



Stormwater: MS4 and Construction

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Municipal Separate Storm Sewer Systems (MS4)

What is an MS4?

- A conveyance or system that conveys stormwater
- Publicly owned or operated
- Not wastewater collection or sewer lines
- Include many non-traditional entities such as military bases, transportation systems, hospitals, universities, correctional facilities and a variety of districts
 - “Once in, always in”

Potentially Regulated Districts

GCD	Groundwater Conservation District.
ID	Irrigation District.
MMD	Municipal Management District.
MUD	Municipal Utility District.
RD	Regional District.
SCD	Stormwater Control District.
SUD	Special Utility District.
WCID	Water Control & Improvement District.
WID	Water Improvement District.

Current Phase II MS4 General Permit

- **TXR040000, also referred to as the Small MS4 General Permit**
- Effective: January 24, 2019
- Administratively continued to August 2024
- Authorizes stormwater and certain non-stormwater discharges from small MS4s to surface water in the state

Authorization Options

1. Notice of Intent (NOI) and Stormwater Management Program (SWMP), or
2. Waiver (no SWMP)

Waiver Options

- Waiver 1:
 - Serve population less than 1,000 within an urban area with a population of at least 50,000.
 - No significant contribution to the:
 - pollutant loadings of an interconnected MS4.
 - pollutants identified as a cause of impairment to the receiving water body.
- Waiver 2:
 - Data and labor intensive.
 - Very rare

2019 Permitting Process

Two-Step Permitting Process:

1. TCEQ issues statewide “base” general permit
2. MS4s write their own SWMP – with enforceable permit requirements
 - TCEQ and EPA review each MS4’s NOI/SWMP
 - MS4s publish notice of NOI/SWMP in newspaper
 - 30-day public comment period and opportunity for public meeting
 - TCEQ responds to public comments and/or holds public meeting
 - TCEQ approves NOI/SWMP to authorize the MS4 under the general permit



New MS4 General Permit August 2024

MS4 Administrative Continuance

- MS4 renewal was moved from January 2024 to August 2024 to allow NetMS4 setup
- MS4s under the old permit will be granted administrative continuance until the renewal permit is issued
- Currently TCEQ cannot process any Notice of Change (NOC) requests.
- Existing small MS4 operators must continue to implement items in their most recently approved stormwater management program
- New small MS4 operators will be unable to seek coverage until the Phase II MS4 General Permit is renewed in August.

NOI Levels

- Requirements based on population served:
 - Level 1: less than 10,000 people
 - Level 2:
 - Level 2a: 10,000 – 40,000 people
 - Level 2b: non-traditional (e.g. universities, prisons)
 - Level 3: 40,000 – 100,000 people
 - Level 4: greater than 100,000 people
- Level does not change during permit term
- Higher levels have more requirements

Technical Requirements

- Develop and implement comprehensive Stormwater Management Program to:
 - Reduce pollution to maximum extent practicable.
 - Meet water quality requirements of CWA and TWC.
 - Required only inside of urban area with a population of at least 50,000 or more boundary
 - Best Management Practices (BMP), ordinances, and other mechanisms.
 - Address all required Measurable Control Measures (MCMs).

Minimum Control Measures (MCMs)

- MCM 1: Public Education and Outreach
- MCM 2: Public Involvement/ Participation
- MCM 3: Illicit Discharge Detection and Elimination
- MCM 4: Construction Stormwater Runoff Control
- MCM 5: Post Construction Stormwater Management
- MCM 6: Pollution Prevention for Municipal Operations
- MCM 7: Industrial Sources (Only for Level 4)
- MCM 8: Construction where MS4 is Operator (Optional)



Administrative Requirements

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

Proposed Changes for 2024 MS4 Renewal

- Move to comprehensive permit (no more two-step)
- Prescribe specific requirements/BMPs for each MS4 to implement in their SWMP
 - Remain flexible for MS4s to address local concerns
- Remove public notice requirements for NOIs and NOCs

MS4 Renewal Changes

- Remove requirement to submit a SWMP with the NOI
- Remove TCEQ and EPA NOI/SWMP technical review requirements
- Only require administrative review of NOIs which can be done much more quickly
- MS4s will identify in the NOI which BMPs listed in the permit they plan to implement
- Create streamlined Annual Reporting based on NOI submittal

