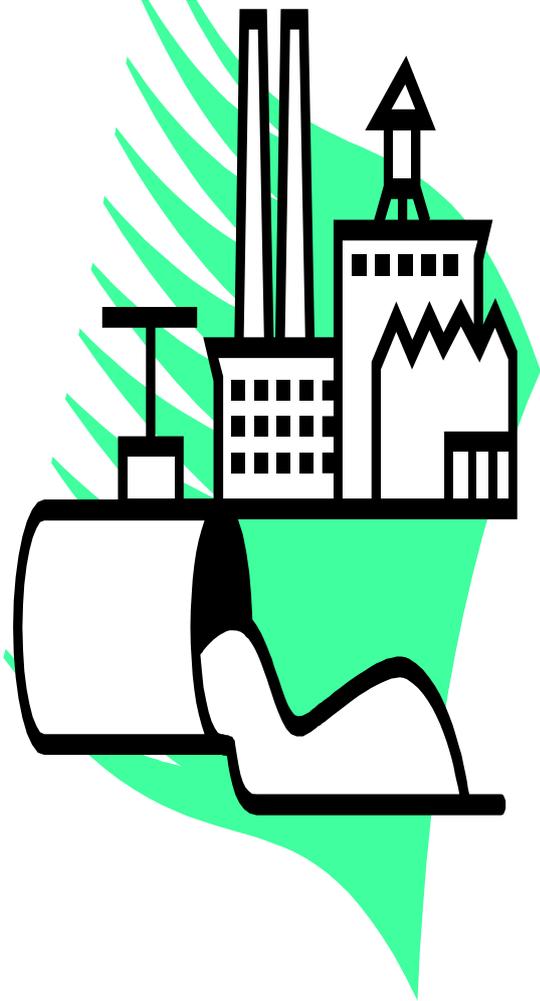


Hidalgo County Storm Water Management Plan



Approved by the
Hidalgo County Commissioner's
Court

September 21, 2010

This document was developed with the requirements of the Texas Pollutant Discharge Elimination Systems General Permit TXRO40000

Hidalgo County Storm Water Management Program

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Section I Overview

I.1 Storm Water Rule Overview

The Clean Water Act (CWA) is a law enacted by Congress and signed by the President to establish environmental programs, including the National Pollutant Discharge Elimination System (NPDES) program to protect the Nation's waters and directs the U.S. Environmental Protection Agency to issue rules on how to implement this law. Under NPDES program, a municipal storm water program was developed in two phases.

Phase I of the U.S. Environmental Protection Agency's (EPA) municipal storm water program was promulgated in 1990 under the authority of the Federal Clean Water Act (CWA). Phase I relied on the National Pollutant Discharge Elimination System (NPDES) permit coverage to address pollutants from storm water runoff and dry weather discharges. Phase 1 permits are required for large and medium municipal separate storm sewer system (MS4s), serving populations of 100,000 or greater.

On September 14, 1998, the Texas Commission on Environment Quality (TCEQ) received authority to administer the NPDES permit program in Texas for those discharges under the regulatory authority of the agency. This program has been named the Texas Pollutant Discharge Elimination Program (TPDES). Under a memorandum of agreement between the two agencies, the TCEQ agreed to adopt any new rules or permits to comply with Phase II storm water regulations by the deadlines in federal rules.

The Storm Water Phase 2 Final Rule (promulgated December 8, 1999) was the next step in the EPA's efforts to protect the nation's water resources from polluted storm water runoff and dry weather discharges into storm drain systems. The phase 2 program requires local governments to implement programs and practices to control water pollution, to the "maximum extent practicable" (MEP) in urbanized areas of small MS4s (population less than 100,000). The program requires Phase 2 local governments to obtain a permit that includes "minimum control measures" that must be implemented for coverage. The six minimum control measures include: public education; public involvement; illicit discharge elimination; construction sites; post construction pollution; pollution prevention for municipal operations. There are significant penalties (up to \$ 27,500 per day) for non-compliance with federal permit provisions.

The Texas Commission on Environmental Quality (TCEQ) is now authorized by EPA to issue and enforce the Texas Pollutant Discharge Elimination System (TPDES) Phase 1 and 2 storm water permits, in lieu of federal NPDES permits. Effective August 13, 2007 TCEQ Commissioners approved the TPDES General Permit to authorize discharge of storm water from regulated Phase 2 MS4s. Permittees were required to submit applications for coverage to TCEQ before February 11, 2008. The application must include a Notice of Intent for coverage (NOI) and a Storm Water Management Program (SEMP). The NOI is a document

that provides TCEQ with an official notification to seek permit coverage and identifies legally responsible parties for permit enforcement. The SWMP describes in detail which Best Management Practices (BMPs) will be implemented to meet permit requirements. The permit term covers 5 years. The permit will be renewed at 5 year intervals, which will likely require significant changes to the SWMP for future permit approvals. Storm Water definitions and acronyms are listed in Appendix A.

I.2 Legal Authority

Legal authority and responsibility to implement a municipal storm water management plan is provided in the Clean Water Act and the Texas Commission on Environmental Quality Texas Pollutant Discharge Elimination System. To the extent allowed by law, Hidalgo County shall ensure legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. This legal authority may constitute a combination of statute, ordinance, permit, contract, order, or inter-jurisdictional agreement between MS4 municipalities with adequate existing legal authority to accomplish the following items:

- Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activities;
- Prohibit illicit discharges to the MS4;
- Control the discharge of spills and the dumping or disposal of materials other than storm water into the MS4;
- Control the contribution of pollutants from one portion of the MS4 to another;
- Require compliance with conditions in ordinances, permits, contracts or orders; and
- Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

Section II – Permit Applicability and Coverage

II.1 Regulatory Mechanism Restrictions for Counties

Texas is somewhat unique in the United States regarding the restrictions it places on counties. The Texas Constitution and State statutes do not grant Texas counties the ability to create and enforce ordinances, such as the ones that Texas cities (Home Rule) are allowed to create in order to meet the TPDES permit requirement. To address this restriction, TCEQ rules contain text stating to the extent allowable under the state and local law." This statement is cited several times in Part IV, SWMP development and implementation of the general permit. Hidalgo County will address the various elements in the General Permit SWMP requirements to the extent allowable under current state and local law.

