# TOWN OF PANTEGO

# PHASE II STORM WATER MANAGEMENT PLAN

**January 2019**

**Texas Commission on Environmental Quality Permit Application for Permit # TXR040000**

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# SECTION 1: OVERVIEW

## 1.1 PURPOSE AND SCOPE

The Town of Pantego is required to develop a Storm Water Management Plan (SWMP) in accordance with Texas Pollutant Discharge Elimination System (TPDES) requirements for obtaining authorization for storm water discharges and certain non-storm water discharges. The Town has developed this SWMP in accordance with the guidelines published by the Texas Commission on Environmental Quality (TCEQ) for coverage under TPDES General Permit TXR040000. The SWMP has been developed to facilitate the Town's efforts in reducing storm water pollutants from the Town's Municipal Separate Storm Sewer System (MS4) to the maximum extent practicable to also satisfy the requirements of the Clean Water Act (CWA) in accordance with the TCEQ and the EPA Phase II (Small MS4) Program.

## 1.2 TOWN OF PANTEGO

The Town of Pantego is centrally located on the western edge of the City of Arlington. The majority of Town's approximately one square mile of area is residential with some commercial development and a very small amount of light industrial area. The Town is landlocked and virtually built out, but there is a small amount of new development and redevelopment throughout the municipality. According to the 2010 census, the population of the Town is 2,394. The Town receives and discharges to two adjoining MS4s: the City of Arlington and the City of Dalworthington Gardens.

# SECTION 2: REGULATORY AUTHORITIES

## 2.1 FEDERAL REGULATION

The Federal Government addressed water pollution through the Federal Water Pollution Control Act (FWPCA) in 1948. The original statute has seen extensive revision since it was introduced. Section 402 of the 1972 Amendments to the FWCPA established the National Pollutant Discharge Elimination System (NPDES) authorizing the U.S. Environmental Protection Agency (EPA) to issue discharge permits to certain types of activities. The 1972 Amendments later became known as the Clean Water Act (CWA). Further Amendments to the FWCPA occurred in 1977. The 1977 Amendments established procedures for states to assume regulating authority of the NPDES program.

Citing the CWA as the legislative authority, Congress published Phase I of the U.S. EPA's municipal stormwater program in 1990. Phase I relied on the NPDES permit coverage to address stormwater runoff from medium and large municipal separate storm sewer systems (MS4s) serving populations of 100,000 or greater. The Phase I requirements marked an attempt to address pollution from non-point sources.

The Stormwater Phase II Final Rule (published December 8, 1999) was the next step in the EPA's efforts to preserve, protect and improve the nation's water resources from polluted stormwater runoff, through the NPDES permit program. The program requires Phase II municipalities to develop a Stormwater Management Program (SWMP) to outline actions taken to address stormwater pollution reduction.

Phase II of the NPDES program requires regulated MS4s to address stormwater pollution reduction using six minimum control measures (MCMs). The six MCMs are: Public Education and Awareness, Public Involvement, Illicit Discharge Detection Elimination, Construction Site Control Runoff and Pollution Prevention/Good Housekeeping. A best management practice (BMP) is a specific action, such as employee training or outfall inventory, within a MCM meant to reduce the potential for stormwater pollution.

## 2.2 STATE REGULATION

On September 14, 1998 the U.S. EPA and the Texas Commission on Environmental Quality (TCEQ) signed a memorandum agreement for the TCEQ to assume the regulatory authority for the NPDES as it applies to the State of Texas. This program has been named the Texas Pollution Discharge Elimination Program (TPDES). The TCEQ has already released permits applying to Industrial, Construction and Phase I of the Municipal stormwater programs. Each of these has a separate, applicable permit in which to comply with.

On December 11, 2013, the TCEQ issued TPDES General Permit No. TXR040000 for stormwater discharges from Phase II cities in Texas. Small Phase II communities were required to obtain permit coverage within 180 days of the permit issuance and develop a five year Stormwater Management Program (SWMP) and summarize all stormwater activities in permit required annual report submittals to the TCEQ. The permit expired on December 11, 2018.

