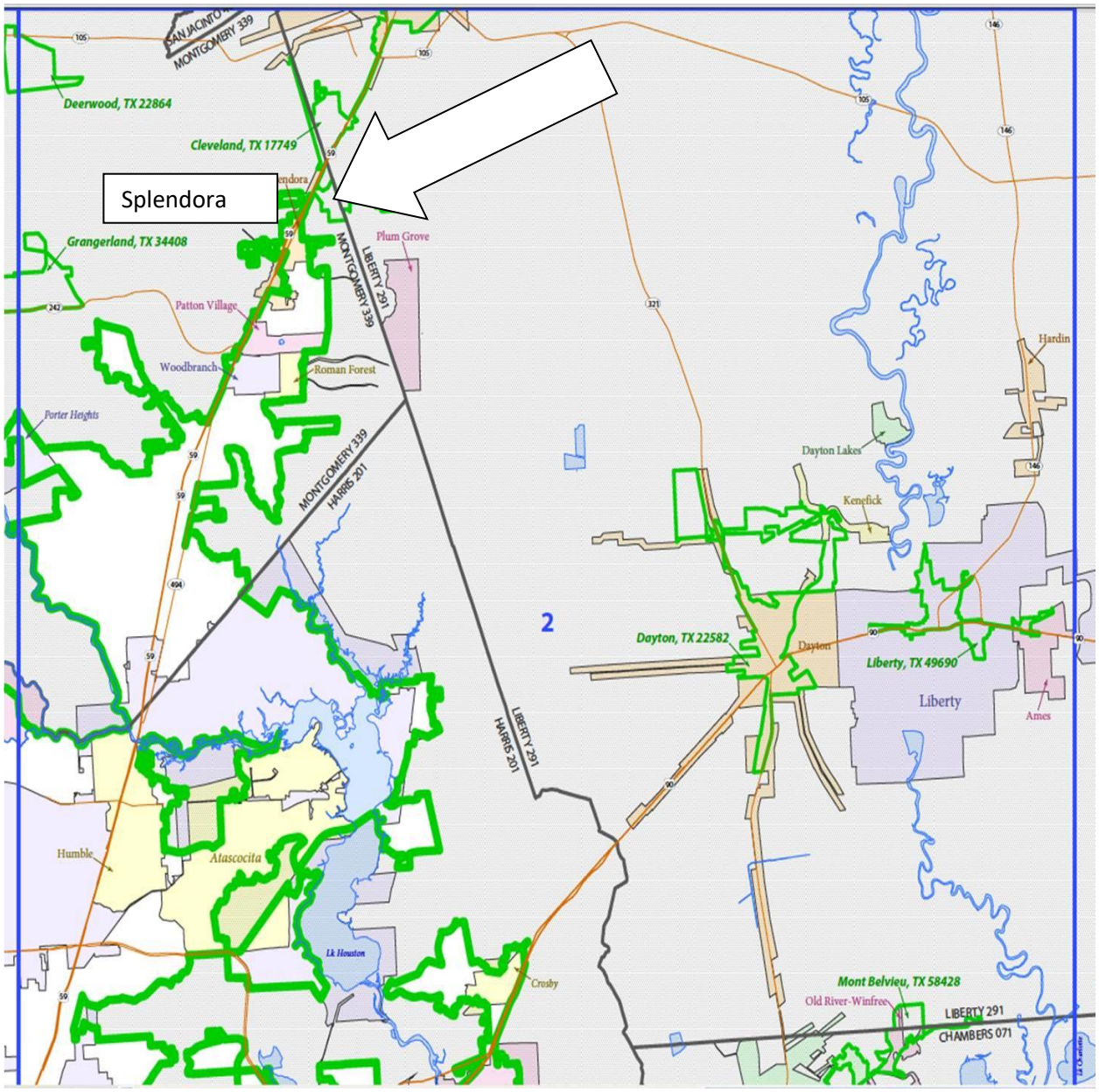
It is the goal of the City of Splendora to be in compliance with the MS4 Rules and Regulations by developing a plan that is reasonable, realistic, and workable. This plan will be phased in over a five year period to insure adequate time and research is allocated to each section. There are two major drivers of the plan: 1) Regulations issued by EPA and TCEQ and, 2) Concerns, Suggestions, and other input from the residents of Splendora. Be evaluating regulations, and prioritizing submitted comments from the public, a storm water plan can be developed and implemented that satisfies all interested parties.

The target audience of the plan will to the citizens of Splendora, including the schools, and commercial customers, both present and those who wish to locate here in the future.

2.3 Permit Applicability and Coverage

The TPDES Phase II MS4 permit applies to operators of publicly-owned storm sewer systems in urbanized areas in Texas. The U.S. Census Bureau defines the urbanized areas based on the population density and total population for an area. The City of Splendora is located within the Houston U.S. Census Urbanized Area. This SWMP encompasses the City's MS4 area to Splendora's limit boundaries (Figure 1).

Table 2: Urbanized Map showing the City of Splendora



2.3 Definitions

Following are definitions to key words or phrases that are used throughout this SWMP. The definitions are taken directly from the TPDES Phase II MS4 general permit.

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

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

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

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

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

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

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

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

Notice of Change (NOC) - Written notification from the Permitee 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.

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

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

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

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

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

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

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

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

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

Urbanized Area (UA) - An area of high population density that may include multiple MS4s as defined and used by the U.S. Census Bureau in the 2010 decennial census.

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

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

(b) all interstate waters, including interstate wetlands;

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

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

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

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

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

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

(f) the territorial sea; and

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

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

3.0 APPROACH

The City of Splendora (City) developed this SWMP to comply with TPDES requirements for storm water discharges and certain non-storm water discharges. The SWMP is intended to aid in the City's efforts to reduce storm water pollutants from the City's storm sewer system to the maximum extent practicable as required by the TPDES General Permit.

The SWMP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's storm water quality. The specific activities to be implemented are referred to as best management practices. Various BMPs have been developed for each of the six "minimum control measures" required by the General Permit. The SWMP also sets measurable goals and provides a schedule for the implementation of the BMPs. Implementation of the selected BMPs is expected to result in reductions of pollutants discharged into Splendora's streams, ponds, and lakes.

3.1 Best Management Practice Selection Process

A two-step process was utilized to select the BMPs to be included in Splendora's SWMP. The first step in selecting BMPs included an evaluation of existing practices. The second step included meetings with staff from affected City departments to identify new BMPs. Various structural and non-structural BMPs will be implemented throughout the five-year permit term authorized under the General Permit.

Assessment of Existing BMPs

The City of Splendora has historically implemented various BMPs intended to protect storm water quality. An important aspect of developing an effective, compliant, and cost efficient SWMP is to account for these existing programs. Details of the City's existing storm water-related practices are summarized below and are included as BMPs selected for this SWMP.

The City currently conducts the following activities. Each specifically aids in compliance with the City's permit requirements for storm water quality protection.

- Sanitary sewer line maintenance and inspection
- Engineering design review
- Illegal dumping response
- Spill response by fire department

The following activities in place in Splendora do not in themselves provide direct compliance with the Phase II MS4 permit requirements but do serve as the backbone for additional activities that will help The City of Splendora meet specific permit provisions.

- City employee training
- City website
- Mapping of infrastructure

As shown in Appendix B, the minimum control measure requirements met by each existing BMP are noted. Some of the City's existing programs meet specific permit requirements, while others serve as a foundation for the continued development of additional BMPs to meet the requirement of reducing pollutants to the maximum extent practicable.

Identification of Additional BMPs

Additional BMPs were selected to supplement the City's existing programs and to satisfy unmet requirements of the Phase II MS4 permit. The supplemental BMPs were evaluated based on their ability to meet at least one, and preferably several, of the minimum control measure requirements.

The evaluation process involved researching a variety of sources of BMPs, such as regulatory agencies, industry associations, and private enterprises. Some of the additional BMPs were selected directly from standard BMP "toolboxes" available from the EPA or other governmental web sites. Others were tailored to the specific needs of Splendora. Each BMP considered was evaluated based on the following criteria:

- Which of the minimum control measure requirements does the BMP meet?
  How does the BMP fit into the City's existing goals, operations, and activities?
- What is the anticipated effectiveness of the BMP? What
  is the general cost range to implement the BMP?

Specific costs for the BMPs were not identified for the development of this plan; however, BMPs with significant investment requirements and relatively minor storm water quality benefit were not selected.

3.2 Selection Process for Measurable Goals and Implementation Schedule

Specific measurable goals have been developed for each BMP. In accordance with the permit requirements, measurable goals have been developed to evaluate the success of the City's SWMP toward reaching the goal of protecting water quality and reducing pollutants to the maximum extent practicable. Goals were selected with a consideration toward achieving steady implementation, assessing the ability to measure and track progress, and working within budgetary constraints.

The TCEQ has authorized the steady implementation of the SWMP over a five-year period. In general, measurable goals for existing BMPs monitor the effectiveness of the BMP, whereas measurable goals for new BMPs monitor their implementation progress.

The first year of the permit will be largely dedicated to identifying the budgetary requirements of each of the BMPs. The remaining years focus on implementation, evaluating the effectiveness of existing BMPs, and tracking the implementation of new BMPs.

3.3 Measurable Goal Evaluation Process

The selected measurable goals for each BMP will be evaluated on an annual basis. Implementation of each BMP will be tracked as appropriate during each permit year in order to provide documentation of the BMP activities. Relative success at achieving the measurable goals, as well as an assessment of the effectiveness of each BMP, will also be evaluated on an annual basis.

Multiple City departments will be responsible for implementing portions of the SWMP and for tracking and evaluating the City's success in meeting the plan's measurable goals. Each City department with activities or responsibilities that may impact storm water quality will provide Splendora staff documentation showing progress towards meeting the annual measurable goals for each BMP to the person designated for SWMP coordination.