II.2 List of Non-storm Water Discharges Not Considered Illicit

Hidalgo County will construct a list of discharges into the storm water/sewer system that is allowable. This list includes occasional, incidental non-storm water discharges that the county does not expect to be a significant contributor of pollutants to the storm water/sewer system.

The list includes the following releases which will be included in the educational related classes for constituents:

- i. water line flushing
- ii. landscape irrigation
- iii. uncontaminated groundwater infiltration
- iv. uncontaminated pumped groundwater
- v. discharges from potable water sources
- vi. water feature blowdown leaks
- vii. foundation drains
- viii. roof drainage from precipitation
- ix. air conditioning/steam condensate
- x. water from crawl space/tunnel pumps
- xi. water from external pumps and pumps in support of loading docks
- xii. footing drains
- xiii. small scale vehicle washing
- xiv. discharges from fire sprinkler system maintenance
- xv. discharges from fire extinguisher related classes
- xvi. swimming/exercise pool discharges
- xvii. sidewalk/street wash sweeping water
- xviii. discharges or flows from emergency fire fighting activities
- xix. discharges from fire pump testing
- xx. insignificant losses from cooling tower operation and maintenance

Section III Hidalgo County

III.1 Description of Hidalgo County

Founded in 1852, Hidalgo County is located in South Texas, bordered by Brooks County on the north, Cameron County and Willacy County on the east, Starr County on the west, and Mexico to the south. The county seat is located in Edinburg, Texas, located at the junction of US 281 and State Highway (SH) 107. Portions of Hidalgo County are located opposite the Mexican city of Reynosa on the south side of the Rio Grande River.

The total area is 1,583 square miles, including 1,570 square miles of land and 13 square miles of water. According to the US Census Bureau, the estimated 2009 census is 741,152 with an estimated population change of 30.1% as compared to 18.8% for the state. The Bureau also reflects 257,324 housing units in 2009 with a homeownership rate of 73.1%. The cities in Hidalgo County include: Alamo, Alton, Donna, Edcouch, Edinburg, Elsa, Granjeno, Hidalgo, La Joya, La Villa, McAllen, Mercedes, Mission, Palmhurst, Palmview, Penitas, Pharr, Progresso, Progresso Lakes, San Juan, Sullivan City, and Weslaco. The most northern boundary is FM 490. The most western boundary is Iowa Road. The most southern boundary is the Rio Grande River and the most eastern boundary is the county line. A map of Hidalgo County is located in Appendix B.

III.2 Management/Organization of Hidalgo County

Hidalgo County is governed by Commissioner’s Court, which is comprised of four county commissioners and one county judge. The county judge is elected by constituents throughout the county and each county commissioner is elected by the citizens within their respective precinct. County departments that do not fall under the auspicious of an elected official are under the leadership of the Executive Office. The Hidalgo County Commissioner’s Court meets on Tuesday mornings and also serves as the Board of Directors for the Hidalgo County Drainage District.

III.4 Potential Pollutants and Activities

Hidalgo County serves constituents with a variety of services. To support such services, Hidalgo County is engaged in building construction, landscape maintenance, vehicle maintenance, vehicle washing, and chemical and material storage.

Table 1 outlines activities associated with the Hidalgo County environment and the potential pollutants that can be released to the storm water if not managed in the appropriate manner. The storm water control methods, referenced in Section IV will be implemented in an effort to eliminate the risk of the release of these contaminants to the storm water, or in the event of an accidental release minimize any potential impact.

Table 1. Potential Pollutants released from Hidalgo County activities.

Activity	Potential Pollutants
Building Maintenance	Sediment, Trash, Metals, Bacteria, Oil and Grease, Organics, Pesticides, Oxygen Demanding Substances
Grounds and Landscape Maintenance	Sediment, Trash, Bacteria, Oil and Grease, Pesticides, Oxygen Demanding Substances.
Parking / Storage Area Maintenance	Sediment, Trash, Bacteria, Oil and Grease, Pesticides, Oxygen Demanding Substances
Vehicle Maintenance	Sediment, Trash, Metals, Oil and Grease, Organics,
Vehicle and Equipment Washing	Sediment, Trash, Bacteria, Oil and Grease, Pesticides, Oxygen Demanding Substances
Outdoor storage of materials	Sediment, Trash, Bacteria, Oil and Grease, Pesticides, Oxygen Demanding Substances
Construction	Sediment, Trash, Metals, Oil and Grease, Organics,
Hazardous waste collection, treatment, storage and disposal	Metals, Bacteria, Oil and Grease, Organics, Pesticides

III.4 Receiving Water Description

Runoff from storms is part of the natural hydrologic process. Rainwater that does not infiltrate into the ground flows by gravity into stream, rivers, lakes, and estuaries. The development of land for housing, agriculture, business, and industry alters the quantity and quality of runoff entering waterways. The construction of roofs, roads, and other impervious surfaces increases the volume and velocity of storm water runoff that enter water bodies. In response, the banks of streams and rivers erode when they are forced to handle the extra water. This runoff may carry a wide range of pollutants including sediment, nutrients, pathogens, trash, and debris, petroleum hydrocarbons, and synthetic organics such as pesticides.

Storm water does not originate from point sources, such as a sanitary sewer treatment plant outfall or industrial facility; rather it is considered a NPS of pollution. NPS pollution originates from runoff from lawns, streets, and agricultural activities. Urban runoff transporting NPS pollution is widely regarded as the nation's leading threat to water quality. Urbanization and increases in population directly affect the type of pollution that enters storm drain systems that will eventually affect and reach local waterways.