The TCEQ reissued TPDES General Permit No. TXR040000 on January 24, 2019. The new permit was based off the 2010 U.S. Census updates to the Urbanized Area (UA) maps. The new permit requires permittees to seek coverage on a tiered basis according to the population of residents served under the UA. The four levels, based on population in the UA, are as follows:

• Level 1: Up to 10,000; • Level 2: 10,000 to 40,000 (including non-traditional MS4s); • Level 3: 40,000 to 100,000; • Level 4: More than 100,000.

Under the new permit, the Town of Pantego is considered a Level 1 entity. In accordance with the permit requirements, Phase II cities are required to seek permit coverage within 180 days of the permit issuance date (therefore July 23, 2019) and will be given five years to fully implement a SWMP. The Town will also be required to submit annual reports to the TCEQ during this permit period. This report describes recommended BMPs that will be incorporated into the SWMP and implemented by the Town within the TPDES permit period.

# SECTION 3: PERMIT REGULATION

## 3.1 ALLOWABLE NON-STORM WATER DISCHARGES

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

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

2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;

3. Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;

4. Diverted stream flows;

5. Rising ground waters and springs;

6. Uncontaminated ground water infiltration;

7. Uncontaminated pumped ground water;

8. Foundation and footing drains;

9. Air conditioning condensation;

10. Water from crawl space pumps;

11. Individual residential vehicle washing;

12. Flows from wetlands and riparian habitats;

13. Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;

14. Street wash water excluding street sweeper waste water;

15. Discharges or flows from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);

17. Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;

18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and

19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

## 3.2 IMPAIRED WATER BODIES AND TMDL

The new TPDES General Permit TXR040000 requires that permitees shall control the discharges of pollutant(s) of concern to impaired waters with approved Total Maximum Daily Loads (TMDLs) and shall assess the progress in controlling those pollutants. If discharging to impaired water bodies with an approved TMDL, the permittee shall include in its SWMP controls targeting the pollutant of concern. The SWMP and annual reports must include the following information:

(a) Targeted controls; (b) Measureable goals; (c) Identification of benchmarks; (d) Annual reporting of selected BMPs; and (e) Monitoring/assessment of progress.

Total Maximum Daily Load (TMDL) and an Implementation Plan (I-Plan) address water quality impairment for Escherichia coli (E. coli) within the Rush Creek Segment (0841R) of the Lower West Fork Trinity River Watershed.

A TMDL is an estimate of the allowable pollutant load that a water body can accept and still be in compliance with the water quality standards for the designated use. While Rush Creek is not within the Town's limits, the Town's MS4 does contribute to the Rush Creek Segment of the I-Plan. The Thirteen TMDLs for Indicator Bacteria in the Lower West Fork Trinity River Watershed were adopted by TCEQ on September 24, 2013. The I-Plan for the Seventeen Total Maximum Daily Loads for the Bacteria in the Greater Trinity River Region was approved by TCEQ on December 11, 2013.

Waste loading allocations outlined within the I-Plan have been used to satisfy benchmarking requirements of the General Permit. A summary of allocations adopted by the I-Plan are referenced below:

TMDL Allocation Lower West Fork Trinity River Watershed – Rush Creek Segment AU TMDL WLAWWTFa WLASW LAb MOS

0841R 933.2 0.8626 678.7 216.7 36.95 a WLAWWTF includes the future potential allocation to wastewater treatment facilities b LA includes tributary and upstream bacteria loadings (LAUSL) and loadings arising from within each segment from non-regulated sources (LAAU)

The Final TMDL Allocation table will serve as the ultimate measure of program success. Measureable milestones and implementation schedules from the I=Plan will be used to steer monitoring efforts and measure program success. MCMs addressing E. coli that coincide with control of E. coli are highlighted in each element.

Indicators of success regarding measures relating to E. coli will include: (1) number of sources identified or eliminated, (2) decrease in number of illegal dumping cases, (3) increase in reporting of illegal dumping, (4) number of educational opportunities conducted, (5) reduction in sanitary sewer overflows, and (6) increase in illegal discharge detection through dry screening.

# SECTION 4: MINIMUM CONTROL MEASURES

## 4.1 OVERVIEW

The Storm Water Management Plan (SWMP) describes specific actions that will be taken over the five year period to reduce pollutants and protect storm water quality. The specific activities to be implemented are referred to as Best Management Practices (BMPs). Various BMPs have been developed for each of the Minimum Control Measures (MCMs) 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 a reduction of pollutants discharged into streams, ponds and creeks within the Town.