4.0 MINIMUM CONTROL MEASURES

The TCEQ has specified six required and one optional “minimum control measures” (MCM) for inclusion in each SWMP. Specific requirements have been developed by the TCEQ for each required control measure, and Splendora has selected not to include the optional seventh MCM in this SWMP. Splendora has identified numerous existing and supplemental BMPs that will be included in the SWMP.

Following is text from the TPDES General Permit No. TXR04000, Part III. A. Setting forth the regulatory requirements for each minimum control measure.

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

A. Minimum Control Measures

1. Public Education and Outreach on Storm Water Impacts

(a) A public education program must be developed and implemented to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups and the SWMP shall provide justification for any listed group that is not included in the program:

(1) residents;

(2) visitors;

(3) public service employees;

(4) businesses;

(5) commercial and industrial facilities; and

(6) construction site personnel.

The outreach must inform the public about the impacts that storm water run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps that they can take to reduce pollutants in storm water runoff.

(b) The MS4 operator must document activities conducted and materials used to fulfill this control measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be retained in the annual reports required in Part IV.B.2. of this general permit.

2. Public Involvement/Participation

The MS4 operator must, at a minimum, comply with any state and local public notice requirements when implementing a public involvement/participation program. It is recommended that the program include provisions to allow all members of the public within the small MS4 the opportunity to participate in SWMP development and implementation. Correctional facilities will not be required to implement this MCM.

3. Illicit Discharge Detection and Elimination

(a) Illicit Discharges

A section within the SWMP must be developed to establish a program to detect and eliminate illicit discharges to the small MS4. The SWMP must include the manner and process to be used to effectively prohibit illicit discharges. To the extent allowable under state and local law, an ordinance or other regulatory mechanism must be utilized to prohibit and eliminate illicit discharges. Elements must include:

(1) Detection

The SWMP must list the techniques used for detecting illicit discharges; and

(2) Elimination

The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.

(b) Allowable Non-Storm Water Discharges

Non-storm water flows listed in Part II.B and Part VI.B. do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-storm water sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-storm water discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3. of the general permit.

(c) Storm Sewer Map

(1) A map of the storm sewer system must be developed and must include the following:

(i) the location of all outfalls;

(ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and

(iii) any additional information needed by the Permitee to implement its SWMP.

(2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls are verified and how the map will be regularly updated.

4. Construction Site Storm Water Runoff Control

The MS4 operator, to the extent allowable under State and local law, must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more of land. The MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites where the construction site operator has obtained a waiver from permit requirements under NPDES or TPDES construction permitting requirements based on a low potential for erosion.

(a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.

(b) Requirements for construction site contractors to, at a minimum:

(1) implement appropriate erosion and sediment control BMPs; and

(2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

(c) The MS4 operator must develop procedures for:

(1) site plan review which incorporate consideration of potential water quality impacts;

(2) receipt and consideration of information submitted by the public; and

(3) site inspection and enforcement of control measures to the extent allowable under state and local law.

5. Post-Construction Storm Water Management in New Development and Redevelopment

To the extent allowable under state and local law, the MS4 operator must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one or more acres, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The Permitee shall:

(a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;

(b) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law; and

(c) Ensure adequate long-term operation and maintenance of BMPs.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

A section within the SWMP must be developed to establish an operation and maintenance program, including an employee training component, that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

(a) Good Housekeeping and Best Management Practices (BMPs)

Housekeeping measures and BMPs (which may include new or existing structural or non-structural controls) must be identified and either continued or implemented with the goal of preventing or reducing pollutant runoff from municipal operations. Examples of municipal operations and municipally owned areas include, but are not limited to:

(1) park and open space maintenance;

(2) street, road, or highway maintenance;

(3) fleet and building maintenance;

(4) storm water system maintenance;

(5) new construction and land disturbances;

(6) municipal parking lots;

(7) vehicle and equipment maintenance and storage yards;

(8) waste transfer stations; and

(9) salt/sand storage locations.

(b) Training

A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing storm water pollution from municipal operations. Materials may be developed, or obtained from the EPA, states, or other organizations and sources. Examples or descriptions of training materials being used must be included in the SWMP.

(c) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:

(1) maintenance activities;

(2) maintenance schedules; and

(3) long-term inspection procedures for controls used to reduce floatables and other pollutants.

(d) Disposal of Waste

Waste removed from the small MS4 and waste that is collected as a result of maintenance of storm water structural controls must be properly disposed. A section within the SWMP must be developed to include procedures for the proper disposal of waste, including:

(1) dredge spoil;

(2) accumulated sediments; and

(3) floatables.

(e) Municipal Operations and Industrial Activities

The SWMP must include a list of all:

(1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and

(2) municipally owned or operated industrial activities that are subject to TPDES industrial storm water regulations.

5.0 ASSESSMENT OF ALLOWABLE NON-STORM WATER DISCHARGES

In accordance with the requirements of the Phase II MS4 permit, the following non-storm water discharges will be assessed in order to determine whether they are known to be significant contributors of pollutants to the City's water bodies:

(a) water line flushing *(*excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

(b) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

(c) discharges from potable water sources;

(d) other allowable non-storm water discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);

(e) non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP); and

(f) other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

Non-storm water discharges from the list above must be evaluated by the City to determine if any known, significant, water quality impacts were created as a result of the discharges. Evaluation of allowable non-storm water discharges will be conducted as part of the illicit discharge inspection BMP identified in Appendix A.

6.0 RECORDKEEPING AND REPORTING

6.1 Recordkeeping

The City of Splendora will maintain all records, a copy of the TPDES general permit and all data used to complete the Notice of Intent (NOI) for this permit, for a period of at least three years, or for the term of this permit, whichever is longer. A current, up-to-date copy of the SWMP and a copy of the general permit requirements will be

maintained at City Hall.

The City of Splendora will make the compiled records, including the NOI and SWMP, available for public viewing at City Hall. The SWMP will be available for viewing during normal office hours, and available supporting documents will be able to be viewed within ten working days following the request from the public. Other records will be provided within 10 working days, unless the request requires an unusual amount of time or effort to assemble. In such a case, Texas law regarding the Public Information Act will be followed. Reasonable charges, in accordance with Texas law, may be levied by The City for researching and preparing any requested materials.

All records of maintenance and operations of the Storm Water system will be housed at the City of Splendora City Hall and maintained in compliance with record retention schedules as required. The city secretary shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

6.2 Annual Report

The City of Splendora will submit an annual update report to the Executive Director of the TCEQ by the reporting deadline each year of the permit term. The City will maintain copies of the annual reports at City Hall.

The annual report will address the requirements listed in the TPDES Phase II MS4 general permit rules. Generally, the update report will document the storm water-related activities for the previous year, evaluate the success of each BMP relative to their measurable goals, and discuss plans for the upcoming year, including modifications to the SWMP. Modifications may include replacement of previously selected BMPs, alteration of the implementation schedule, or other changes allowed by the permit.

6.3 Plan Updates

This plan may be updated by The City at any time. When considering eliminating a BMP, it is necessary to review the information in Appendix B to determine if the removal of the BMP will result in non-compliance for any of the minimum control measures. This would occur if the BMP is the only BMP that provides compliance for a specific permit provision. In such a case, the BMP would need to be replaced with a new BMP that continues to meet the relevant permit requirement.

6.4 Compliance with Federal, State, and Local Public Notice Requirements

This plan may require actions that must be published in compliance with Federal, State, and Local Public Notice Regulations. It is the responsibility of the Plan Administrator to ensure that all posting and publishing actions meet regulatory criteria.

6.5 Reference Material

Several sources of information are available for use in the maintenance and update of the SWMP. Each of these resources are recommended for additional information about alternative BMP options.

According to the general permit, “adding components, controls, or requirements to the SWMP,” or replacing a BMP with an equivalent or better BMP only requires notification of TCEQ. Other changes require TCEQ approval.

The U.S. EPA has developed an electronic storm water management BMP Toolbox specifically for use by Phase II MS4 regulated entities. It contains a list of BMPs for each minimum control measure. It can be accessed at:

http://cfpub.epa.gov/npdes/stormwater/munic.cfm

The state of California issued four BMP manuals for public reference. Like the EPA manuals, the California manuals contain a list of BMPs available for use to protect storm water quality. The manuals are divided into four categories: Municipal, Construction, Post-Construction, and Industrial.

The Center for Watershed Protection offers a good resource for publications and on-line documentation regarding storm water quality at http://www.cwp.org/.

7.0 CITY-OWNED FACILITIES AND OPERATION AND MAINTENANCE OPERATIONS DISCHARGE EVALUATION AND CONTROL

TCEQ requires certain types of industrial facilities to apply for coverage under TPDES Multi-Sector General Permit No. TXR050000. Site-specific storm water pollution prevention plans (SWP3) are required to be developed, implemented, and maintained for facilities that conduct activities with the potential to contaminate storm water. Discharges eligible for authorization under TXR050000 are listed under Part II. A of the Multi-Sector General Permit. Examples of facilities subject to these permit requirements include automobile salvage yards, chemical production plants, paper and pulp mills, and many other industrial facilities.

Municipalities often operate several types of facilities that are subject to the industrial storm water permitting requirements. Landfills, wastewater treatment plants, vehicle maintenance facilities, municipal airports, compost facilities, and print shops are examples of regulated industrial facilities commonly operated by municipalities.

The City of Splendora is required to document in this plan each City-owned or operated facility that is required to have a TPDES multi-sector general permit for storm water runoff. The City of Splendora currently has no facilities regulated by TXR050000 for industrial storm water discharges. If The City of Splendora does own or operate such a facility in the future, a copy of each facility's permit authorization will be included in this plan for reference.

Pollution Prevention during O&M operations and at city facilities:

In Splendora the primary pollutant of concern is improperly disposed garbage and trash. The majority of city residents are connected to a municipal sewer system, and residents using onsite sewerage systems have not had problems with those systems discharging into the storm drains.