Rio Grande River

The Rio Grande is the international boundary between Texas and Mexico. The river, which starts in Colorado, enters the western end of the Rio Grande Valley near the town of Roma and finishes the last 150 miles of its more than 1,600-mile course passing through the valley before it empties into the Gulf of Mexico at Brownsville, Texas.

The Laguna Madre

The Laguna Madre is a large body of shallow water separating Padre Island from the South Texas mainland. It covers 609 square miles of estuarine and coastal marine systems. The boundary of Padre Island National Seashore encompasses approximately 20,000 acres of the Laguna Madre. The Laguna Madre is located in parts of Cameron, Willacy, Kennedy, Kleberg, and Nueces counties.

The Laguna Madre is an important breeding ground for many aquatic birds, as well as an important wintering and stopover area for numerous species. The extremely shallow areas provide excellent feeding grounds for winter duck populations, which number in the thousands. The Lower Laguna Madre receives significant quantities of agricultural pesticides and other environmental contaminants from the Arroyo Colorado, irrigation drainage of the Lower Rio Grande Valley. Oil spills from barges, discharge from the Mexican side of the Rio Grande, and hydrocarbon extraction are the threats posed by the high volume of commercial activities taking place on the Laguna Madre.

Since no major rivers flow into the Laguna Madre, its salt content is quite high, about 35 parts per 1000 parts of water. This increases to 45 parts per 1000 parts of water in the Lower Laguna Madre and during periods of hot, dry weather. The average water depth is about 2.5 feet, with some areas reaching a depth of 5 feet. Variable depths and salinity support different types of sea grasses, hyper-saline marches, algal flats and lomas.

Flow in the Arroyo Colorado is sustained by wastewater discharges, agricultural irrigation return flows, urban runoff, and base flows from shallow groundwater. The Arroyo is the major source of fresh water to the lower Laguna Madre, an economically and ecologically important resource to the region.

The Arroyo Colorado

The Arroyo Colorado is one of the more complex watercourses in the state. From its headwaters to its mouth, it has been extensively modified by the activities of man, which is reflected in both its hydrology and water quality. Watershed activities are principally agricultural, although the Arroyo Colorado also drains the urban areas of municipalities with Hidalgo County who add their treated wastewater to the river. Its lowest reach is estuarine and drains into the Laguna Madre, an extremely productive, high salinity lagoon lying, situated behind the barrier of Padre Island.

The water quality of the Arroyo Colorado has been variable historically. At low stages, it exhibits all the problems expected of an effluent dominated system in a hot, arid climate: high coliform counts, low dissolved oxygen and high algal concentrations. In the estuarine reach, these parameters are intensified by the circulation associated with salinity intrusion in a deepened channel. These same areas act as sinks for silt and mud, and frequently absorb contaminants. During high stages, the water may be affected by urban and agricultural contaminants, especially pesticides.

Section IV-Storm Water Management Program (SWMP)

IV.1 Storm Water Management Team

A Storm water Management Team has been established to develop, implement, maintain and provide for the enforcement of the MS4 plan. They involve stakeholders from areas of the County whose actions directly or indirectly influence storm water management and are listed in Table 2. An organizational chart reflecting the coordinated efforts of the Departments is included in Appendix B.

Table 2-Storm Water Management Team

	Title	Department
Rene Ramirez	Hidalgo County Judge	County Judge's Office
Valde Guerra	Environmental Compliance Specialist	Budget and Management
Lorie Ochoa	Chief Operations Manager	County Judge's Office
Raul Sesin	Director	Planning Department
Eddie Olivarez	Director	Health Department
Godfrey Garza	Director	Drainage District
Roy Quintanilha	Director	Training and Safety
Cari Lambrecht	Public Information Officer	Public Affairs Division

IV.2 Personnel and Budget Resources

Hidalgo County recognizes the multi-department commitment to this effort. Hidalgo County will identify staff to oversee the SWMP. In addition, staff will coordinate efforts with the Public Information Department, Planning Department, Health Department, and the Hidalgo County Drainage District.

Adequate funding will be made available to maintain staff, equipment and materials necessary to develop and implement an effective storm water management program. However, due to limited resources and a stressed economy, Hidalgo County is committed to researching alternative funding options to supplement the SWMP. The following provides a brief introduction to some of the various funding options currently being used across the country to finance storm water management programs.

- **Debt Financing:** Typically used for capital intensive-intensive projects, local governments can issue debt to finance storm water management programs and facilities. Revenue bonds---or bonds that rely on ongoing source of revenue may be used. Alternatively, a general obligation bond can be issued which are backed by the full faith and credit of a municipality (based on its ability to generate revenues through taxes and other fees).
- **Grants and Loans:** Federal, State, or Regional grant or loan funds may be available for some elements of the storm water program, depending on the BMPs selected and the location. Grants and loans are usually applicable to specific projects and not on-going activities, such as operation and maintenance.
- **Users/Utility Fees:** Utility services charges are rates billed to customers for providing storm water management services. These service charges may be flat rates, or variable rates based on classes of customers (e.g., residential, commercial, industrial). Utility service charges may represent a dedicated source and an ongoing method of funding for some or all storm water management programs.

Storm water management controls, which include Best Management Practices (BMPs), will be developed, implemented and enforced to prevent pollution in storm water discharged from Hidalgo County. Texas State TPDES General Permit TXR 40000 mandates the establishment of six Minimum Control Measures (MCMs).

The six Minimum Control Measures (MCM) addressed by Hidalgo County's MS4 plan include:

- MCM 1. Public Education and Outreach on Storm Water Quality Issues
- MCM 2. Public Involvement/Participation
- MCM 3. Illicit Discharge Detection and Elimination
- MCM 4. Construction Site Storm water Runoff Control
- MCM 5. Post-Construction Runoff Control in Areas of New Development and Re-Dev.
- MCM 6. Pollution Prevention and Good Housekeeping

MCM 1 - Public Education and Outreach on Storm Water Quality Issues

Public education is an important element in preventing water quality impacts from storm water pollution. The goal of the Hidalgo County SWMP public outreach and education component is to inform targeted public about storm water pollution and to encourage behavior that reduces negative impacts to the environment. The public outreach and education program consists of a variety of written materials, a project website, workshops, and other strategies, designed to appeal to the general public while providing technical information on the negative impacts of polluted storm water runoff.