MS4 SWMP Changes

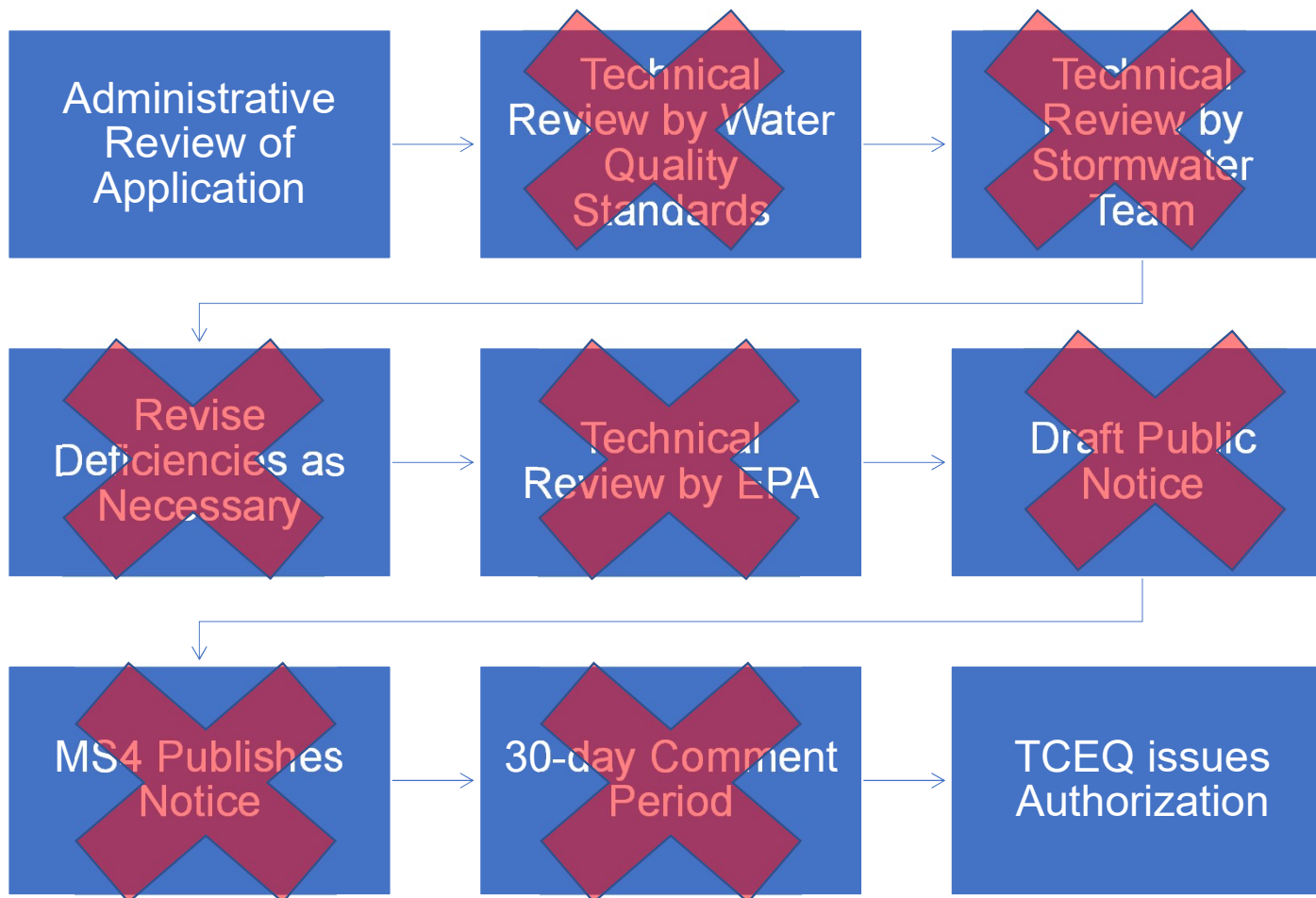
- Base general permit includes all the “clear, specific, and measurable” requirements for MS4s
 - List of target audiences and pollutants or sources
 - Table of Activities/BMPs and associated Measurable Goals for each MCM
 - Specify frequency and minimum to pick from
- Maintain flexibility for MS4s
 - “Menu” of BMPs for select MCMs
 - Ability to address local concerns and resources

Example Proposed BMPs and Measurable Goals Table

MCM 4: Construction Site Stormwater Runoff Control

Activity/BMP	Measurable Goals
Conduct construction site inspections as described in Part IV.D.4.(b)(4).	<p>Conduct inspections at 80% of active construction sites annually according to the established procedures (or some Level 2b small MS4s must notify the appropriate agency with the authority to act).</p> <p>Each year, conduct follow up inspections in 100% of cases where necessary as described in the established procedures (except for some Level 2b small MS4s without the appropriate authority to act).</p>
Develop, implement, and maintain procedures for receipt and consideration of information submitted by the public as described in Part IV.D.4.(b)(5).	<p>Review and update procedures for the receipt and consideration of information submitted by the public at least one time annually to address changes and make improvements to the established procedures where applicable.</p> <p>Maintain one webpage, hotline, or similar method for receipt of information submitted by the public throughout the permit term.</p>