In order to prevent pollution from city facilities and O&M activities the following has been defined and implemented:

The City of Splendora has several municipal facilities including city hall, a three water well sites, several lift stations, and the wastewater treatment plant. The city also has a small amount of paved roads, almost all serve residential neighborhoods. Pollutants of Concern include:

- Waste Paper blown onto the property
- Loose trash from spillage around garbage container areas
- Trash blown out of garbage collection trucks

Polluted discharge is reduced by:

- City Hall:
  - Debris is picked up prior to mowing
  - Garbage container areas are kept clean

- Water well facilities:
  - Debris is picked up prior to mowing
  - Garbage container areas are kept clean
  - Chemicals are stored in a safe location
  - Area is fenced to prevent intrusion

- Wastewater Treatment Plant and Lift Stations
  - Plant is operated by a contract service and visited on a daily basis. Any events that could lead to a pollution discharge are remedied immediately.
  - Trash is picked up prior to mowing
  - Garbage area is kept clean
  - Chemicals are stored in a safe location
  - Area is fenced to prevent intrusion

- Streets
  - The city does not mow its rights of way
  - Streets are mostly located in residential neighborhoods, residents clean litter that they can and report problems to the city.

Monitoring of Pollution Prevention Measures

The City of Splendora has a staff to operate and maintain its public utilities. They visit the water and wastewater facilities daily, and reads meters monthly. They notify the City secretary of any anomaly they observe, such as an illicit discharge or other problem that could lead to a pollution or safety hazard. The city police force patrols the neighborhoods, and residents are very vigilant about trash or garbage dumping and contact the secretary to inform her of the location. This combination of contract and city employees and the general public have served as an excellent inspection and evaluation model for the city.

Ordinance – Chapter 29 Regulating Stormwater and Construction

The City of Splendora adopted a new Chapter 29 into its codes of ordinances in December 2019. This chapter contains the rules and regulations related to stormwater and construction activities within the city. Citizens and developers are required to adhere to the ordinance during any activities that impact the quality of run off water, stormwater, and other types of water discharges that eventually discharge into the waters of the State. The ordinance is included at the end of this document.

Appendix A: List of BMP's with Descriptions

BMP 1 Utility Bill Insert / Educational Flyer

Description

Distribute educational material to residents via utility bill inserts. The inserts will include storm water education in general per the TCEQ general permit guidelines. Various inserts will also include information specifically relating to fertilizer, herbicide, and pesticide usage, proper disposal of household hazardous waste and oils, and other educational and participatory opportunities.

BMP 2 Distribute Educational Material

Description

Distribute storm water education material to the general public. This will be accomplished using water bill inserts and other mass public notification methods.

BMP 3 Web Site

Description

Develop storm water-related content for the City's web site. The web site will include storm water education information. The web site will provide specific information regarding the City's TPDES Phase II program, educational and participatory opportunities, and links to other local, state, and national storm water-related web sites.

BMP 4 Public Reference

Description

Provide educational material for reference at City Hall, and other appropriate public places. Materials to be provided will include copies of educational materials used for other educational BMPs, access to Woodbranch Village’s storm water website, information regarding Woodbranch Village's storm water program, and other miscellaneous storm water educational material as deemed appropriate.

BMP 5 Storm Water Video

Description

Procure or develop a storm water video for availability to the public via the website.

BMP 6 Storm Drain Marking

Description

Inventory storm drain inlets and evaluate the benefits of marking them with educational materials, such as “Drains to creek, do not dump” or similar wording to reduce or eliminate illicit dumping of contaminants.

BMP 7 Classroom Education

Description

Provide classroom education materials to the School District. Materials will be assessed and selected from existing, readily available programs, and through discussions with the School District staff.

BMP 8 General Education of City Employees

Description

City staff consists of two employees at city hall and a small police department. The city contracts with a service company to operate its utility system. The service company and police department will be provided illicit discharge awareness information.

BMP 9 Education for Elected Officials and Public

Description

City elected officials and the public will receive storm water education on general storm water topics, as well as an overview of the Phase II MS4 permit requirements.

BMP 10 Business, Commercial and Industrial Education

Description

Develop a partnership program for providing educational material to Woodbranch Village's businesses, including commercial and industrial facilities.

BMP 11 Developer/Builder/Engineer Education and Training

Description

Provide educational material to the development to minimize the impact of construction activity on storm water quality. A permit that references the SWPP will be adopted.

BMP 12 Storm Water Reporting Line

Description

Develop and advertise a storm water reporting line to solicit information related to illicit discharges and illegal dumping, complaints, and general comments regarding Woodbranch Village's storm water management program.

BMP 13 Household Hazardous Waste Disposal

Description

Evaluate offering a household hazardous waste collection event as funding allows.

BMP 14 Illicit Discharge Prohibition/Elimination Ordinance

Description

Develop an ordinance that prohibits and requires elimination of non-storm water discharges that significantly contribute pollutants to the municipal storm sewer system.

BMP 15 Develop Illicit Discharge Detection and Elimination Plan (IDDE)

Description

Develop an IDDE in accordance with TCEQ requirements as described in the General Permit, Part III.B2. The first year the City will contract with an engineering firm to develop a scope of work. The Scope should be completed by August 31, 2020. The IDDE will be completed and adopted by City Council by December 31, 2021.

BMP 16 Illicit Discharge Inspections

Description

Conduct inspections of the storm sewer system to identify the presence and sources of illicit connections and illegal dumping activities, and other unauthorized discharges that can adversely impact water quality.

BMP 17 Sanitary Sewer Line Maintenance and Inspection

Description

Conduct sanitary sewer inspections in order to identify potential cross-connections with the City's storm sewer system.

BPM 18 Erosion Control and Soil Stabilization Ordinance and Requirements for Construction Sites

Description

Ordinance prohibiting the unauthorized discharge of polluted storm water to the MS4 from construction sites one acre or greater in size. Construction site contractors are required to implement appropriate erosion and sediment control BMPs and to control waste, such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste that may adversely affect storm water quality.

BMP 19 Site Plan Review

Description

Procedure to review erosion control plans for construction projects that may discharge runoff to the storm sewer system.

BMP 20 Construction Site Inspection and Enforcement

Description

Procedures to conduct construction site inspections and maintain enforcement of control measures to protect storm water quality.

BMP 21 Receipt and Consideration of Information from Public

Description

Develop and implement a program for the receipt and consideration of public comments regarding erosion control.

BMP 22 Post-Construction Storm Water Ordinance

Description

Review and update the City's ordinance requirements to require adequate long-term maintenance and protection of storm water quality in new and redeveloped areas.

BMP 23 Engineering Design Review

Description

Evaluate plans for adequate protection of storm water through the development of erosion control plans.

BMP 24 Disposal of Collected Storm Sewer System Waste

Description

Dredge soil, accumulated sediment, and floatables collected through the implementation of storm sewer maintenance activities, street sweeping activities, and other routine City operations will be disposed of properly. Disposal of such materials will be tracked in conjunction with tracking efforts for the implementation of the individual BMPs.

BMP 25 Spill Response

Description

Respond to spills of chemicals or other materials in public areas of the City in a manner that remains protective of water quality to the extent safely possible.

BMP 26 Municipal Operations and Industrial Activity

Description

Perform a general evaluation of the municipal operations that have a potential to adversely impact storm water quality.

Appendix B: List of BMP's with Proposed Implementation Schedule

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 1	Utility Bill Insert / Educational Flyer	Public Works	III.A.1. Public Education (a)(1) Residents (a)(2) Visitors (a)(4) Businesses (a)(5) Commercial/Industrial (b) Documentation	**Action** Annually Distribute educational information as a utility bill insert in 100%of the bills sent In the May billing cycle.	May 31, 2020

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 2	Distribute Educational Material	Public Works	III.A.1. Public Education (a)(1) Residents (a)(2)Visitors (a)(3)Public service employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation III.A.2. Public Involvement/ Participation	Annually Distribute educational information as a utility bill insert in 100% of the bills sent In the May billing cycle.	May 31, 2020

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 3	Web Site	Public Works	III.A.1. Public Education (a)(1) Residents (a)(2)Visitors (a)(3)Public service employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation III.A.2. Public Involvement/ Participation	Tally web site visits to storm water section. Goal is 5 per month. Review website visits in September of each year.	Review September 30, 2020. Review each year thereafter on same date.

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 4	Public Reference	Public Works	III.A.1. Public Education (a)(1) Residents (a)(2)Visitors (a)(3)Public service employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation .	Ensure educational material is available at city hall. Goal is to distribute 50 per year.	Review September 30, 2020. Review each year thereafter on same date.

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 5	Storm Water Video	Public Works	III.A.1. Public Education (a)(1) Residents (a)(2)Visitors (a)(3)Public service employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation III.A.2. Public Involvement/ Participation	Storm information will be made available via links from the city website. Goal is five views per month.	January 30, 2020

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 6,15	Storm Drain Marking	Public Works	III.A.1. Public Education (a)(1) Residents (a)(2)Visitors (a)(3)Public service employees (a)(4) Businesses (a)(5) Commercial/Industrial (a)(6) Construction Site Personnel (b) Documentation III.A.3. Illicit Discharges (a) illicit discharges	Inventory storm runoff system and identify all final discharge locations to place signs to discourage illicit dumping. Mark all locations identified.	July 31, 2022

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 8	General Education of City Employees	Public Works	III.A.1. Public Education (a)(3) Public service employees (b)Documentation III.A.3. Illicit Discharge Detection and Elimination (a)(1) detection (a)(2) elimination	**Action** Once per calendar year, provide police department and contract utility service company with Illicit dumping awareness information.	First dispersal will be before July 31, 2021

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 9	Education of Elected Officials and the Public	Public Works-	III.A.1. Public Education (a)(3) Public service employees (b)Documentation III.A.2. Public Involvement/ Participation	Stormwater MS4 requirements presented to city council one meeting per year.	June 30, 2020

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 10	Business, Commercial and Industrial Education	Public Works-	III.A.1. Public Education (a)(4)Businesses (a)(5)Commercial/industrial facilities (b)Documentation	100% of commercial water and sewer customers to receive stormwater information in utility bill once annually.	Insert into May 31, 2021 utility bill, and each year thereafter in same month.