## 4.2 PUBLIC EDUCATION, OUTREACH AND INVOLVEMENT

**(a) Permit Requirements**

(1) Public Education and Outreach

(A) The Town shall assess the storm water program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue to educate employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater. The program must, at a minimum:

(i) Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4 or promoting previous techniques used in the small MS4);

(ii) Identify the target audience(s);

(iii) Develop or utilize appropriate educational materials, such as printed materials, signage at select locations, and websites;

(iv) Determine cost effective and practical methods and procedures for distribution of materials.

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

(C) The Town shall review and update as necessary, the SWMP and MCM implementation procedures. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

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

(2) Public Involvement

The Town shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue to involve the public. At a minimum, the Town shall:

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

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

**(b) Public Education, Outreach and Involvement BMPs**

(1) General Community Education (TMDL Targeted) - Education and outreach efforts will be used to reach the general public through newsletters, increased presence on the Town website, representation at Town events and marking storm drain inlets.

(A) Newsletter – Information will be included in the Town newsletter

**Year 1:** brainstorm topics and ideas for impactful items and begin including information in newsletter.

**Year 2-5:** include stormwater related information in the newsletter 2 – 4 times per year.

**Measureable Indicators:** number of items included in the newsletters. (The Towns newsletter gets sent out monthly to 1230 customers)

(B) Town Website (TMDL Targeted) – Continue to update information on the stormwater page of the Towns website. Website – www.townofpantego.com/storm-water

**Year 1-5:** brainstorm new information to be included on page(s) and update page as necessary

**Measureable Indicators:** number of times the page is updated

(C) Town Events (TMDL Targeted) – Staff will establish a plan for disseminating information at Town events

**Year 1:** Establish printed material to hand out at events

**Year 2:** Begin coordinating with Town events, such as Pantego Clean-Up Day, Movies in the Park, National Night Out, etc., to hand out printed material and use other means to inform the attendees. Attempt to take part in at least two events.

**Years 3-5:** Increase events by one per year. Evaluate printed material on annual basis to ensure effectiveness.

**Measureable Indicators:** number of events attended and number of printed materials provided

(D) Marking of Storm Inlets with decals

**Year 1:** Complete any inlets that were not marked during initial permit

**Years 2-5:** Check inlets annually to ensure that decals are still in place and readable.

**Measureable Indicators:** number of inlets decaled and inspected

(2) Significant User Education (TMDL Targeted) - Education and outreach efforts will be used to reach specific users, such as restaurants, mechanic shops, etc., through mailings, information sheets distributed to new businesses and periodic updates.

**Year 1:** Establish a listing of significant users. Brainstorm information to include on materials distributed to these users.

**Year 2:** Mail information sheets to significant users. Ensure that code and environmental compliance staff have access to additional information sheets for reminders as needed.

**Year 3:** Continue to hand out information sheets to new or possibly non-conforming significant users.

**Year 4:** Mail information sheets to significant users. Continue to hand out information sheets to new or possibly non-conforming significant users.

**Year 5:** Continue to hand out information sheets to new or possibly non-conforming significant users.

**Measureable Indicators:** number of information sheets distributed

(3) Contractor Education (TMDL Targeted) - Contractors that will be involved within projects that could affect surface water quality will be given information at the time of permitting to ensure their knowledge of prevention requirements during construction, and the expectations of the Town codes.

**Year 1:** Brainstorm information to include on materials distributed to contractors.

**Year 2:** Create information material to distribute to contractors upon permit approval.

**Years 3-5:** Continue information distribution.

**Measureable Indicators:** number of information materials distributed

(4) Staff Education (TMDL Targeted) - Public Works and Community Development Staff will continue to attend courses to increase knowledge of storm water protection, illicit discharge identification and prevention, etc. All Town staff will be educated on the importance of pollution prevention within their areas of responsibility.

**Year 1:** Send two staff members to Storm Water Pollution Prevention During Construction course at the North Central Texas Council of Governments. Investigate other training courses and providers.

**Year 2:** Send staff to training, such as Stormwater Management: Permitting and Regulatory Overview (TEEX), Stormwater Construction Activities Qualified Personnel Training (TEEX) and Storm Water Pollution Prevention During Construction (NCTCOG).

