

Texas Commission on Environmental Quality

P.O. Box 13087, Austin, Texas 78711-3087



PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of
402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

PERMIT No. WQ0005011000

Texas Department of Transportation
125 E. 11th Street
Austin, Texas 78701-2409

is authorized to discharge from the Texas Department of Transportation (TxDOT) Municipal Separate Storm Sewer System (MS4) (SIC 9621)

including all regulated areas, except for any agricultural lands, located within the TxDOT Right-of Ways (ROW) throughout the State of Texas served by, or otherwise contributing to discharges to the MS4s owned or operated by the permittee, located within the urbanized areas (UAs) in the TxDOT districts listed in Attachment 1

via the regulated MS4 to various ditches and tributaries that eventually reach water bodies listed in Attachment 2

only according to conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge routes for the regulated MS4 area described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge routes.

This permit shall expire at midnight, five years from the date of issuance.

EFFECTIVE DATE:

ISSUED DATE:

For the Commission

**TCEQ Permit No. WQ0005011000
Relating to Discharges from the Texas Department of Transportation
Municipal Separate Storm Sewer System**

Table of Contents

Part I. Definitions.....4

Part II. Permit Applicability and Coverage 10

 Section A. Replaced and Superseded Phase I and Phase II Permits and new MS4 Areas10

 1. Phase I Individual Permits 10

 2. Phase II General Permit Authorizations..... 10

 3. New Phase II Areas 10

 Section B. Discharges Authorized under this Permit..... 10

 Section C. Allowable Non-Stormwater Discharges11

 Section D. Limitations on Permit Coverage 12

 1. Discharges of Stormwater Mixed with Non-Stormwater 12

 2. Compliance with Water Quality Standards 12

 3. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements .. 12

 4. Discharges to the Edwards Aquifer Recharge Zone 15

 5. Discharges to Specific Watersheds and Water Quality Areas 16

 6. Indian Country Lands..... 16

 7. Endangered Species Act..... 16

 8. Other 16

 Section E. Obtaining Authorization 17

 1. Stormwater Management Program (SWMP) 17

 2. SWMP Updates Required by TCEQ..... 17

 3. SWMP Updates Required by the Permittee 17

Part III. Statewide Stormwater Management Program..... 18

 Section A. Developing the TxDOT Statewide SWMP..... 18

 1. Development and schedule..... 18

 2. Content of the SWMP 19

 3. Legal Authority 19

 4. Resources20

 5. Effluent Limitations.....20

 6. Enforcement Measures20

 Section B. Minimum Control Measures 20

- 1. Public Education, Outreach, and Involvement..... 21
- 2. Illicit Discharge Detection and Elimination (IDDE)22
- 3. Construction Site Stormwater Runoff Control26
- 4. Post-Construction Stormwater Management in New Development and
Redevelopment29
- 5. Pollution Prevention and Good Housekeeping for Transportation Operations30
- Section C. General Requirements32
- Part IV. Monitoring and Evaluation, Recordkeeping, and Reporting.....33
 - Section A. Monitoring and Evaluation33
 - Section B. Recordkeeping.....33
 - Section C. Reporting.....34
 - 1. General Reporting Requirements.....34
 - 2. Statewide Annual Report.....35
- Part V. Other Requirements.....36
- Part VI. Standard Permit Conditions37
 - Attachment 1: Location of the regulated MS4 in TxDOT Districts 40
 - Attachment 2: Receiving Water Bodies.....45
 - Attachment 3: Pollutants used for Water Quality Evaluations53

Part I. Definitions

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

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

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

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

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

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

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

- (a) **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.
- (b) **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 entity or entities associated with a small or large construction project that meet(s) 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 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 stormwater 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 Measure - 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 stormwater runoff.

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

Edwards Aquifer - As defined in 30 TAC §213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ or the TCEQ website.

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

- (a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 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 (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer 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.

- (d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
- (1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
 - (2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

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

Hyperchlorinated Water – Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 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 stormwater, except discharges pursuant to this permit or a separate authorization and discharges resulting from emergency fire fighting activities.

Impaired Water - A surface water body that is identified on the latest approved 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.

Indian Country - Defined in 18 United States Code §1151 as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) 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 U.S. 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.

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).

Landfill – an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

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

MS4 Operator - For the purpose of this permit, the public entity or the entity contracted by the public entity, responsible for management and operation of the municipal separate storm sewer system that is subject to the terms of this 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 designed or used for collecting or conveying stormwater;
- (c) That is not a combined sewer; and
- (d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

1. **Small (Phase II) MS4** – An MS4 which was not previously regulated 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 in 40 CFR §§122.26(b)(4) and (b)(7).

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

2. **Medium or Large (Phase I) MS4** – An MS4 that are either
 - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
 - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or
 - c. owned or operated by a municipality other than those described in paragraph (a.) or (b.) and that are designated by the EPA as part of the large or medium municipal separate storm sewer system.

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.

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 ROW 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 permit.

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

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

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

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

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 or a small construction activity.