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 11	Developer/ Builder/Engineer Education and Training	Public Works	III.A.1. Public Education (a)(6) Construction site personnel (b)Documentation III.A.4. Construction Site Storm Water Runoff Control (b) construction site requirements III.A.5. Post-Construction Storm Water Management in New and Redevelopment (a) structural and non-structural BMPs (c) long-term BMP maintenance	Adopt and implement a permit program for developers. Permit will require compliance with SWPPP.	July 31, 2020

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 12	Storm Water Reporting Line	Public Works	III.A.2. Public Involvement/ Participation III.A.3. Illicit Discharge detection and Elimination (a)(1) Detection	Include illicit discharge reporting phone number on website. Post "Pollution Hotline" on water bill.	Phone number is on web page http://www.cityofsplendora.org/stormwater-management/ Utility bill line added by February 28, 2020

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 13	Household Hazardous Waste Disposal	Public Works	III.A.2. Public Involvement/Participation III.A.3. Illicit Discharge Detection and Elimination (a)(2) Elimination	Add "Illicit and Hazardous Waste Disposal" information to the stormwater website.	July 31, 2020

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 14	Illicit Discharge Prohibition/ Elimination Ordinance	Public Works	III.A.3. Illicit Discharge Detection and Elimination (a) illicit discharges (b) non-storm water discharges	Adopt ordinance regulating illicit discharge and Stormwater Runoff	Adopted by Council December 16, 2019 Review and update as needed.

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 15	IDDE	Public Works	III.A.3. Illicit Discharge Detection and Elimination	Inventory 100% of storm runoff system and create map of all discharge final outfall points	July 31, 2021

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 16	Illicit Discharge Inspections	Public Works	III.A.3. Illicit Discharge Detection and Elimination (a) illicit discharges (b) non-storm water discharges	Identify locations to place signs to discourage illicit dumping. Mark 100% of locations identified	July 31, 2021

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 17	Sanitary Sewer Line Maintenance and Inspection	Public Works	III.A.3. Illicit Discharge Detection and Elimination (a) illicit discharges (b) non-storm water discharges	Repair 100% of sewer lines within 7 days of being notified.	July 31, 2020

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 18	Erosion Control Ordinance and Requirements for Construction Site Contractors	Public Works	III.A.4. Construction Site Storm Water Runoff Control (a) ordinance (b) contractor requirements	Adoption of SWPP soil stabilization and erosion ordinance	Adopted by Council December 16, 2019 Review and update as needed.

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 19	Site Plan Review	Public Works	III.A.4. Construction Site Storm Water Runoff Control (c)(1) site plan review	100% of new developments shall have the site plans reviewed by Staff or engineer.	September 30, 2020. Verify all plans have been reviewed for previous fiscal year. Repeat annually.

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 20	Construction Site Inspection and Enforcement	Public Works-	III.A.4. Construction Site Storm Water Runoff Control (c)(3) site inspection and enforcement	100% of all construction sites inspected by staff or designee	September 30, 2020. Verify all construction sites have been inspected for previous fiscal year. Repeat annually.

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 21	Receipt and Consideration of Information from Public	Public Works	III.A.4. Construction Site Storm Water Runoff Control (c)(2) public information submittals	Hold two public hearings to gather input from citizens.	Hearings completed by March 31, 2020

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 22	Post-Construction Storm Water Ordinance	Public Works	III.A.5. Post-Construction Storm Water Management (b) ordinance (c) long-term operation and maintenance of BMPs	Adopt a Post Construction Storm Water Ordinance	Adopted by Council December 16, 2019 Review and update as needed.

City of Splendora
Storm Water Management Program
Best Management Practices

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 23	Engineering Design Review	Public Works-	III.A.5. Post-Construction Storm Water Management (a) appropriate use of structural/non-structural BMPs	100% of all construction designs are to be reviewed by City Engineer	September 30, 2020. Verify all construction designs have been reviewed for previous fiscal year. Repeat annually.

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 24	Disposal of Collected Storm Sewer System Waste	Public Works	6 (a) Pollution Prevention Good Housekeeping for Municipal Operations	100% of all storm debris disposed of legally using a licensed contract hauler	September 30, 2020. Verify all debris was disposed of legally for previous fiscal year. Repeat annually.

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 25	Spill Response	Public Works	6 (a) Pollution Prevention Good Housekeeping for Municipal Operations	100% of all reported spills responded to within one hour of notification	September 30, 2020. Verify all reported spills responded to within one hour of notification for previous fiscal year. Repeat annually.

BMP ID	Best Management Practices	Responsible Department	Applicable Minimum Control Measure(s) from Section 4 above	Measurable Goals	Deadline
BMP 26	Municipal Operations	Public Works	6 (a) Pollution Prevention Good Housekeeping for Municipal Operations	At least one training day per year.	July 31, 2020

Appendix C: BMP's by Regulatory Requirement

Storm Water Management Program BMPs By Permit Requirement

Public Education and Outreach Requirements	BMP ID	BMP Name
(a) A public education program must be developed and implemented to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups and the SWMP shall provide justification for any listed group that is not included in the program: (1) residents; (2) visitors; (3) public service employees; (4) businesses; (5) commercial and industrial facilities; and (6) Construction site personnel.	1	Utility Bill Insert / Educational Flyer
	2	Distribute Educational Material
	3	Web Site
	4	Public Reference
	5	Storm Water Video
	6	Storm Drain Marking
	8	General Education of City Employees
	9	Education of Elected Officials and the Public
	10	Business, Commercial, and Industrial Education
	11	Developer/ Builder/ Engineer Education and Training
(b) The MS4 operator must document activities conducted and materials used to fulfill this control measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be retained in the annual reports required in Part IV.B.2. of this general permit.	1	Utility Bill Insert / Educational Flyer
	2	Distribute Educational Material
	3	Web Site
	4	Public Reference
	5	Storm Water Video
	6	Storm Drain Marking
	8	General Education of City Employees
	9	Education of Elected Officials and the Public
	10	Business, Commercial, and Industrial Education
	11	Developer/ Builder/ Engineer Education and Training

Storm Water Management Program BMPs By Permit Requirement

Public Involvement Requirements	BMP ID	BMP Name
The MS4 operator must, at a minimum, comply with any state and local public notice requirements when implementing a public involvement/ participation program. It is recommended that the program include provisions to allow all members of the public within the small MS4 the opportunity to participate in SWMP development and implementation. Correctional facilities will not be required to implement this Minimum Control Measure.	2	Distribute Educational Material
	3	Web Site
	9	Education of Elected Officials and the Public
	12	Storm Water Reporting Line
	13	Household Hazardous Waste

Storm Water Management Program BMPs By Permit Requirement

Illicit Discharge Detection and Elimination System Requirements	BMP ID	BMP Name
(a) Illicit Discharges A section within the SWMP must be developed to establish a program to detect and eliminate illicit discharges to the small MS4. The SWMP must include the manner and process to be used to effectively prohibit illicit discharges. To the extent allowable under state and local law, an ordinance or other regulatory mechanism must be utilized to prohibit and eliminate illicit discharges. Elements must include: (1) Detection The SWMP must list the techniques used for detecting illicit discharges. (2) Elimination The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.	6 8 12 12 13 14 16	Storm Drain Marking General Education of City Employees Storm Water Reporting Line Bulk Waste Cleanup Household Hazardous Waste Illicit Discharge Prohibition/ Elimination Ordinance Illicit Discharge Inspections

Storm Water Management Program BMPs By Permit Requirement

Illicit Discharge Detection and Elimination System Requirements	BMP ID	BMP Name
(b) Allowable Non-Storm Water Discharges (c) Non-storm water flows listed in Part II.B and Part VI.B do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-storm water sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-storm water discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3 of the general permit.	8 14 16 17	General Education of City Employees Illicit Discharge Prohibition/ Elimination Ordinance Illicit Discharge Inspections Sanitary Sewer Line Maintenance and Inspection
(c) Storm Sewer Map (1) A map of the storm sewer system must be developed and must include the following: (i) the location of all outfalls; (ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and (iii) any additional information needed by the Permitee to implement its SWMP. (2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls were verified and how the map will be regularly updated.	15	Illicit Discharge Detection and Elimination Plan

Storm Water Management Program BMPs By Permit Requirement

Construction Site Runoff Control Requirements	BMP ID	BMP Name
The MS4 operator, to the extent allowable under State and local law, must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more of land. The MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites where the construction site operator has obtained a waiver from permit requirements under NPDES or TPDES construction permitting requirements based on a low potential for erosion.		
(a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State and local law.	11 18	Developer/ Builder/ Engineer Education and Training Erosion Control Ordinance and Requirements for Construction Site Contractors
(b) Requirements for construction site contractors to, at a minimum: (1) implement appropriate erosion and sediment control best management practices; and (2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;	18	Erosion Control Ordinance and Requirements for Construction Site Contractors
(c) The MS4 operator must develop procedures for: (1) site plan review which incorporate consideration of potential water quality impacts; (2) receipt and consideration of information submitted by the public; and (3) site inspection and enforcement of control measures to the extent allowable under state and local law.	19 20 21	Site Plan Review Construction Site Inspection and Enforcement Receipt and Consideration of Information from Public