**Year 3:** Develop in house training to educate peripheral employees to watch for possible violations. Continue training from third party providers for relevant staff.

**Year 4&5:** Continue in house and third party training program.

**Measureable Indicators:** Document number of hours of training both in house and third party.

## 4.3 ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

(a) Permit Requirements

(1) Program Development

The Town shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue to detect, investigate, and eliminate illicit discharges into the small MS4. The program shall include the requirements described below:

(A) MS4 mapping

The Town shall maintain an up-to-date MS4 map, which must be located on site and available for review by the TCEQ. The MS4 map must show at a minimum the following information:

(i) The location of all outfalls that are operated by the Town and that discharge into waters of the U.S;

(ii) The location and name of all surface waters receiving discharges from the outfalls;

(B) Education and Training

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

(C) Public Reporting of Illicit Discharges and Spills

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

(D) The Town shall develop and maintain on site procedures for responding to illicit discharges and spills.

(E) Source Investigation and Elimination

(i) Minimum Investigation Requirements

Upon becoming aware of an illicit discharge, the Town shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable. The Town shall:

1. Prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge;

2. Report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment; and

3. Track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

(ii) Identification and Investigation of the Source of the Illicit Discharge

The Town shall investigate and document the source of illicit discharges where it has jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the Town's boundary, it shall notify the adjacent permitted MS4 operator or TCEQ's Field Operation Support Division.

(iii) Corrective Action to Eliminate Illicit Discharge

If and when the source of the illicit discharge has been determined, the Town shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.

(F) Inspections

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

(b) Illicit Discharge Detection and Elimination BMPs

(1) Update and improve Storm Sewer and MS4 map (TMDL Targeted) - Staff will evaluate the current maps to ensure that they are up to date and clearly represent the Town infrastructure.

**Year 1:** Staff will evaluate the existing GIS map for deficiencies.

**Year 2:** Staff will locate deficiencies, if necessary. Any needed changes and/or additions will be included in the existing GIS map by a third party.

**Year 3-5:** Staff will continue to evaluate needed upgrades to the GIS map and ensure that any new infrastructure is included in a timely manner.

**Measureable Indicators:** Document the number of changes, if any, made annually.

(2) Evaluate the Illicit Discharge Detection Program and Update (TMDL Targeted) - Staff will evaluate the current inspection, investigation and enforcement policies and procedures to ensure efficiency and compliance with the new permit.

**Year 1:** Staff will evaluate the current process for inspection, investigation and enforcement of illicit discharges.

**Year 2:** Staff will implement any needed improvements to better identify and respond to illicit discharges.

**Year 3-5:** Staff will continue to identify and respond to illicit discharges through reporting and proactive investigation.

**Measureable Indicators:** Document the number of investigations made through both staff inspection and public reporting. Document number of discharges identified.

(3) Household Hazardous Waste Program - The Town has taken steps in the last permit to improve this program and looks to continue to improve in the coming permit cycle.

**Year 1:** Staff will initiate a new solid waste contract that includes one HHW event included per year. The Town will continue to contract with Fort Worth to take HHW for a fee.

**Year 2:** Town will continue to offer one HHW event per year. Staff will also consider the feasibility of a second HHW event per year. The Town will continue to contract with Fort Worth to take HHW for a fee.

**Year 3-5:** Town will continue to offer one HHW event per year, and a second event per year if feasible. The Town will continue to contract with Fort Worth to take HHW for a fee.

**Measureable Indicators:** Document the amount of HHW collected at event(s). Document number of customers using Fort Worth for HHW disposal.

(4) Sanitary Sewer Overflow and Inflow and Infiltration (TMDL Targeted) - The Town plans increased maintenance, especially in problem areas, and beginning a sanitary sewer main evaluation program.

**Year 1:** Staff will evaluate the present sanitary sewer main maintenance program and update if necessary.

**Year 2:** Staff will continue sanitary sewer maintenance program. Staff will evaluate the cost and implementation schedule for a sanitary sewer evaluation plan.

**Year 3:** Staff will continue sanitary sewer maintenance program. Staff will initiate a sanitary sewer evaluation plan.