The goal of the county's SWMP public outreach and education program is to minimize potential storm water pollution from accidental spills, illicit connections, and illegal discharges and dumping. Hidalgo County aims to reduce potential for storm water pollution by the development and implementation of an Educational Program to Civil Groups and Real Estate Organizations – which highlights strategies to increase awareness of water quality issues, storm water pollution, and pollution prevention concepts and practices.

Hidalgo County SWMP will use a variety of methods to educate the public about the importance of managing storm water. Evaluation of the success of this minimum measure will be through careful analysis of the measurable goals for each BMP included in this minimum measure. Measurable goals for each BMP were selected by formulating attainable goals for the various BMP implementation steps of tasks. The responsibility for the implementation of this minimum measure is described with each BMP procedure.

40 CFR 122.34 (b)(1) states a public education program and outreach activities must be implemented to distribute educational materials to the community about the impacts of storm water discharges on water bodies and the steps the public can take to reduce pollutants in storm water runoff. The EPA recommends that the public be included in developing, implementing, and reviewing storm water management program, and that the public participation process should make efforts to reach out and engage all economic all economic and ethnic groups.

A public education and outreach program will be developed and implemented to directly inform Hidalgo County constituents and employees about the impacts that storm water run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and the steps that constituents can take to reduce pollutants in storm water runoff. The public education programs and outreach materials will be tailored to those specific target audiences that have the potential to either directly impact the storm water through actual releases within the County or at their specific residences.

In conjunction with the Hidalgo County Public Affairs Division, a public awareness logo and slogan will be created to maintain recognition of the county

The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

- 4.1.1 (a) Design and create a logo and slogan for Hidalgo County Storm Water Waste Campaign.
- 4.1.1 (b) Incorporate Hidalgo County's logo and slogan to all educational and promotional items relating to storm water waste management plan.
- 4.1.1 (c) Distribute promotional and educational items relating to storm water waste management plan.

In conjunction with the Hidalgo County Public Affairs Division, the county will designate a portion of the county website (www.co.hidalgo.tx.us) to introduce and describe the storm water management plan. The section will include storm water education in general per the TCEQ general permit guidelines. The website will also provide specific information regarding the SWMP, educational and interactive opportunities, and links to other local, state, and national storm water websites. The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

- 4.1.2 (a) Design the storm water waste section on the county website
- 4.1.2 (b) Website up and running.
- 4.1.2 (c) Website revised and maintained
- 4.1.2 (d) Incorporate public feedback.

Promote and market storm water education and awareness by developing low-cost promotional giveaways: bumper stickers, key chains, magnets etc... Promotional items will include the Hidalgo County storm water management plan's logo or slogan as referenced in BMP 4.1.1 The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

4.1.3 (a) Develop list of promotional items /events

4.1.3 (b) Design promotional giveaways.

4.1.3 (c) Produce promotional giveaways.

4.1.3 (d) Distribute promotional giveaways.

Prepare and distribute bilingual educational flyers, one page property tax bill and notification insert carrying a to-the-point message regarding the do's and don'ts of storm water pollution. All flyers will include either the Hidalgo County storm water management plan's logo or slogan as referenced in BMP 4.1.1. The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

4.1.4 (a) Design inserts/flyers.

4.1.4 (b) Produce inserts/flyers.

4.1.4 (c) Distribute inserts/flyers.

Prepare and distribute a public awareness sign concerning the storm water pollution. All signs will include either the Hidalgo County storm water management plan's logo or slogan as referenced in BMP 4.1.1. The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

4.1.5(a) Identify types of signs that would be used.

4.1.5 (b) Identify location for signs within Hidalgo County.

4.1.5 (c) Distribute signs at location identify by 4.1.5 (b).

Develop and monitor hotline for the purposes of: creating awareness; instructing the public, answering FAQ's; identifying pertinent EPA and other storm water pollution websites; providing an avenue for reporting illicit discharge and dumping; and presenting overview of SWMP. The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

4.1.6 (a) Identify the persons responsible for maintaining hotline and answering questions.

4.1.6 (b) Train staff to answer questions and inform the public.

4.1.6 (c) Begin operation of hotline.

4.1.6 (d) Incorporate hotline number on all promotional items and educational materials.

4.1.6 (e) Annually advertise and maintain hotline; monitor number of calls.

4.1.6 (f) Report the number of calls, types of concerns and other issues of important matters to Commissioner's Court and TCEQ on an annual basis.

4.1.6 (g) Prepare report regarding the number of calls, types of concerns and other issues of important matters to Commissioner's Court and TCEQ as needed.

Develop and enter into partnership with other MS4s within Hidalgo County for providing educational materials to civic groups, real estate organizations, businesses, commercial and industrial facilities, and construction site owners / operators within Hidalgo County. The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

4.1.7 (a) Research activities contributing pollutants.

4.1.7 (b) Determine availability of existing public education materials.

4.1.7 (c) Develop partnerships with other MS4s.

4.1.7 (d) Acquire and/or develop training material.

4.1.7 (e) Update educational material.

4.1.7 (f) Send personalized letters to operators of facilities within county jurisdiction once a year, incorporating educational flyers and brochures.

4.1.7 (g) Establish an e-mail distribution group to facilitate communication on storm water related issues.

4.1.7 (h) Distribute educational material and solicit public feedback once per year.

Acquire the EPA's free brochure and half hour storm water documentary "After the Storm" which focuses on the effects of polluted storm water runoff. Make the documentary available to schools (K-12) and non-governmental organizations in order to highlight the problems storm water runoff poses to quality of local water within the area. The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

4.1.7 (i) Acquire the brochure and secure permission to duplicate and distribute.

4.1.7 (j) Present the brochure and documentary in consort with promotional giveaways and focus on website.