Storm Water Management Program BMPs By Permit Requirement

Post-Construction Site Runoff Control Requirements	BMP ID	BMP Name
To the extent allowable under state and local law, the MS4 operator must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one or more acres, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The Permitee shall:		
(a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for your community;	11 23	Developer/ Builder/ Engineer Education and Training Engineering Design Review
(b) Use an ordinance or other regulatory mechanism to Address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law; and	22	Post-Construction Storm Water Ordinance
(c) Ensure adequate long-term operation and maintenance of BMPs.	11 22	Developer/ Builder/ Engineer Education and Training Post-Construction Storm Water Ordinance

Storm Water Management Program BMPs By Permit Requirement

Pollution Prevention/Good Housekeeping for Municipal Operations Requirements	**BMP ID**	**BMP Name**
A section within the SWMP must be developed to establish an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.		
(a) Good Housekeeping and Best Management Practices Housekeeping measures and BMPs (which may include new or existing structural or non-structural controls) must be identified and either continued or implemented with the goal of preventing or reducing pollutant runoff from municipal operations. Examples of municipal operations and municipally owned areas include, but are not limited to: (1) park and open space maintenance; (2) street, road, or highway maintenance; (3) fleet and building maintenance; (4) storm water system maintenance; (5) new construction and land disturbances. (6) municipal parking lots; (7) vehicle and equipment maintenance and storage yards; (8) waste transfer stations; and	24 25 26	Structural Control Maintenance Disposal of Collected Storm Sewer System Waste Municipal Operations

Storm Water Management Program BMPs By Permit Requirement

Pollution Prevention/Good Housekeeping for Municipal Operations Requirements	BMP ID	BMP Name
(b)Training A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing storm water pollution from municipal operations. Materials may be developed, or obtained from EPA, states or other organizations and sources. Examples or descriptions of training materials being used must be included in the SWMP.	8 9	General Education of City Employees Education of Public Officials and the Public
(c) Structural Control Maintenance If best management practices include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following: (1) maintenance activities; (2) maintenance schedules; and (3) long-term inspection procedures for controls used to reduce floatables and other pollutants.	15	Maintenance Illicit Discharge Detection Elimination Plan
(d) Disposal of Waste Waste removed from the small MS4 and waste that is collected as a result of maintenance of storm water structural controls must be properly disposed. A section within the SWMP must be developed to include procedures for the proper disposal of waste, including: (1) dredge spoil; (2) accumulated sediments; and (3) floatables.	24	Disposal of Collected Storm Sewer System Waste

Storm Water Management Program BMPs By Permit Requirement

Pollution Prevention/Good Housekeeping for Municipal Operations Requirements	BMP ID	BMP Name
(e) Municipal Operations and Industrial Activities The SWMP must include a list of all: (1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and (2) municipally owned or operated industrial activities that are subject to TPDES industrial storm water regulations.	26	Municipal Operations and Industrial Activity

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Appendix D: Record of Plan Updates

Permit Requirements for Updates to the SWMP

The City is permitted to revise this SWMP during the permit term. The TCEQ permit, located in Appendix G, details the requirements and allowances for making modifications to the storm water management program. This can include addition or modification or replacement of BMPs. Below is the specific permit language with respect to SWMP modifications.

Changes may be made to the SWMP during the permit term. Changes that are made to the SWMP before the NOI is approved by the TCEQ must be submitted in a letter providing supplemental information to the NOI. Changes to the SWMP that are made after TCEQ approval of the NOI and SWMP may be made following written approval of the changes from the TCEQ, except that written approval is not required for the following changes:

(a) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP, may be made by the Permitee at any time upon submittal of a notice of change (NOC) form to the address specified on the form to the TCEQ.

(b) Replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Changes must be submitted on an NOC form to the address specified on the form. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the Permitee 60 days from submitting the request. Such requests must include the following:

(1) an explanation of why the BMP was eliminated;

(2) an explanation of the effectiveness of the replacement BMP; and

(3) an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

A record of modifications to the SWMP should be documented on the following Record of Plan Updates. A copy of any communication to TCEQ regarding SWMP modification, such as the NOC, as well as written approval from TCEQ of proposed SWMP modifications if required and provided, should also be maintained in this Appendix.

RECORD OF PLAN UPDATES		
DATE	**REVISION**	**PERSON UPDATING**
12/19/2019	**Updated BMP's inserted clear and precise dates**	**Bill Daugette**

Appendix E: SWPP Developer Permit Application

STORM WATER PERMIT APPLICATION

The Storm Water Pollution Prevention Plan (SWPPP) must identify and address all potential sources of pollution at the site and describe and ensure implementation practices that will be used to reduce the pollutants in storm water discharge from the site, complying with the City of Splendora Storm Water Quality Ordinance.

All development must be completed in accordance with the regulations of City of Splendora, Texas for storm water management. The Applicant hereby acknowledges and agrees to faithfully and fully comply with all provisions, conditions and requirements attached to the issuance of the Storm Water Permit(s) under the regulations of the City of Splendora. The permit applicant understands and agrees that the City Engineer may, at any time, make inspections of the property upon the issuance of the permit.

_____ _____

Applicant/Operator Name Date

_____

Applicant/Operator Signature

Submit application with all documents on the attached checklist

NOTIFY THE CITY OF SPLENDORA TWO DAYS PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES ON THE PERMITTED SITE.

Post a signed copy of the approved City of Splendora permit at the construction site.

	**CITY OF SPLENDORA** PO BOX 1087 SPLENDORA, TX 77372	281-689-3197

MS4 STORM WATER PERMIT FEE CALCULATION

Permit Type	Base Fee	Total Project area in acres	Incremental Fee: $50/acre	Total Fee
☐ Storm Water Permit Application	$100.00		Acres x $50.00	
☐ One Time Amendment of Storm Water permit	$50.00			

☐ One Time Amendment of Storm Water Permit + Area Increase	$50.00		Acres x $50.00	
☐ Transfer Fee	$50.00			

CHECKLIST-REQUIRED PERMIT APPLICATION ATTACHMENTS

Storm water Pollution Prevention Plans (SWPPP) for proposed activity must include written narrative, exhibits, and provide all of the following:

☐ Vicinity map *(24" by 36" sheets)*
☐ Three (3) paper copies and one (1) electronic PDF on CD or Thumb Drive
☐ Name of the receiving water and description of location where storm water flows off the site.
☐ Description of existing soil and vegetation.
☐ Description of proposed construction activity.
☐ Proposed construction schedule.
☐ Existing and proposed grading plan. *(24" by 36" sheets)*
☐ Location and sources of potential pollution due to proposed activities.
☐ SWPPPP layout showing control measures and storm sewer outfalls *(24" by 36" sheets)*.
☐ Best management and good housekeeping practices proposed to control storm water pollution.
☐ Proposed inspection and maintenance procedures for SWPPP measures during construction.

The SWPPP control measures must include following items and all applicable stabilization strategies:

☐ Perimeter controls (silt fence, green buffer zone, etc.)
☐ Inlet protection.
☐ Stabilized entry/exit.
☐ Concrete wash out areas and areas where street sweeping will be conducted daily.
☐ Temporary and final stabilization measures.

POST THIS PAGE OF THE PERMIT AT THE CONSTRUCTION SITE

City Of Splendora "The Switch 1896"	P.O. Box 1087 Splendora, TX 77372	281-689-3197 (P)

MS4 STORM WATER PERMIT

Permit Number:		Permit Fee:	
Date Issued:		Issued By:	

LOCATION

Address:			
Subdivision:		Lot Number:	
Property Size (Sq. Ft.):		Property Size (Acres):	

OWNER

Name:		Contact:	
Address:			
City, State, Zip:			
Phone:		Email:	

CONTRACTOR

Name:		Contact:	
Address:			
City, State, Zip:			
Phone:		Email:	

CHARACTERISTICS OF WORK

Nature of Work:	[ ] Residential	[ ] Commercial	[ ] Industrial
Description of Work:			

AFFIDAVIT OF APPLICANT

The Applicant/Permit Holder hereby certifies that he/she will contract, or cause to be constructed, said building/structure/development project in compliance with all applicable laws, codes, ordinances, rules and regulations of the City and any other federal, state or local unit of government having jurisdiction over the project. This permit does not authorize or permit any violation of deed or subdivision restrictions or the applicable regulations of any other agency or unit of government and the Applicant/Permit Holder shall be solely responsible for obtaining any and all third-party licenses or permits necessary for the project. No work shall be approved that causes a drainage problem to any adjacent property. All structures shall have a finished floor elevation of not less than one foot above the top of curb/center of road. No structure or pavement shall be allowed over any City easement without written permission of the City. No certificate of occupancy shall be issued until all compliance requirements are met. This permit shall become null and void after six (6) months from date of issue unless extended by the City. Additional requirements for new construction: Silt fencing in place, address posted, port-a-can and maintain streets clean. Persons signing this permit agrees to post same on front of lot visible from road or street.

Issuing City Officer	Signature of Applicant	Date

EXHIBIT A

CHAPTER 29 STORMWATER MANAGEMENT

ARTICLE I. - GENERAL

Sec. 29-1. - Objectives.

The objectives of this chapter are as follows:

(1) To maintain and improve the quality of surface water within the city;

(2) To prevent or reduce the discharge of contaminated stormwater runoff from construction and residential sites into the municipal separate storm sewer system (MS4) and surface waters within the city;

(3) To facilitate compliance with federal and state rules and regulations by owners, operators, contractors, and subcontractors of construction sites and commercial facilities within the city;

(4) To enable the city to comply with all federal and state laws and regulations applicable to stormwater discharges.

Sec. 29-2. - Administration.

The Mayor, or the Mayor's authorized representatives are authorized to administer, implement, and enforce the provisions of this chapter.

Sec. 29-3. - Submission of documents.

All persons required by federal or state regulations or this chapter to submit documents, pertaining to discharges of stormwater or accidental discharges into the local MS4, shall submit all applicable documents to the following mailing address:

City of Splendora
City Secretary
26090 FM 2090 E
Splendora, Texas 77372

Sec. 29-4. - Definitions.