**Year 4:** Staff will continue sanitary sewer maintenance program. Staff will continue the sanitary sewer evaluation plan.

**Year 5:** Staff will continue sanitary sewer maintenance program. Staff will complete the sanitary sewer evaluation plan.

**Measureable Indicators:** Document number of Sanitary Sewer Overflows. Document number of feet of sanitary sewer main cleaned. Document number of manholes, cleanouts and feet of sanitary sewer evaluated.

(5) Evaluate and Update Ordinances (TMDL Targeted) - Enforcement can only be achieved by clear and relevant legislation being enacted. Staff will evaluate existing ordinances to ensure that all areas are effective and enforceable.

**Year 1:** Staff will evaluate the present ordinance for deficiencies.

**Year 2:** Staff will propose any needed updates to the current ordinance.

**Year 3-5:** Staff will implement the updates to the existing ordinances and review ordinance annually

**Measureable Indicators:** Document ordinance updates.

## 4.4 CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

(a) Permit Requirements

(1) The Town will assess the current program elements and implement new elements, as necessary, to continue 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 program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions, to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control.

(2) The Town shall require that construction site contractors and operators implement the following at a minimum:

(A) Erosion and Sediment Controls;

(B) Soil Stabilization;

(C) Design, install, implement and maintain effective BMPs to minimize the discharge of pollutants which include the following:

(i) minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials; and

(ii) Minimize the discharge of pollutants from spills and leaks.

(D) Develop a stormwater pollution prevention plan in accordance with, and when required by, the TPDES Construction General Permit TXR150000

(3) The following discharges are prohibited: washout from concrete, stucco, paint, and similar pollutants; vehicle and equipment related pollutants; and other wastewater discharges.

(4) The Town must develop procedures for site plan reviews and construction site inspections.

(5) The Town shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities.

(b) Construction Site Storm Water Runoff Control BMPs

(1) Construction Site Stormwater Runoff Control Ordinance (TMDL Targeted)

**Year 1:** Staff will evaluate the present ordinance for deficiencies.

**Year 2:** Staff will propose any needed updates to the current ordinance.

**Year 3-5:** Staff will implement any updates to the existing ordinances and review ordinance annually

**Measureable Indicators:** Document ordinance updates.

(2) Construction Site Inspection Program (TMDL Targeted)

**Year 1:** Staff will continue site inspections and evaluate the existing inspection program for any needed revisions.

**Year 2-5:** Staff will continue site inspection program.

**Measureable Indicators:** Document number of inspections completed. Document number of corrections or enforcement actions taken.

(3) Construction Plan Review Program (TMDL Targeted)

**Year 1:** Staff will continue plan review program and evaluate the existing program for any needed revisions.

**Year 2-5:** Staff will continue plan review program.

**Measureable Indicators:** Document number of plan reviews completed.

## 4.5 POST-CONSTRUCTION STORMWATER MANAGEMENT

(a) Permit Requirements

(1) Post-Construction Stormwater Management Program

(A) The Town shall assess program elements that were described in the previous permit and modify as necessary, to continue to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

(B) The Town shall use, to the extent allowable under state and federal law, an ordinance to address post-construction runoff from new development and redevelopment projects. The Town shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and nonstructural BMPs appropriate for the community and that protects water quality.

(2) The Town shall include the requirements described below:

(A) Review and update, as necessary, the SWMP and MCM implementation procedures required and include any changes in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.

(B) Document and maintain records of enforcement actions and make them available for review by the TCEQ.

(C) Ensure, to the extent allowable under state, federal, and local law, the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

(i) Maintenance performed by the Town, and/or

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

(b) Post-Construction Stormwater Management BMPs

(1) Evaluate and Update Ordinances (TMDL Targeted)

**Year 1:** Staff will evaluate present code and initiate needed changes to improve design requirements.

**Year 2:** Staff will propose any needed changes for adoption.

**Year 3-5:** Staff will implement any adopted changes into the program.

**Measureable Indicators:** Document ordinance updates.

(2) Implementation and Performance of Structural/Non-structural Controls

**Year 1-5:** The Town will promote the use of Low Impact Design (LID) in development and redevelopment projects.

**Measureable Indicators:** Document the number of large projects. Document number of LID features used.

(3) Employee Training Program (TMDL Targeted)