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

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

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

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

Traditional Small MS4 - A small MS4 that can pass ordinances and have the enforcement authority to enforce the stormwater management program. A city is an example of a traditional small MS4.

Urbanized Area (UA) - An area of high population density that may include multiple small MS4s as defined and used by the U.S. Census Bureau in the 2000 and the 2010 Decennial census.

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

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

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

Part II. Permit Applicability and Coverage

This permit provides authorization for stormwater and certain non-stormwater discharges from the municipal separate storm sewer system (MS4) owned or operated by the Texas Department of Transportation (TxDOT) to surface water in the state. These include large, medium, and small MS4 areas.

Section A. Replaced and Superseded Phase I and Phase II Permits and new MS4 Areas

On its effective date this permit shall replace and supersede the Texas Pollutant Discharge Elimination System (TPDES) TxDOT Phase I individual permits and Phase II general permit authorizations listed below:

1. Phase I Individual Permits

Permit Numbers WQ0004692000 (expired August 15, 2010); WQ0004678000 (expiring April 28, 2019); WQ0004645000 (expired October 7, 2013); WQ0004644000 (expired July 26, 2011); WQ0004200000 (expired August 11, 2013); WQ0004521000 (expiring April 27, 2017); WQ0004527000 (expiring September 13, 2016); WQ0004635000 (expiring April 26, 2017); WQ0004350000 (expiring July 29, 2016); WQ0004685000 (expired February 24, 2014); WQ0004520000 (expired July 29, 2014); WQ0004592000 (expiring November 21, 2016); WQ0004773000 (expired June 6, 2013); WQ0004284000 (expired September 28, 2012); and WQ0004774000 (expired July 31, 2013).

2. Phase II General Permit Authorizations

Authorization Numbers TXR040158; TXR040176; TXR040179; TXR040180; TXR040181; TXR040182; TXR040183; TXR040184; TXR040191; TXR04169; TXR040163; TXR040166; TXR040171; TXR040195; TXR040198; TXR040170; TXR040199; TXR040209; and TXR040212. All Phase II authorizations expired August 12, 2012.

Expired permits and authorizations are administratively continued until the issuance of this permit.

3. New Phase II Areas

New MS4 areas that, based on the 2010 U.S. Bureau of Census, are located in an UA and were not included in an UA based on the 2000 U.S. Bureau of Census, are covered under this permit. New MS4 areas are located in the following TxDOT districts:

Abilene, Amarillo, Atlanta, Austin, Beaumont, Bryan, Corpus Christi, Dallas, El Paso, Fort Worth, Houston, Laredo, Lubbock, Odessa, Paris, Pharr, San Angelo, San Antonio, Tyler, Waco, Wichita Falls, and Yoakum.

The location of the regulated MS4 in TxDOT Districts is show in Attachment 1.

Section B. Discharges Authorized under this Permit

The permittee is authorized to discharge stormwater runoff under this permit, unless otherwise prohibited, from its MS4 located within urbanized areas (UAs), as determined by the 2000 or 2010 Decennial Census by the U.S. Bureau of Census, and from its MS4 located in Phase I areas based on the 1990 U.S. Bureau of Census.

For the purpose of this permit, the Regulated Area of the MS4 is the TxDOT ROW, the land owned by the permittee within the UA which functions as, or is integral to the transportation system with drainage conveyances. Non-contiguous property that does not drain into the transportation drainage system is not subject to this permit.

Section C. Allowable Non-Stormwater Discharges

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

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.

Section D. Limitations on Permit Coverage**1. Discharges of Stormwater Mixed with Non-Stormwater**

Stormwater discharges that combine with sources of non-stormwater are not eligible for coverage by this permit, unless either the non-stormwater source is described in Part II.C of this permit or the non-stormwater source is authorized under a separate TPDES permit.

2. Compliance with Water Quality Standards

The requirements in this permit must provide compliance with the Texas Surface Water Quality Standards as specified in 30 TAC §§ 307.1-307.10.

Discharges to surface water in the state that would cause, has the reasonable potential to cause, or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this permit except as described in Part II.D.3 below.

3. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements

Discharges of the pollutant(s) of concern (POC(s)) to impaired water bodies for which there is a TCEQ and EPA approved total maximum daily load (TMDL) are not eligible for this permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list or identified in the Index of Water Quality Impairments in the Integrated Report of Surface Water Quality for Clean Water Act Sections 305(b) and 303(d), as not meeting Texas Surface Water Quality Standards.

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

(a) Discharges to Water Quality Impaired Water Bodies with an Approved TMDL

For any portion of the MS4 that discharges to a portion of a watershed with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the POC(s) along with any additional or modified controls required in the TMDL and this section.

The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the POC(s) as described below:

(1) Targeted Controls

The SWMP must include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional Best Management Practices (BMPs) to reduce the POC(s) in the impaired waters.

(2) Measurable Goals

For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented during each year of the permit term.