As used in this chapter:

Agricultural stormwater runoff. Any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR § 122.23 or discharges from concentrated aquatic production facilities as defined in 40 CFR § 122.24.

Best management practice or *BMP.* Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, and other management practices to prevent the pollution of the MS4 and waters in the state. Best management practices also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas.

City. The City of Splendora, Texas, or any authorized person acting in its behalf.

Commencement of construction activities. The initial disturbance of soils associated with clearing, grading or excavation activities, as well as other construction-related activities (e.g., stockpiling of fill material, demolition).

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. Construction activities including clearing, grading, and excavating that result in land disturbances of equal to or greater than one acre. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre of land. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities).

Contamination. The presence of or entry into a public water supply system, the MS4 or water in the state, any substance which may be detrimental to the public health and/or the quality of water.

Contractor. For the purposes of this chapter, the contractor is 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 local pollution prevention requirements, although they do not qualify as an operator under the construction permit.

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

Discharge. To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of any substance, or to cause, allow, permit, or suffer any of these acts or omissions.

Domestic sewage. Water-borne human waste and waste from domestic activities, including the use of toilet facilities, washing, bathing, and food preparation.

Erosion. The process of land being diminished or worn away due to wind or water. Erosion occurs naturally, but can be intensified by land disturbing activities such as development, farming, road building, timber harvesting, etc.

Facility. Any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.

Final stabilization. A construction site status where any of the following conditions are met:

(1) All soil disturbing activities at the construction site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as riprap, geotextiles, or gabions) have been employed;

(2) For individual lots in a residential construction site, the home builder has completed final stabilization on the individual lot(s) as specified in condition (1) above;

(3) For construction activities on land used for agricultural purposes (e.g., pipelines across crop or rangeland), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas, which are not being returned to their preconstruction agricultural use, shall meet the final stabilization conditions of paragraph (1) above.

Hazardous substance or materials. Any substance listed in table 302.4 of 40 CFR part 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR part 261.

Illicit connection. Any manmade 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 authorized under an NPDES or TPDES permit and discharges resulting from emergency firefighting activities.

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

Maximum extent practicable or *MEP.* The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by CWA § 402(p).

MS4 operator. The public entity, and/or the entity contracted by the public entity, responsible for management and operation of the municipal separate storm sewer system.

Municipal separate storm sewer system or *MS4* . A separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

National Pollutant Discharge Elimination System or *NPDES.* The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing requirements of certain sections of the Federal Clean Water Act.

Nonpoint source. Any source of any discharge of a pollutant that is not a "point source".

Notice of intent or *NOI.* A written submission to TCEQ, from an applicant, requesting coverage under a general permit.

NPDES permit. A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general

basis. In the State of Texas, the EPA retains authority for permitting oil and gas exploration activities and Indian country land.

Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Outfall. A point source at the point where a municipal separate storm sewer discharges to water in the state 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.

Owner. For the purposes of this chapter, the owner is the person or persons that have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, although they do not qualify as an operator under the construction permit.

Permit. Either an NPDES or TPDES permit, whichever is applicable.

Permittee. An MS4 operator authorized under an NPDES or TPDES permit.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

Point source. (from 40 CFR §122.22) Any discernable, 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. Dredged spoil, solid waste, incinerator residue, garbage, sewage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.

Pollution. (from V.T.C.A. Water Code, § 26.001(14)) The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or water in the state.

Responsible party. The owner, occupant, developer, builder, or general contractor who has operational control over the site, including the ability to make modifications in specifications, or who has operational control over day-to-day activities at the site and is able to ensure compliance with plan requirements and permit conditions (e.g., a person who is authorized to direct the conduct of workers at the site). Any person who has filed a notice of intent (NOI) or completed a construction site notice is presumed to be a responsible party.

Riparian. Any area relating to or located on the bank of a natural watercourse.

Runoff. Drainage or flood discharge that leaves an area as surface flow or as pipeline flow.

Sediment. Soil, sand and minerals washed from land into water, usually after rain.

Separate storm sewer system. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, outfalls, or storm drains), designed or used for collecting or conveying stormwater; which is not a combined sewer, and which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2.

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

Storm drain. An opening leading to an underground pipe or an open ditch for carrying surface runoff.

Stormwater. Any flow occurring during or after any form of natural precipitation, including rainfall runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater associated with construction activity. Stormwater runoff from a construction activity where soil disturbing activities (including clearing, grading, and excavating) result in the disturbance of one or more acres of total land area, or are part of a larger common plan of development or sale that will ultimately result in the disturbance of one or more acres of total land area.

Stormwater permit. Authorization issued by the city to conduct construction activities.

Stormwater pollution prevention plan or *SWP3.* A plan required by a construction general permit to discharge stormwater associated with construction and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction at the facility.

Stormwater quality plan. A plan describing how construction is to be performed and how the site closure is to be accomplished, including post-construction control measures, at a construction site.

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, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, sediment traps, check dams, stabilized construction entrances, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Temporary stabilization. A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, perimeter controls, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place.

Texas Commission on Environmental Quality (TCEQ). The permitting authority for stormwater discharges.

Texas pollutant discharge elimination system or *TPDES.* The state program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing requirements of certain sections of the Federal Clean Water Act.

TPDES permit. A permit issued by the state that authorizes discharges of pollutants to water in the state and waters of the United States, whether the permit is applicable on an individual, group or general basis.

Water in the state. Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Waters of the United States. 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; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 29-5. - Citizen reporting.

(a) All citizens are encouraged to report any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this article of which they become aware, to the city.

(b) Such citizen reports may be made by telephone, in writing, or in person. A written record of each citizen report to the city will be prepared and kept on file for a period of three years, and a copy of the city's record of the report will be furnished to the reporting citizen upon request. Also upon request, the city will inform the reporting citizen of any action undertaken by the city in response to the citizen's report.

Sec. 29-6. – Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants into stormwater, the storm drain system, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of nonhazardous materials, said person shall notify the city no later than the next working day. If the discharge of prohibited materials emanates from a commercial or industrial establishment,

the owner or operator of such establishment shall retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least five years.

(Ord. No. XXXXXXXXXX)

Secs. 29-7—29-20. – Reserved.

ARTICLE II. - STORMWATER SYSTEM

Sec. 29-21. - Illicit discharge.

No person shall introduce, cause to be introduced, or allow being introduced an illicit discharge into the MS4, except those discharges listed in section 29-22. Illicit discharge may result in the termination of the MS4 access by the city.

Sec. 29-22. - Allowable nonstormwater discharges.

(a) The following nonstormwater discharges may be discharged to the MS4, provided that subsection (b) below does not apply:

(1) A discharge authorized by, and in full compliance with, a TPDES or NPDES permit;

(2) Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely effect aquatic life);

(3) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing uncontaminated sources of potable water, groundwater, or surface water;

(4) Discharges from a potable water source;

(5) Diverted stream flows;

(6) Rising groundwaters and springs;

(7) Uncontaminated groundwater infiltration;

(8) Uncontaminated pumped groundwater;

(9) A discharge from a foundation drain or a footing drain;

(10) Air conditioning condensate;

(11) Water from a crawl space pump;

(12) A discharge from residential car washing and noncommercial car washing events;

(13) Flows from a riparian habitat or wetland;

(14) Dechlorinated swimming pool discharges;

(15) Street wash water;

(16) Dye testing if verbal notification to the city is given prior to the time of the test;

(17) A discharge or flow from emergency firefighting activities; and

(18) Other similar occasional nonstormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.

(b) The city may, on a case-by-case basis, prohibit any of the above-listed allowable nonstormwater discharges in subsection (a) provided:

(1) The discharge or flow in question has been determined by the TCEQ or city to be a significant contributor of a pollutant or pollutants to water in the state or the MS4; and

(2) Written notice of such determination has been provided to the discharger.

(c) *Specific prohibitions of construction related illicit discharges.* It is unlawful for a person to intentionally, knowingly, recklessly or with criminal negligence, create, introduce, or contribute to creating, causing or introducing any discharge that causes and/or contributes to a violation of applicable water quality standards, a discharge or flow composed of one or more of the following from construction site:

(1) Pollutants from equipment, vehicle and/or other wash waters;

(2) Pollutants from exposed building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste or other similar materials;

(3) Pollutants from spills and/or leaks;

(4) Pollutants from washout wastewater, fuels, oils, soaps, solvents and dewatering activities.

Sec. 29-23. - Illicit connections prohibited.

It is unlawful for any person to construct, use, maintain, or continue the existence of an illicit connection. Illicit connections may be terminated by order of the city without prior notice.

Sec. 29-24. - Suspension of MS4 access.

(a) The city may, without prior notice, issue an emergency order suspending MS4 discharge access when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. If the person who receives the suspension order fails to comply, the city may take steps to prevent or minimize damage to the MS4 or to minimize danger to the public.

(b) Access may not be reinstated without written approval from the city.

Secs. 29-25—29-40. – Reserved.

ARTICLE III. - CONSTRUCTION STORMWATER MANAGEMENT

Sec. 29-41. - Construction site.

(a) A construction site includes all areas where construction activity, which is all or part of a common development or project, are occurring, proposed to occur, or have occurred, irrespective of whether that construction is in compliance with this chapter, irrespective of whether that construction activity is ongoing or temporarily suspended for any purpose, and irrespective of whether the city has granted authorization to undertake the construction activity. A construction site shall encompass:

(1) All land and surface water areas where construction activities of any type, including all areas of land surface disturbed by or as a consequence of the construction activities or

other activities in support of the construction activities, are undertaken as part of a common plan of development or project;

(2) All areas of land to be disturbed by construction of a common plan of development or project, irrespective of whether such construction is undertaken or planned to be undertaken in one phase or stage or different phases or stages and irrespective of whether such construction is undertaken or planned to be undertaken at different, separate or simultaneous times;

(3) All areas of land where the land is to be disturbed by construction of a common plan of development or project, irrespective of whether undertaken at contiguous or separate locations within the general area encompassed by the common plan of development or project, provided such boundary lies on or is within the boundary of property collectively owned or leased by one or more parties undertaking any or all of the construction activities; and

(4) All areas of ongoing, temporarily suspended, yet-to-be undertaken, and completed construction encompassing the totality of the construction activities, irrespective of whether any or all the construction activities are within compliance with this chapter.