**Year 1-5:** Continue employee training program with some emphasis on Post Construction Stormwater Management.

**Measureable Indicators:** Document number of hours of training.

## 4.6 POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

(a) Permit Requirements

(1) Program Development and Requirements

The Town is required to assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations. The program shall include the requirements described below:

(A) Town-owned Facilities and Control Inventory

The Town shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory must be available for review by TCEQ and must include, but is not limited to, the following: equipment storage and maintenance facilities; fuel storage facilities; materials storage yards; buildings; parking lots; public works yards; street repair and maintenance sites; vehicle storage and maintenance yards; and structural stormwater controls.

(B) Training and Education

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

(C) Disposal of Waste Material

Waste materials removed from the small MS4 must be disposed of properly.

(D) Contractor Requirements and Oversight

(i) Any contractors hired by the Town to perform maintenance activities on Town-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility specific stormwater management operating procedures described in this section.

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

(E) Municipal Operation and Maintenance Activities

(i) The Town shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to road, bridge, right-of-way and parking lot maintenance.

(ii) The Town shall identify pollutants of concern that could be discharged from the above O&M activities.

(iii) The Town shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities.

(iv) All pollution prevention measures implemented at Town-owned facilities must be visually inspected. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(F) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed.

(b) Pollution Prevention and Good Housekeeping BMPs

(A) Town-owned Facilities Inventory (TMDL Targeted)

**Year 1:** Staff will identify Town-owned facilities and document potential stormwater impact.

**Year 2:** Staff will provide updates to GIS for mapping purposes.

**Year 3-5:** Staff will create SOPs as necessary to ensure that facilities are properly maintained and operated.

**Measureable Indicators:** Document facilities required and GIS updates. Document number of SOPs created.

(B) Municipal Employees Training Program (TMDL Targeted)

**Year 1:** Send two staff members to Storm Water Pollution Prevention During Construction course at the North Central Texas Council of Governments. Investigate other training courses and providers.

**Year 2:** Send staff to training, such as Stormwater Management: Permitting and Regulatory Overview (TEEX), Stormwater Construction Activities Qualified Personnel Training (TEEX) and Storm Water Pollution Prevention During Construction (NCTCOG).

**Year 3:** Develop in house training to educate peripheral employees to watch for possible violations. Continue training from third party providers for relevant staff.

**Year 4&5:** Continue in house and third party training program.

**Measureable Indicators:** Document number of hours of training both in house and third party.

(C) Contractor Training and Oversight

**Year 1:** Staff will evaluate bid and contract documents to ensure contractor performance requirements.

**Year 2:** Staff will update bid and contract documents as necessary. Staff will create a plan for documenting contractor training and compliance with SWMP.

**Year 3-5:** Staff will ensure contractor compliance through contracts, providing informational materials to contractors, documenting contractor training and inspecting for compliance.

**Measureable Indicators:** Document contract language and reference materials.

(D) Maintenance of streets, flumes, channels, etc. (TMDL Targeted)

**Year 1:** Staff will review and update plan and schedule for sweeping and general clean-up of streets, flumes and channels.

**Year 2-5:** The Town will contract with a contractor to sweep streets twice annually. Staff will continue to clean flumes and channels monthly.

**Measureable Indicators:** Document number of miles of streets swept (35.2 miles per sweeping). Document feet of flumes and channels swept. (channel - 3260 ft long, total footage of flumes – 3022 ft)

E) Identifing Pollutants of concern that could be discharged from the O&M Activities

**Year 1:** The Town will identify any pollutants that occur during O&M and will develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants into stormwater.

**Year 2-5:** Continue implementing pollution prevention measures that will reduce the discharge of pollutants into stormwater.

**Measureable Indicators:** Document Pollutants during O&M and the method(s) use to reduce discharge in to stormwater.

# SECTION 5: RECORDKEEPING AND REPORTING

## 5.1 RECORDKEEPING

(a) The Town shall retain all records, a copy of this TPDES general permit, and records of all data used to complete the application (NOI) for this general permit and satisfy the public participation requirements for the remainder of the term of this general permit.

(b) The Town shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit (including a copy of the general permit) must be retained at a location accessible to the TCEQ.