MS4 Application Review Process



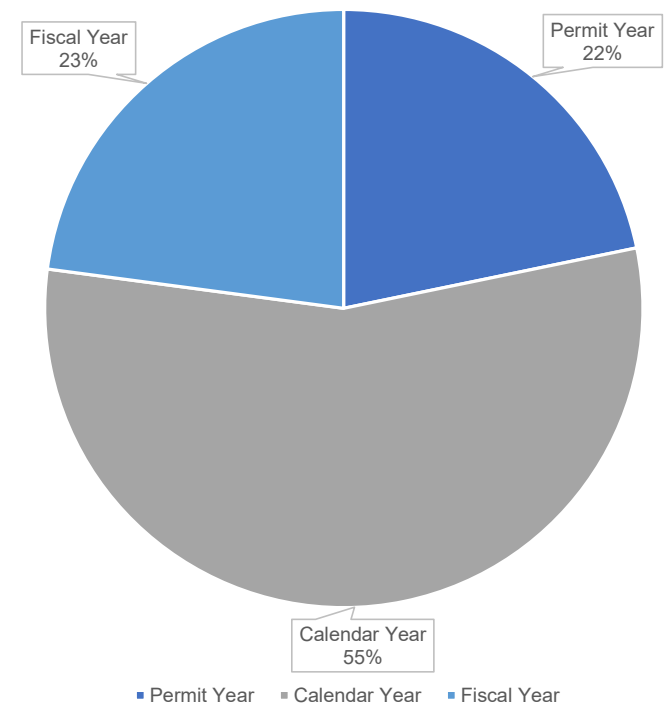
Electronic Applications and Reporting

- New permit will require electronic applications and reporting
- TCEQ will use EPA's electronic application and reporting system (Net-MS4) for the 2024 general permit renewal
 - No paper applications or annual reports under the renewed general permit (unless electronic reporting waiver is granted)

Revisions for Electronic Applications and Reports

- Reduce annual report year options to only one schedule for all MS4s
 - Calendar Year
- Old permit allows MS4s to select one of three options:
 - Permit Year (January 24 – January 23)
 - Calendar Year (January 1 – December 31)
 - Fiscal Year (e.g., October 1 – September 30)
- Added language to explain how MS4s will address the change during the first reporting year

Phase II MS4 Annual Reporting Periods



US Census Changes

- Add to applicability criteria MS4 operators located within the “2020 Urban Areas with a population of 50,000 or more people” to replace the term “urbanized area” throughout the permit
 - Necessary to comply with the federal *NPDES Small MS4 Urbanized Area Clarification* rule
 - Extend coverage to some new MS4 operators
 - Will not de-regulate any MS4 operators
 - Once in, always in

Helpful Application Information

- NOI application fee \$400
- NOI annual water quality fee \$100
- No fees for Waiver 1 or 2
- TCEQ is developing a SWMP template
- Application needs to be signed by someone with signatory authority under 30 Texas Administrative Code (TAC) 305.44



Questions on the MS4?



Construction Stormwater General Permit (CGP)

CGP Basics

- Regulates stormwater from construction sites greater than 1 acre
- Renewed on March 5, 2023
- Minor changes with renewal permit
- Will expire March 5, 2028

Size of Construction Site

- Large Construction Sites:
 - Equal to or greater than 5 acres, or
 - Part of a common plan of development that will disturb equal to or greater than 5 acres
- Small Construction Sites:
 - More than 1 acre, but less than 5 acres, or
 - Part of a common plan of development that will disturb more than 1 acre but less than 5 acres
- Less than 1 acre

Common Plan of Development (CPD)

- Construction activity completed in separate stages, separate phases, or in combination with other construction activities.
- Identified by the documentation that defines the scope of the project (i.e. blueprints, plats, contracts)
- May include one operator or many operators.
- Total acreage being disturbed

CGP Requirements: Less Than 1 Acre

- Implement and maintain BMPs.
- Stormwater Pollution Prevention Plan (SWP3), NOI, Notice of Termination (NOT), and fees not required.
- Follow any local requirements.
- Poor management of unpermitted sites may result in a violation or citation

CGP Requirements: Small Site

- Prepare and implement SWP3.
- Submit a Delegation of Signatories form via paper if applicable.
- Adhere to requirements of permit.
- Post Site Notice for small sites.
- Notify MS4, if applicable.