(b) The city shall have the right to redefine, for purposes of compliance with this chapter, the limits of a construction site in extent and amount necessary and sufficient in the judgment of the city to prevent the actual or potential discharge of pollutants from the construction site to the MS4 or waters of the U.S., provided the limits lie on or within the boundary of property collectively owned or leased by one or more operators undertaking any or all of the construction activities at the site.

(c) A construction site shall cease to be a construction site only at such time that all requirements for closure of the construction site as specified by this chapter and in the stormwater permit have been met, at which time the stormwater permit will automatically terminate.

(d) The stormwater permit coverage will automatically terminate two years after the permit issuance date. If a permit is needed beyond the termination or expiration date, a new permit must be issued.

(e) A construction site for which active and ongoing on-site construction activities have halted for a period of 21 continuous calendar days and for which proper closure actions as required by this chapter have not been conducted, shall be considered in violation of this chapter, unless the construction site owner and/or operator has demonstrated to the satisfaction of the city that:

(1) Such lack of active and ongoing on-site construction activity is a result of only temporary suspension of activities; and

(2) Temporary stabilization practices were initiated no later than 14 calendar days after the site becoming inactive.

(f) Any and all owners and/or operators of a construction site and any and all other persons undertaking construction activities as a contractor or subcontractor at a construction site shall use best management practices to control, reduce and prevent, to the maximum extent practicable, the discharge of pollutants to the MS4 and/or waters of the U.S. The discharge of pollutants to the MS4 and/or waters of the U.S. from activities conducted by said operator, contractor or subcontractor include but is not limited to: sediment, silt, earth, soil, dirt, sand and gravel; lime, liquids, solids, and semi-solids used for soil treatment, preparation or amendment; concrete, slurries, grout, tar, and asphalt; construction vehicle and/or equipment

cleaning wash waters; construction vehicle cleaning and wash waters; construction vehicle maintenance fluids such as hydraulic fluids, lubricants, fuels, brake fluids and coolants; hazardous or extremely hazardous materials; materials resulting from repair, renovation or demolition such as concrete, reinforcing bar, steel, wire, tar paper, roofing materials, sheet rock, plaster, wood, cellar dirt and carpeting; residual and surplus construction materials; paint thinner, paint equipment cleaner and wastewater from the cleaning of painting equipment and supplies; waste construction material packaging and containers; and construction trash, debris, and waste building materials, building products, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, washout waters, spills leaks, solvents and dewatering activities.

Sec. 29-42. Stormwater management guidance document.

The Environmental Protection Agency National Menu of Best Management Practices (BMPs) for Stormwater provides information to ensure stormwater entering the navigable waters of the United States from the city's municipal separate storm sewer system does not violate the terms of the city's stormwater national pollution discharge elimination system permit. The guidance document contains suggested best management practices that owners, developers, and contractors should consider adopting to help control and reduce pollutants that are transported by stormwaters and technical guidance related to erosion and sediment controls and other measures to reduce pollutants from new construction projects. The manual can be found at *https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu.*

Sec. 29-43. - Stormwater permit.

(a) The owner and/or operator of a construction site must apply for a stormwater permit at least ten days prior to the start of any construction activity. Construction must be started no later than 180 calendar days after the date the stormwater permit is issued. Failure to begin within 180 calendar days shall render the stormwater permit void.

(b) The stormwater permit must be posted at the construction site.

(c) The owner and/or operator of a construction site may apply for a change in the date of commencement of construction or the date of termination of construction specified in the stormwater permit, this application must be made at least two working days prior to: (1) the date of the proposed change for commencement; and/or (2) the date of the termination date.

(d) If for any reason the stormwater permit is suspended, revoked, terminated, or voided, construction activity at the site shall immediately cease.

(e) Application for amendment to a stormwater permit can be made at any time ten or more working days prior to the time identified in the stormwater permit for completion of construction activities, provided the person(s) making application is not in violation of this chapter. An appropriately modified stormwater quality plan shall also be provided at the time of application for amendment to the city. Construction undertaken in accordance with the amended stormwater permit shall not commence until the amendment is approved by the city. Approval of such amendment does not relieve the applicant or owner and/or operator from any or all administrative enforcement remedies, judicial enforcement remedies, enforcement actions, or other remedies allowed by law.

(f) In the event that the operator of the construction site changes within ten working days of the change, any and all stormwater permits, and stormwater quality plans, permits, plans, or notices must be amended to reflect the last name of the new operator.

Sec. 29-44. - Same—Contents.

The stormwater permit shall contain the following:

(1) Stormwater quality plan;

(2) Address or other description of location of the construction site;

(3) Name, address and telephone number of the construction site owner and/or operator and the operator's on-site representative, either the property owner or lessee, and name and address of general construction contractor, if different from property owner or lessee;

(4) Earliest date of commencement of construction activity;

(5) Proposed dates of termination of construction activity, completion of final stabilization activities, and closure of the site;

(6) Any other information the city may deem necessary; and

(7) Certification by the applicant for the stormwater permit that the information provided on the stormwater permit application is true and accurate.

Sec. 29-45. - Same—Exemptions.

Exemptions from the requirements for a stormwater permit and stormwater quality plan shall apply for the following situations or conditions:

(1) The construction activity is undertaken at a single- or multiple-family residential property site for the sole purpose of maintenance of the residential property site; and

(2) The construction is necessary on an emergency basis because of imminent harm or endangerment to the public or environment, in which case the construction may by continued only so long as such imminent harm or endangerment or threat of harm or endangerment exists.

Sec. 29-46. - Same—Waiver.

The city may provide a waiver to the requirement for a stormwater permit upon the written request of the owner and/or operator seeking such waiver. The waiver is to be provided only if the construction for which waiver is sought is demonstrated to the satisfaction of the city to meet all of the following conditions:

(1) The waiver will not contribute to a violation of this chapter or any permit or license the city may hold to discharge stormwater;

(2) The construction activity is of such size, extent, magnitude, or location as to neither allow, cause, or have potential to cause a significant discharge of sediments or other pollutants to the city's MS4 or waters of the U.S.;

(3) There is a compelling public interest for issuance of a waiver;

(4) It is in the general interest of the health and safety of people in the city or protection of the environment that such waiver be provided, such interest not to be based upon cost or economic considerations; and

(5) Other such conditions the city may deem necessary to ensure that significant discharge of sediment and other pollutants does not occur.

Sec. 29-47. - Stormwater quality plan.

(a) The stormwater quality plan shall be prepared in accordance with the National Menu of Best Management Practices (BMPs) for Stormwater. The objective of the plan is to identify potential sources of pollution, including sediment, which will affect the quality of stormwater discharges associated with construction and development. The plan must describe the implementation of BMPs that will be used to reduce the pollutants in stormwater discharges associated with construction and post-development runoff. Stormwater quality plans shall be retained on-site during the course of construction and shall be available for inspection by the city upon request.

(b) *Contents of stormwater quality plan.*

(1) *Site description.*

a. Total area of the site, and total disturbed area, including off-site staging/storage areas;

b. A description of the existing vegetation at the site, including coverage;

c. The location of other sources of pollution, such as vehicle fueling, storage of chemicals, concrete washout areas, etc.; and

d. The name of the receiving water(s) and description of any outfalls (size, type, and location), if the discharge is to a MS4, the name of the system, the location of the storm sewer discharge, and the ultimate receiving water(s).

(2) *Construction documents.*

a. A description of the construction activity;

b. A copy of the development plans; and

c. Construction schedule.

(3) *Best management practices (BMPs).* The BMPs must include locations and descriptions of control measure for each phase of development, including before clearing and grading activities begin; during all phases of construction; and post-construction/post development.

(4) *Control measures.* Construction phase control measures should include, but are not limited to the following:

a. *Temporary sediment control measures.*

1. Silt fence;

2. Sand bag berms;

3. Hay bales;

4. Check dams;

5. Interceptor swales/dikes.

b. *Temporary stabilization measures.*

1. Temporary seeding;

2. Erosion control blankets/matting;

3. Mulch/compost;

4. Temporary sodding.

c. *Final stabilization measures.*

1. Permanent seeding;
2. Permanent sodding;
3. Impervious surfaces.

(c) Post-construction phase control measures must be incorporated into the stormwater quality plan where necessary to preserve predevelopment hydrologic regimes. These control measures do not apply to residential home construction. Post-construction phase control measures should include, but are not limited to, the following:

(1) *Velocity dissipation measures.*

a. *On-site:*

1. Vegetated swales;
2. Check dams;
3. Vegetated filter strips;
4. Level spreaders;
5. Velocity dissipation structures.

b. *Off-site:*

1. Surrounding local topography;
2. Concrete-lined drainage channels;
3. Low velocity drainage channels.

(2) *Predevelopment peak flow preservation.*

a. *On-site:*

1. Detention basins/ponds;
2. Constructed wetlands;
3. Bio-retention;
4. Wet basins.

b. *Off-site:*

1. In-line detention;
2. Outfall pump systems;
3. Off-site (regional) detention;
4. Low velocity drainage channels.

(d) *Long-term maintenance of on-site post-construction control measures.*

(1) For new and significant redevelopment projects that are determined by the city to require on-site control post-construction control measures such as detention ponds, constructed wetlands, bio-retention systems, the developer or the person or persons who will be responsible for the maintenance of the control measures shall execute an affidavit that states that post-construction control measures shall be in place and maintained for as long as required.