4.1.7 (k) Make materials available to visitors at county offices, libraries, museums, county offices and schools.

Provide education to Officials on general storm water topics in accordance with TCEQ educational guidelines and relating to the SWMP with a focus on fostering awareness of storm water pollution and prevention and status of SWMP. The following BMPs will be followed to accomplish Minimum Control Measure One (MCM1):

4.1.8 (a) Prepare and provide educational material similar to that provided to employees.

4.1.8 (b) Provide SWMP status reports to commissioner court once a year.

4.1.8 (c) Seek / incorporate official feedback on promotion and awareness of storm water pollution and the results perceived.

4.1.9 (a) Review 4.1 goals and activities and determine level of progress

MCM 2. Public Involvement/Participation

Without citizen input, local and state governments cannot have a true understanding of community values and needs with respect to public services. Effective public involvement complements the strategic planning process, helps to form a consensus, and lays the foundation for solid decisions.

Hidalgo County's Storm Water Management Program (SWMP) will include a comprehensive public education/outreach and public involvement component that will underline the county's strategy to provide opportunities to engage and inform citizens about the impacts polluted storm water runoff discharges can have on water quality. Moreover, key target groups, such as civil groups and real estate organizations, will be able to become involved and make recommendations on strategic and effective implementation techniques – thereby, facilitating the public involvement process and providing a venue for public education and outreach.

The SWMP public involvement program will help guide Hidalgo County's efforts to effectively implement a program that will help prevent polluted storm water runoff, provide educational tools for identifying and addressing environmental problems in affected communities, and encourage citizen participation in program development and implementation.

The objective of the Hidalgo County SWMP is to provide the highest quality public involvement possible for civil groups, real estate organizations, and other targeted public in order to maximize community awareness and education. This can only be achieved when residents are identified and brought into the planning process. Along with the desire to include a diversified public in its planning processes, Hidalgo County will rely on various federal statutes to help guide its public involvement activities.

Title 23; Section 450.212, Code of Federal Regulations leaves the methods for carrying out public involvement to the discretion of each state; however, public involvement processes must provide:

- Early and continuous opportunities for involvement
- Timely information on project issues, processes and procedures
- Reasonable access to technical and policy information
- Adequate notice of involvement opportunities at key decision points
- Methods for considering and responding to public input
- A course of action for seeking out and considering the needs of traditionally underserved groups
- Periodic review and evaluation of the public involvement process

The Americans with Disabilities Act of 1990 (ADA) states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity.” Sites for public involvement activities, as well as the information presented, must be accessible to persons with disabilities. ADA requires specific participation – such as:

- Outreach by developing contacts, mailing lists, and other means of notification
- Consultation with disabled individuals
- Opportunity for public comment
- Accessible formats
- Public hearings
- Summaries of significant issues raised during the public comment period
- Ongoing efforts to involve persons with disabilities in planning

Title VI of the Civil Rights Act of 1964, together with related statutes and regulations, provide that “no person shall on the ground of race, color, national origin, gender, or disabilities be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal funds. The entire institution, whether educational, private or governmental must comply with Title VI and related Federal civil rights laws, not just the program or activity receiving federal funds.” Executive orders regarding environmental justice and outreach to persons with limited English proficiency are also regulated under Title VI of the Civil Rights Act.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994, states that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.” Underserved groups such as low-income and minority populations must be identified and given increased opportunity for involvement in order to ensure effective participation. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, 2000, requires that recipients of federal financial aid must ensure that the programs and activities normally

provided in English are accessible to persons with limited English proficiency. Evaluation of the success of this minimum measure will be through careful analysis of the measurable goals for each BMP included in this minimum measure. Measurable goals for each BMP were selected by formulating attainable goals for the various BMP implementation steps of tasks. The responsibility for the implementation of this minimum measure is described with each BMP procedure. Hidalgo County will allow citizens opportunity to discuss various viewpoints and provide input concerning MS4's SWMP policies and BMP's. The following BMPs will be followed to accomplish Minimum Control Measure Two (MCM1):

- 4.2.1 (a) Schedule one public meeting each year to be held in Commissioner's Court.
- 4.2.1 (b) Prepare notices, agendas, coordinate, and conduct one public meeting per year to assess progress of program.
- 4.2.1 (c) Prepare final minutes, incorporate public comment.

In conjunction with BMP 4.1.6, the following activities will occur: monitor the water pollution community hotline: create awareness; instruct the public, answer frequently asked questions regarding water quality and water pollution problems; and obtain information related to illicit discharges and illegal dumping. The following BMPs will be followed to accomplish Minimum Control Measure Two (MCM2):

- 4.2.2 (a) Monitor public input, and prepare report regarding number of calls, requests for information, suggestions, and reported information.
- 4.2.3 (a) Provide annual training to constituents and business representatives on erosion and sediment control so they may be knowledgeable and compliant with Hidalgo County's MS4 BMPs.
- 4.2.3. (b) Provide annual training to constituents and business representatives on potential water quality impact so they may be knowledgeable and compliant with Hidalgo County's MS4 BMPs.
- 4.2.4. (a) Review 4.2 goals and activities and determine level of progress.

MCM 3. Illicit Discharge Detection and Elimination

The Illicit Discharge Detection and Elimination minimum measure consists of Best Management Practices (BMPs) that focus on the detection and elimination of illicit discharges into the MS4. A storm sewer system map showing the location of all outfalls and the names and location of all receiving waters will be developed from existing mapping information, GIS map base. The BMPs describe map update procedures; the legal authority mechanisms (to the extent allowable under State, or local law) which will be used to effectively prohibit illicit discharges; enforcement procedures and actions to ensure that the regulatory mechanism is implemented; the dry weather screening program and procedures for tracing and locating the source of an illicit discharge; procedures for training of public employees, businesses, and the general public with regard to the hazards associated with illegal discharges and improper disposal of waste are described in the Public Education minimum measure. Hidalgo County will establish a program to identify and remove illicit discharges.