CGP Requirements: Large Site

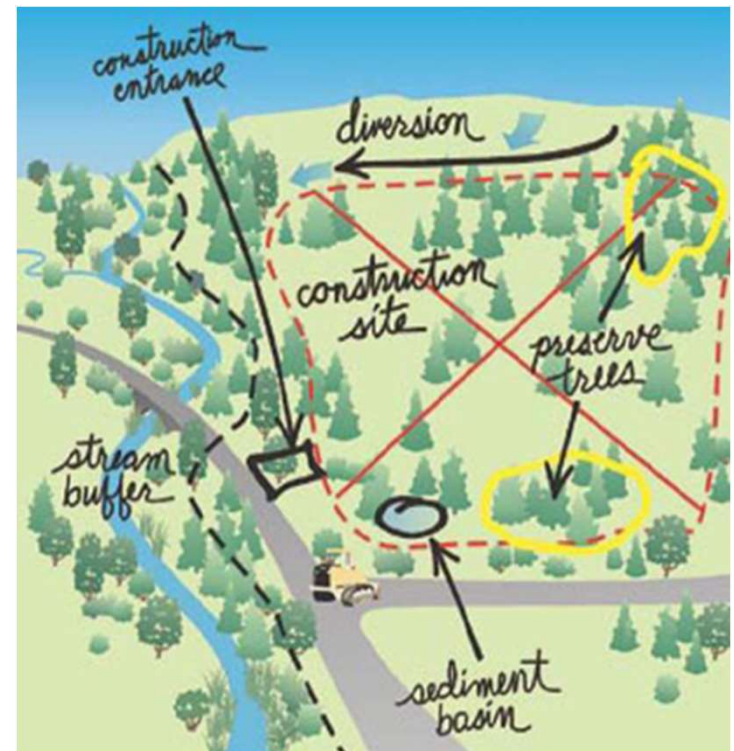
- Prepare and implement SWP3.
- Submit NOI and fee in STEERS.
- Submit a Delegation of Signatories form in STEERS if applicable.
- Post Site Notice for large sites.
- Notify MS4 operator, if applicable.
- Adhere to requirements of permit.
- Submit NOT

Stormwater Pollution Prevention Plan (SWP3)

- Comprehensive site evaluation
- Requires updates – “living document”
- Develop and implement SWP3 prior to:
 - Start of Construction
 - Submitting NOI and paying a fee (large construction site)
- It must be readily available if not maintained on-site
- TCEQ has a template plan facilities can use

Details of a SWP3

- Describe site and schedule of activities
- Identify Pollution Prevention Team (qualified personnel)
- Identify potential contaminants
- Describe BMPs and controls to manage runoff
- Record maintenance and operator inspections



Site Notice



TCEQ Large Construction Site Notice

Primary Operator

Large construction sites disturb more than five acres or are part of a larger common plan of development that disturbs more than five acres. Primary operators of large construction sites will fill out this notice. Primary operators will then post this notice at the construction site in a location where it is safely and readily available for viewing by the general public and local, state, and federal authorities. Additional information about the TCEQ Construction Stormwater General Permit may be found on TCEQ's webpage on [Assistance Tools for Construction Stormwater General Permits](#).

Note: You must also develop a Stormwater Pollution Prevention Plan prior to the commencement of construction.

Site-Specific TPDES Authorization Number: TXR15

Primary Operator Name: _____

Contact Name and Phone Number: _____

Project Description:

Physical
Location/Description _____

Estimated Start Date _____

Projected End Date or Date Disturbed Soils Will Be Stabilized _____

Location of Stormwater Pollution Prevention Plan (SWP3): _____



Examples of Controls

- Vegetative Buffer Strips
 - Swales
 - Rain Gardens
- Ponds
 - Detention
 - Retention
 - Turbidity
- Rock
 - Filter Berms
 - Check Dams
 - Tracking pads



Vegetated Buffers



- Most Effective:
 - On floodplains
 - Near wetlands
 - Along streambanks
 - Unstable slopes

Hydro-mulching



Detention/Retention Ponds



Check Dams



Compost Filter Socks



Tracking Pad



Terminating Permit Coverage

Submit a NOT when:

- Construction activity has stopped
- Final stabilization is achieved
 - All soil disturbing activities completed
- Operational control is transferred
- Alternative authorization is obtained
- Submit NOT in STEERS

Online Application for CGP

- State of Texas Environmental Electronic Reporting System (STEERS)
- Create an account online
 - Submit STEERS Participation Agreement (SPA)
 - Electronic SPA is faster, requires a Class C Texas Driver's License
 - Paper SPA is other option
- Submit Application and Fee online
- Immediate permit coverage
- Can print and save certificate and notice of approval

CGP Fees and Coverage

- Electronic NOI via STEERS
 - \$225 application fee
 - Coverage effective immediately
 - No annual water quality fees
- Application needs to be signed by someone with signatory authority under 30 TAC 305.44

Sign-up for Email Updates

- Receive email updates on select topics
 - Stormwater Permits and Rules
 - Public Water System Rules
 - The Advocate newsletter
- Visit our website to sign up



Questions?

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