(c) The Town shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act.

(d) The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the Town.

## 5.2 REPORTING

(a) Noncompliance Notification – As required in 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the Town to the TCEQ. Report of such information must be provided orally or by fax to the TCEQ regional office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ regional office and to the TCEQ

Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

(1) A description of the noncompliance and its cause;

(2) The potential danger to human health or safety, or the environment;

(3) The period of noncompliance, including exact dates and times;

(4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and

(5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(b) Other Information - When the Town becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, or NOC, or any other report, the Town shall promptly submit the facts or information to the executive director.

(c) Annual Report - The MS4 operator shall submit a concise annual report to the executive director within 90 days of the end of each permit year. The annual report must address the previous reporting year. The first reporting year for annual reporting purposes shall begin on the permit effective date, and shall last for a period of one (1) year (the end of the "permit year"). The MS4 operator shall also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

(1) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;

(2) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;

(3) A summary of activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;

(4) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;

(5) Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

(6) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;

(7) The number of construction activities where the small MS4 is the operator and authorized under the 7th optional MCM, including the total number of acres disturbed; and

(8) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

Each permittee shall sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports). The annual report must be submitted with the appropriate TCEQ reporting forms, if available, or as otherwise approved by TCEQ, to the following address:

Texas Commission on Environmental Quality Stormwater & Pretreatment Team; MC - 148 P.O. Box 13087 Austin, Texas 78711-3087

A copy of the annual report must also be submitted to the TCEQ Regional Office that serves the area of the regulated small MS4.

# SECTION 6: SUMMARY

## 6.1 STORM WATER MANAGEMENT PLAN SUMMARY

The Town of Pantego Storm Water Management Plan (SWMP) has been specifically designed to achieve the best possible impact for storm water protection. The Best Management Practices and measurable goals were selected, with consideration of the Town location, size, staff and available resources, to be able to effectively structure, implement, and evaluate all aspects of the plan to the maximum extent practicable. The Pantego Public Works and Community Development Departments will be responsible for maintaining, implementing, evaluating and reporting the SWMP. Original copies of the SWMP and the NOI shall be kept in the office of the City Secretary at Pantego Town Hall. All information will be made available to the public, as required.

# APPENDIX

Part I. 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.

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

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

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

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

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

Large Construction Activity is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or

sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

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

(a) The entity or entities 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 entity or entities 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 (SWP3) for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Control Measures – Any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

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

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

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.

High Priority Facilities – High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to water bodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

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

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

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

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

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

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

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

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

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

(a) Owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the CWA §208 that discharges to surface water in the state;

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

(c) That is not a combined sewer; and

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

Non-traditional Small MS4 – A small MS4 that often cannot pass ordinances and may not have the enforcement authority like a traditional small MS4 would have to enforce the stormwater management program. Examples of non-traditional small MS4s include counties, transportation authorities (including the Texas Department of Transportation), municipal utility districts, drainage districts, military bases, prisons and universities.

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

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

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

Outfall – A point source at the point where a small MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts, traffic or right-of-way barriers with drainage slots that drain into open culverts, open swales or an adjacent property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

Permittee – The MS4 operator authorized under this general permit.

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

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

Redevelopment – Alterations of a property that changed the "footprint" of a site or building in such a sway 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, routine maintenance activities, and linear utility installation.

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

(a) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, 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 CWA § 208;

(b) Designed or used for collecting or conveying storm water;

(c) Which is not a combined sewer;

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

(e) Which was not previously authorized under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (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.

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

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

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.

Traditional Small MS4 – A small MS4 that can pass ordinances and have the enforcement authority to enforce the stormwater management program. An example of traditional MS4s includes cities.

Urbanized Area (UA) – An area of high population density that may include multiple MS4s as defined and used by the U.S. Census Bureau in the 2000 and 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 U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. 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.

Part II. Commonly Used Acronyms

BMP Best Management Practice

CFR Code of Federal Regulations

CGP Construction General Permit, TXR150000

CWA Clean Water Act

DMR Discharge Monitoring Report

EPA Environmental Protection Agency

FR Federal Register

IP Implementation Procedures

MCM Minimum Control Measure

MEP Maximum Extent Practicable

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