- 4.3.1 (a) Develop a list of detection techniques needed for illicit discharge monitoring program.
- 4.3.1 (b) Develop policy procedures needed for illicit discharge monitoring program.
- 4.3.1 (c) Evaluate existing policies and modify as needed to be in compliance with TCEQ regulations and procedures specified in 4.3.1(b)
- 4.3.1 (d) Develop outreach program specifically for this BMP.

- 4.3.1 (e) Work with partnerships to develop a list of non-storm water discharges that will not be considered illicit.
- 4.3.1 (f) Implement visual inspection techniques.
- 4.3.1 (g) Perform visual inspection of 25%-50% of targeted outfalls with dry weather.
- 4.3.1 (h) Perform quarterly visual inspections and monitor 51%-100% of targeted outfalls with dry weather.
- 4.3.1 (i) Coordinate and monitor removals of illicit connections detected.
- 4.3.1 (j) Track storm drain system maintenance. Identify wastewater leaks. Develop feedback mechanism.
- 4.3.1 (k) Document and maintain records of the number of: outfalls monitored, illegal discharges detected, illegal discharges eliminated, and complaints received and addressed.

Develop a comprehensive map of the MS4's storm drain system.

- 4.3.2 (a) Verify outfall locations to / from MS4.
- 4.3.2 (b) Coordinate mapping with other MS4s directly out falling to HCDD1 MS4.
- 4.3.2 (c) Incorporate names of system laterals and locations of the Waters of the U.S.
- 4.3.2 (d) Identify source information.
- 4.3.2 (e) Update system maps to identify new developments or redevelopments.
- 4.3.2 (f) Document coordinating activities with other MS4s, updates, and the methods used to update the drainage system maps.

In conjunction with BMP 4.1.6 and BMP 4.2.2, monitor the water pollution community hotline: creating awareness; instructing the public and answering frequently asked questions regarding water quality and water pollution problems; and to obtain information related to illicit discharges and illegal dumping.

- 4.3.3 (a) Prepare report regarding number of calls, and reported information regarding illicit discharges and illegal dumping.
- 4.3.4. (a) Review 4.3 goals and activities and determine level of progress

MCM 4. Construction Site Storm Water Runoff Control

The Construction Site Runoff minimum measure consists of Best Management Practices (BMPs) that focus on the reduction of pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre will be considered if it is part of a larger common plan of development or sale that would disturb one acre or more.

The BMPs describe the legal authority mechanism (to the extent allowable under State, or local law) which will be used to require erosion and sediment controls; enforcement procedures and actions to ensure compliance; requirements for construction site operators to implement appropriate erosion and sediment control BMPs; requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site; procedures for site plan review which incorporate the consideration of potential water quality impacts; procedures for receipt and consideration of information submitted by the public and procedures for site inspections and enforcement of control measures.

Evaluation of the success of this minimum measure will be through careful analysis of the measurable goals for each BMP included in this minimum measure. Measurable goals for each BMP were selected by formulating attainable goals for the various BMP implementation steps or tasks. The responsibility for implementation of this minimum measure is described with each BMP procedure. Hidalgo County will develop and maintain a program, including controlling procedures to reduce pollutants in storm water runoff from construction activities that result in a land disturbance of once acre or more.

- 4.4.1 (a) Develop regulatory mechanism to address storm water runoff control at construction sites, one acre or greater.
- 4.4.1(b) Review existing construction plan review process to include SWMP3 requirements.
- 4.4.1(c) Develop a public awareness program specifically for this BMP.
- 4.4.1 (d) Develop procedures for receipt and consideration of input from the public.
- 4.4.1 (e) Develop procedures for site inspections.
- 4.4.1 (f) Update SWMP through NOC to include description of the Program.
- 4.4.1 (g) Implement procedures for visual site inspections.
- 4.4.1 (h) Perform visual inspections and monitor erosion and sediment control BMPs and construction site waste controls for 25%-50% targeted construction sites.
- 4.4.1 (i) Perform inspections and monitor erosion and sediment control BMPs and construction site waste controls for 51%-100% targeted construction sites.
- 4.4.1 (j) Document and maintain records of the contractor submittals, site inspections, and compliance. If needed, necessary steps will be taken to notify TCEO for proper enforcement.
- 4.4.1 (k) Maintain and update the program as required.
- 4.4.1 (l) Review the overall effectiveness of the ESC program considering quantifiable improvements in water quality, clarity, and reductions in sedimentation in local bodies.
- 4.4.2. (a) Review 4.4 goals and activities and determine level of progress

MCM 5. Post-Construction Storm Water Management

The Post-Construction Storm Water Management minimum measure consists of Best Management Practices (BMPs) that focus the prevention or minimization of water quality impacts from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that discharges into the small MS4. The BMPs describe structural and/or non-structural practices; the legal authority mechanism (to the extent allowable under State, or local law) which will be used to address post-construction runoff from new development and redevelopment projects; and procedures to ensure long term operation and maintenance of BMPs. Best Management Practices focusing on education programs for developers and the general public with regard to project design that minimize water quality impacts are described in the Public Education minimum measure. Evaluation of the success of this minimum measure will be through careful analysis of the measurable goals for each BMP included in this minimum measure. Measurable goals for each BMP were selected by formulating attainable goals for the various BMP implementation steps or tasks. The responsibility for implementation of this minimum measure is described with each BMP procedure.

Hidalgo County will develop and maintain an erosion and sediment control (ESC) program - post construction, including controlling procedures to reduce pollutants in storm water runoff.

- 4.5.1 (a) Gather and review existing drainage policies, update existing policies, and/or develop a new policies.
- 4.5.1 (b) Identify storm water controls effective for particular watersheds within a regional plan.
- 4.5.1 (c) Develop Regional Drainage Plan to incorporate effective storm water controls.
- 4.5.1 (d) Implement Regional Drainage Plan for Storm Water Controls.