(2) The affidavit must be submitted to the city no later than ten calendar days before the commencement of construction activities and will serve as a legal commitment to the city.

(3) The city may also require that a maintenance bond be issued to ensure the maintenance is performed according to the said legal commitment.

(e) *Inspections.* The plan shall provide that qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices shall be modified as appropriate, and as soon as is practicable.

(f) *Revisions to stormwater quality plan.*

(1) The stormwater quality plan shall accurately reflect site conditions and the construction activities proposed to be undertaken. Revisions necessary to maintain an accurate and up-to-date stormwater quality plan shall be made in a timely fashion but in no case later than two working days after the occurrence of conditions or activities requiring such revisions.

(2) If the conditions or activities described by a stormwater quality plan revision could be reasonably expected to result in an increase in the actual or potential discharge of pollutants from the site, such revision must be approved by the city prior to implementation of the proposed revision.

(3) If the city does not approve or reject of the revision within ten working days, the revision(s) shall be assumed to be approved.

Sec. 29-48. - Stormwater pollution prevention plan (SWP3).

(a) For a construction site that is one or more acres but less than five acres or is five or more acres and that is required by state or federal regulation to have a SWP3, the SWP3 shall be prepared in accordance with applicable state and federal regulations.

(b) Any SWP3 required by federal or state regulation shall be retained on-site during all phases of construction and a copy must be submitted to the city/county. Failure to produce such required SWP3s shall be grounds for issuance of a stop work order.

(c) The city may require additional information, plans, or specifications in a SWP3 for a construction site if the city determines such additional information, plans, or specifications are necessary to prevent the discharge of pollutants to the MS4 or waters of the U.S.

Secs. 29-49—29-60. – Reserved.

ARTICLE IV. - CIVIL ENFORCEMENT

Sec. 29-61. - Responsibility of other entities.

(a) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and individually responsible for compliance with the requirements in this section.

(b) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract, for implementing a best management practices control measure, is jointly and individually responsible for any willful or negligent failure on his/her part to adequately implement that control measure.

Sec. 29-62. - Right of entry.

The city and/or appointed representative, shall have the right to enter the premises of any person reasonably suspected by the city of discharging stormwater into the municipal separate storm sewer system (MS4) or to waters of the United States to determine whether the discharger is complying with all requirements of this chapter and with any state or federal discharge permit, limitation or requirement.

Sec. 29-63. - Stop work order.

(a) Whenever the city determines that there is a violation on a construction site of any provision of this chapter, or any order issued hereunder, the city may issue a stop work order (SWO) for that construction site.

(b) Unless express written exception is made by the city, the SWO shall prohibit any and all further construction activity at the site, and shall bar any further inspection or approval by the city of any work associated with a building permit, stormwater permit, or any other city approval necessary to commence construction or to assume occupancy at the site.

(c) Issuance of a SWO shall not be a bar against, or a prerequisite for, taking any other action against the construction site owner and/or operator.

Sec. 29-64. - Notification of violation (NOV).

(a) When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the city may serve upon that person a written NOV. Within ten calendar days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention of recurrence thereof, including specific required actions, shall be submitted by the alleged violator to the city. If the alleged violator denies that any violation occurred, or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the city within ten calendar days of receipt of the notice.

(b) Submission of an explanation or plan in no way relieves the alleged violator of liability for any violations of this chapter or any state or federal regulation occurring before or after receipt of the NOV.

(c) Nothing in this section shall limit the authority of the city to take any action, including emergency action or any other enforcement action, without first issuing a NOV.

Sec. 29-65. - Consent orders.

The city may enter into consent orders, assurances of voluntary compliance, or other written agreements with the owner and/or operator for noncompliance with any provision in this chapter or any order issued hereunder. Such agreements may include specific action to be taken to correct the noncompliance within a time period specified by the agreement. Such agreements shall have the same force and effect as administrative orders issued pursuant to this chapter and shall be judicially enforceable.

Sec. 29-66. - Compliance order.

(a) When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the city may issue a compliance order to the violator directing that the violator come into compliance with this chapter within a specified time limit. Compliance orders also may contain other requirements to address the noncompliance, including self-monitoring and implementation of best management practices designed to minimize the amount of pollutants discharged to the MS4 and waters of the U.S.

(b) A compliance order does not relieve a person of liability for any violation, including any continuing violation.

(c) Issuance of a compliance order shall not be a bar against, or a prerequisite for, any other action against the violator.

Sec. 29-67. - Remediation, abatement and restoration orders.

(a) When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, and the city has reasonable evidence to suspect that such a violation has adversely affected the MS4 or waters of the U.S., the city may issue a remediation, abatement and restoration order to the violator directing said violator to undertake and implement any appropriate action the city may designate to remediate or abate any adverse effects of the violation upon the MS4, and to restore any part of the MS4 within the city that has been harmed. Such remediation, abatement, and restoration actions may include, but shall not be limited to:

(1) Monitoring, assessment and evaluation of the adverse effects and determination of the appropriate remedial, abatement or restoration actions;

(2) Confinement, removal, cleanup, treatment and disposal of any discharged or released pollution or contamination;

(3) Prevention, minimization or mitigation of any damage to the public health or the environment that may result from the violation; and

(4) Restoration or replacement of city property or natural resources damaged by the violation.

(b) The remediation, abatement and restoration order may direct that the remediation, abatement or restoration be accomplished on a specified compliance schedule and be completed within a specified period of time.

(c) The cost for preparation, implementation, construction and maintenance of any remediation, abatement or restoration as may be ordered by the city shall be borne by the person to whom the city has issued such order.

(d) An order issued under this subsection does not relieve the violator of liability for any violation, including any continuing violation.

(e) Issuance of an order under this subsection shall not be a bar against, or a prerequisite for, taking any other action against any responsible party.

Sec. 29-68. - Emergency cease and desist orders.

(a) When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the violation(s) has caused or contributed to an actual or threatened discharge to the MS4 or waters of the U.S. which

reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the city may issue an emergency cease and desist order to the violator directing said violator to immediately cease and desist all such violations and directing the violator to:

(1) Immediately comply with all chapter requirements;

(2) Terminate any discharges which the city determines to present an imminent or substantial endangerment to persons or to the environment; and

(3) Take such appropriate preventative action as may be needed to properly address a continuing or threatened violation, including immediately halting operations, terminating the discharge or both.

(b) Any person to which an emergency cease and desist order has been directed, shall, upon receipt of such order, immediately take action to stop or eliminate the endangering discharge. In the event of said person's failure to immediately comply voluntarily with said order, the city may take such action(s) as deemed necessary to prevent or minimize harm to the MS4 or waters of the U.S. or endangerment to persons or to the environment. Such actions may include, but are not limited to, immediate termination of water supply, sewer connection or other municipal utility service provided to said person; to any facility owned, leased or operated all or in part by said person; or to any site for which said person is all or in part an owner or lessee.

(c) The city shall allow the person to whom an emergency cease and desist order has been issued to recommence discharges when the city determines that the period of endangerment has passed, unless further termination proceedings are initiated against the person to whom the order was issued.

(d) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a written statement, in a form as may be acceptable to the city, describing the causes of the harmful discharge and measures taken or to be taken within a timely fashion to prevent any future occurrence, to the city within 14 calendar days of receipt of the emergency order.

(e) Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

Sec. 29-69. - Appeals.

(a) Any person adversely affected by a decision under this chapter, with the exception of a citation, may appeal the decision to the city or the city's designee within 15 calendar days from the date of the adverse decision. The appeal must be in writing and set forth specifically why the decision should be considered for relief.

(b) The effect of any order, except for an emergency cease and desist order, shall be stayed pending the appeal unless the city makes a written determination to the contrary. An emergency cease and desist order shall not be stayed pending appeal.

(c) Within 14 calendar days of the appeal, the city or his designee shall either: (1) grant the petition and withdraw or modify the order; (2) deny the petition if there is no material issue of fact; or (3) schedule a hearing on the petition. Written notice of the hearing shall be sent to the appellant. At the hearing, any interested party may present evidence and testify.

(d) After the hearing, the city shall grant the petition and withdraw or modify the order or deny the petition.

(e) The city's ruling shall be final.

Secs. 29-70—29-80. - Reserved.

ARTICLE V. - CRIMINAL PENALTIES

Sec. 29-81. - Violations of chapter.

Any person who violates a provision of this chapter or any order issued hereunder shall be subject to a fine as set forth in the City of Splendora Code of Ordinances, Chapter 1, Section 1-7. No culpable mental state is required.

Sec. 29-82. - Public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisances may be taken.

Sec. 29-83. - Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law.

Secs. 29-84—29-90. – Reserved.

ARTICLE VI. - FEES

Sec. 29-91. - Fees.

(a) The city may adopt reasonable fees for reimbursement of costs of implementing this chapter, which costs may include, but not limited to the following:

(1) Fees for monitoring, inspection and surveillance procedures, including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;

(2) Fees for issuance of permits;

(3) Fees for review of notices and plans for construction, termination of construction, and stormwater pollution prevention control, irrespective of any acceptance or rejection of such notices or plans by the city;

(4) Fees for conduct of site inspections by the city when requested by an operator of a site or facility, irrespective of whether such inspection is required by this chapter;

(5) Fees for site inspection by the city pursuant to determination of compliance to conditions of a conditional notice of termination of construction;

(6) Fees for responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants; and

(7) Other fees as the city may deem necessary to carry out the requirements contained in this chapter.

(b) The fee schedule is attached as Exhibit A to Ord. No. 2010-O-3B and kept on file with the city, and is hereby incorporated into this chapter as if set out in full.

(c) The stormwater permit fees and the fees for spills relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

Secs. 29-92—29-115. - Reserved.