Hidalgo County will also incorporate activities of the erosion and sediment control (ESC) program into the training program for employees and contractors

- 4.5.2 (a) Review policy and procedures and develop list of structural and non-structural post construction BMPs. Incorporate into training for contractors.
- 4.5.2 (b) Develop procedures for visual site inspection to ensure controls are in place to address runoff. Incorporate into training curriculum for contractors.
- 4.5.2 (c) Implement procedures for visual site inspection to ensure controls are in place to address runoff.
- 4.5.2 (d) Update SWMP through NOC to include description of the Post-Construction Storm Water Control Program.
- 4.5.2 (e) Maintain and update the MS4 program as required. Maintain records of site inspections, compliance and TCEQ enforcement
- 4.5.3. (a) Review 4.5 goals and activities and determine level of progress

MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations

The Pollution Prevention/Good Housekeeping measure consists of Best Management practices (BMPs) that focus on training and on the prevention or reduction of pollutant runoff from municipal operations. The BMPs describe the use of available training materials available from EPA, state, or other organizations; specific municipal operations that are impacted by the proposed operation and maintenance program (BMPs); maintenance activities, schedules and long term inspection procedures for controls to reduce floatable and other pollutants; controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste areas; procedures for the proper disposal of waste removed from the MS4 and municipal operations, including dredge spoil, accumulated sediments, floatables, and other debris; and procedures to ensure the new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.

Evaluation of success of this minimum measure will be through careful analysis of the measurable goals for each BMP included in this minimum measure. Measurable goals for each BMP were selected by formulating attainable goals for the various BMP implementation steps or tasks. The responsibility for implementation of this measure is described with each BMP procedure.

- 4.6.1 (a) Identify housekeeping measures and BMPs that will reduce pollutants for County operations and industrial activities for various locations.
- 4.6.1 (b) Incorporate housekeeping measures into County operations and BMPs that will reduce pollutants and industrial activities at various locations.
- 4.6.1 (c) Develop and implement Operation and Maintenance Program procedures for all precincts and specific department.
- 4.6.1 (d) Develop a maintenance program for structural BMPs identifying schedules for inspections and routine maintenance. Clean any system errors in response to reporting.

- 4.6.1 (e) Develop procedures for recording keeping and inspection for maintenance program.
- 4.6.1 (f) Implement program for maintenance and routine visual inspections.
- 4.6.1 (g) Update SWMP through NOC to include description of the Operation and Maintenance Program.

Identify and provide education opportunities for county employees on general storm water topics in accordance with TCEQ educational guidelines and relating to the SWMP.

- 4.6.2 (a) Identify current county employee training initiatives that can provide education on preventing or reducing pollutant runoff from County operations.
- 4.6.2 (b) Develop a county employee training program that reflects the ultimate goal of preventing or reducing pollutant runoff from County operations.
- 4.6.2 (c) Develop and/or acquire training materials.
- 4.6.2 (d) Initiate Introductory training program for all employees including existing employees and new hires. New hires will be trained at new employee orientation. 20% of existing field operation employees will be trained on comprehensive MS4 policies and procedures each subsequent year.
- 4.6.2 (e) Seek and incorporate feedback regarding County Employee MS4 Training Program.
- 4.6.2 (f) Document and maintain records and documents of all activities under Employee MS4 Training Program.

Assess, update, and implement procedures for fleet vehicle maintenance and fueling.

- 4.6.3 (a) Assess procedures for vehicle maintenance work such as fluid changes.
- 4.6.3 (b) Monitor vehicles for leaks and immediately fix any leaks found. Place pans under leaks to collect the fluids for proper disposal or recycling.
- 4.6.3 (c) Prohibit the pouring of waste down floor drains, sinks, or outdoor storm drain inlets.
- 4.6.3 (d) Train personnel who refuel vehicles to inspect and report spills or overflows and leaks or spills during pumping of liquids.
- 4.6.3 (e) Develop county's preventative maintenance schedule to include inspection for loose fittings, poor welds, improper or poorly fitted gaskets, tank foundations, connections, coatings, tank walls, and piping systems.
- 4.6.3 (f) Implement county's preventative maintenance schedule to include visual inspection for loose fittings, poor welds, improper or poorly fitted gaskets, tank foundations, connections, coatings, tank walls, and piping systems.

Assess, update, and implement procedures for recycling used oil.

- 4.6.4 (a) Evaluate current procedures for recycling used oil.
- 4.6.4 (b) Develop appropriate procedures for recycling used oil as per local, state, and federal regulations.
- 4.6.4 (c) Implement procedures for proper collection and disposal methods for recycling used oil.
- 4.6.4 (d) Train personnel in the proper collection and disposal methods of used oil and oil filters.

Assess, update, and implement trash collection and disposal in County parks that affect storm water.

- 4.6.5 (a) Determine where trash cans are placed throughout the County to ensure appropriate use.
- 4.6.5 (b) Place trash cans at strategic locations throughout the County to encourage the use of trash cans and reduce the possibility of trash placed on the ground and potentially into the storm water drains.

Hidalgo County will inform employees of the approved MS4 plan through employee orientations, flyers, posters, and trainings. County employees will attend training on spill prevention and response and on waste management material.

4.6.6 (a) Review County's Process for Issuing Permits for Septic Tanks

4.6.6 (b) Update County's Process for Issuing Permits for Septic Tanks as it relates to local, state, and federal regulations

4.6.6 (c) Train county employees on proper housekeeping procedures relating to the MS4 plan, including spill prevention and response and on waste material management.

4.6.7 (a) Inform county employees of MS4 plan

4.6.8 (a) Review 4.6 goals and activities and determine level of progress

Section V-Annual Reporting

V.1 Data Collection and Annual Report

At the end of each fiscal year, the Hidalgo County Storm Water Manager will develop an Annual Report, which will summarize the progress of implementing the SWMP and qualitatively evaluate the effectiveness of the BMPs and measurable goals. The Annual Report will be available at the County Judge's Office and for review upon request.

Each Hidalgo County department involved in the implementation and enforcement of the storm water management program shall contribute to the preparation of the annual system-wide report to be submitted by no later than 90 days of the end of each permit year. The Annual Report shall cover the 12 month period beginning on the effective date of this permit and annually thereafter. The preparation and submittal of a system-wide Annual Report shall be coordinated by a "committee" composed of the Hidalgo County SWMP Coordinators, including a member or designated representative from each Hidalgo County department responsible for the implementation and enforcement covered under this permit. An evaluation design reflecting the goals, activities, partner responsibility and target date is included in this proposal and located in Appendix C.

The Annual Report shall include a statement certifying that the contents of the Annual Report have been reviewed by the storm water manager and all responsible Hidalgo County departments prior to the development and submittal of the system-wide Annual Report. The Annual Report shall include the following sections:

- Contacts List - list of contacts and responsible parties (e.g., agency, name, phone number) who had input and are responsible for the preparation of the Annual Report.
- SWMP Evaluation - evaluation of the SWMP including: Program Objective, Major Findings, Major Accomplishments, Overall Program Strengths/Weaknesses, and the Future Direction of the Program.
- Narrative Report - general discussion of SWMP elements, explanations of element activity deficiencies, assessment of controls, status of compliance, implementation, activities completed and those in progress.

- Monitoring Section - summary of monitoring program developed and implemented under the permit along with a brief summary statement of the objective of each monitoring project included under the program.
- Summary of SWMP and Monitoring Modifications - summary of SWMP and Monitoring Modifications made during the permit year.
- Fiscal Analysis - fiscal analysis for each implemented program, both for the past calendar year and the next. The analysis shall indicate budgets and funding sources.
- Appendices - any data specifically requested by EPA to substantiate statements and conclusions reached in the Annual Report.
- Special Assessment: Properties can be assessed annually to fund storm water management programs. Often, special assessments are used to fund a special district or authority that can implement all or portions of a region's storm water management program.
- Local Improvement: Under this type of funding system, individual properties benefited by storm water projects are assessed to fund the project. Some states require special enabling legislation to establish this type of special benefits district.
- General Fund: General fund monies are used for many storm water programs. If storm water programs are funded from the General Fund, the programs are at risk in each budget cycle. In addition, in order to increase funding levels for the program, other local government services may be affected or a general tax increase may be required.
- Inspection Fees: Plan review and inspection fees allow the community to recover some or all of the direct cost associated with performing design reviews for pre-construction and post-construction BMPs.
- Developer Impact Fees: The developers construct needed on-site storm water facilities as a condition of development and bear associated costs.
- Alternative Fees: Instead of constructing on-site facilities to meet development requirements, developers may be given the option of paying a comparable fee to be used by the local government to build regional facilities that are designed to meet the same objectives as the developer-constructed on-site mitigation.
- Connection Fees: A onetime charge assessed at the time of development to recover a proportionate share of the cost of existing facilities and planned future facilities. The applicability depends upon legislation in each state.
- 319(h) Nonpoint-Source Implementation Grants: These are formulated grants provided to the states to implement nonpoint-source mitigation projects and programs in accordance with Section 319 of the Clean Water Act. Examples of projects that 319(h) grants cover are implementation of best management practices (BMPs) in agricultural settings; implementation of BMP systems for lake, estuary, or stream watersheds; and basin-wide education programs. These grants are funded federally for 60% of the cost of the project, with a local match of 40%.
- Hazardous Mitigation Grant Program: The purpose of this funding source is to provide financial assistance to state and local governments for projects that reduce or eliminate the long-term risk to human

life and property from the effects of natural hazards. The grant program has 75% federal and 25% local contribution. The nonfederal share may be met with local cash contributors, in-kind services or certain other grants such as Community Development Block Grants. The Federal Emergency Management Agency makes the final decisions on project eligibility, but the state agencies administer the program. Eligible projects include acquisition of property retrofitting of buildings, development of standards with implementation as an essential component, and structural hazard control or protection measures such as dams and sea walls.

- Clean Water State Revolving Loan Fund: Initially funded with federal and state money and continued by repayment of earlier loans, State Revolving Funds (SRFs) provide low-interest loans. Nonpoint source funds may be utilized for major capital equipment, capital projects, and associated engineering costs related to the projects. The Clean Water Act of 1987, Section 606, requires each state to prepare annually an Intended Land Use Plan identifying the use of funds in the Clean Water SRF.
- Stream Restoration Mitigation Bank: This relatively new financial tool will gain wider acceptance as watershed management and development continue to occur. It can be a public or public/private relationship tool. Communities assess their streams for restoration, preservation, and enhancement, and then submit a plan to the Army corps of Engineers for approval and the establishment of the bank. If local governments develop the bank on their own, they can sell the credits for the restoration of the stream segments. If a partnership is established, a bank is created and credits are sold for development of the stream bank program. There are also other ways to develop this type of program funding tool.
- Surface Transportation Program: This federally funded program, known as TEA-21, can be used by local governments for any roads not functionally classified as local or rural minor collectors. Each state sets aside funds for transportation enhancements, which can include but are not limited to such activities as wetland mitigation and implementation of control technologies to prevent polluted highway runoff from reaching surface water bodies. This program also funds other enhancements not linked to watershed-related projects. Local governments, profit and nonprofit entities, and colleges and universities may be eligible for this funding, which usually 80% funding is federal and 20% is local match.

Commonly Used Storm Water Acronyms

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

Storm Water Definitions

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

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

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

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

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

(a) the person or persons that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or

(b) the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the Storm water Pollution Prevention Plan or comply with other permit conditions).

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

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

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

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

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

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

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

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

adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

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

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

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

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

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

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

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

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

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

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

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

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

Permittee - The MS4 operator authorized under this general permit.

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

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

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

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

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

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

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

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

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

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

Structural Control (or Practice) - A pollution prevention practice that requires the construction of a device or the use of a device, to capture or prevent pollution in storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration basins, storm water wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, and 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 (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or 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 is not considered to be water in the state.

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

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

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

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

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