(3) Identification of Benchmarks

The SWMP must identify a benchmark for the POC(s). Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the POC(s) in stormwater discharge(s) from the MS4 to the maximum extent practicable (MEP). The BMPs addressing the POC(s) must be re-evaluated on an annual basis for progress towards the benchmarks and modified as necessary within an adaptive management framework. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines for evaluating progress towards reducing pollutant discharges consistent with the benchmarks. The exceedance of a benchmark is not a permit violation and does not in itself indicate a violation of instream water quality standards.

The benchmark must be determined based on one of the following options:

- a. If the MS4, or a portion thereof, is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.D.3(a)(6).
- b. Alternatively, if multiple MS4s are discharging into the same impaired watershed with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark for the POC (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark would cumulatively support the aggregate WLA. Where an aggregate benchmark has been broken into sub-benchmarks for individual MS4s, each permittee is only responsible for progress in meeting its sub-benchmark.

(4) Statewide Annual Report

The annual report must include an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark.

(5) Impairment for Bacteria

If the POC is bacteria, the permittee shall include focused BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL Implementation Plan (I-Plan) is available, the permittee may refer to the I-Plan for appropriate BMPs. The SWMP and annual report must include the selected BMPs. The permittee may not exclude BMPs associated with the minimum control measures required under 40 CFR §122.34 from its list of proposed BMPs. Proposed BMPs will be reviewed by the executive director during the SWMP review and approval process.

The BMPs shall, as appropriate, address the following:

- a. Sanitary Sewer Systems;
- b. On-site Sewage Facilities;
- c. Illicit Discharges and Dumping from septic systems, grease traps, grit traps, or other sources; and
- d. Animal Sources such as pet waste from rest areas.

(6) Monitoring or Assessment of Progress

The permittee shall monitor or assess progress in achieving benchmarks and determine the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used.

- a. The permittee may use either of the following methods to evaluate progress towards the benchmark and improvements in water quality:

(i) Evaluating Program Implementation Measures

The permittee may evaluate and report progress towards the benchmark by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals.

The permittee may assess progress by using program implementation indicators, such as: (1) number of sources identified or eliminated; (2) decrease in number of illegal dumping; (3) increase in illegal dumping reporting; (4) success associated with the Don't Mess With Texas program campaign and how many times the public accessed the website; or, (5) increase in illegal discharge detection through dry screening, etc.; or

(ii) Assessing Improvements in Water Quality

The permittee may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources such as the wet weather watershed program or other sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from TCEQ, local river authorities, partnerships (such as regional watershed monitoring efforts), and/or other local efforts as appropriate.

- b. Progress towards achieving the benchmark shall be reported in the annual report. Annual reports shall report the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

(7) Observing no Progress Towards the Benchmark

If, by the end of the third year from the effective date of the permit, the permittee observes no progress toward the benchmark either from program implementation or water quality assessments as described in Part II.D.3(a)(6), the permittee shall identify alternative focused BMPs that address new or increased efforts towards the benchmark or, as appropriate, shall develop a new approach to identify the most significant sources of the POC(s) and shall develop alternative focused BMPs for those (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports.

Where the permittee originally used a benchmark based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark for the POC(s) for their respective MS4s, as described in Part II.D.3(a)(3)b. above. Permittees must document, in their SWMP for the next permit term, the proposed schedule for the

development and subsequent adoption of alternative sub benchmark for the POC(s) for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

(b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL

The permittee shall also determine whether any portion of the MS4 discharges directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the permittee discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities for the areas of the MS4 subject to these requirements:

(1) Discharging a Pollutant of Concern

- a. Within the first year following the permit effective date, the permittee shall determine whether the MS4 may be a source of the POC(s) by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the POC(s) at levels of concern.
- b. If the permittee determines that the MS4 may discharge the POC(s) to an impaired water body without an approved TMDL, the permittee shall, no later than two years following the permit effective date, ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of POC(s) that contribute to the impairment of the water body.
- c. In addition, no later than three years following the permit effective date, the permittee shall submit written notification to TCEQ to amend the SWMP to include any additional BMPs to address the POC(s).

(2) Impairment of Bacteria

Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement focused BMPs for those sources. The permittee may at the very least address the sources listed in Part II.D.3(a)(5).

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

4. Discharges to the Edwards Aquifer Recharge Zone

Discharges of stormwater from the MS4, and other non-stormwater discharges, are not authorized by this permit where those discharges are prohibited by 30 TAC Chapter 213 (Edwards Aquifer Rule). New discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this permit.

For existing discharges, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule.

The permittee's agency-approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional agency-approved WPAPs received after the SWMP submittal must be recorded in the annual report for each respective permit year. For

discharges originating from the MS4 permitted area, and located on or within ten stream miles upstream of the Edwards Aquifer Recharge Zone, applicants must also submit written notification to the appropriate TCEQ regional office.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact:

TCEQ, Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

Counties: Williamson, Travis, and Hays

Contact:

TCEQ, Water Program Manager
Austin Regional Office
12100 Park 35 Circle, Bldg. A, Rm 179
Austin, Texas 78753
(512) 339-2929

5. Discharges to Specific Watersheds and Water Quality Areas

Discharges of stormwater from the MS4 and other non-stormwater discharges are not authorized by this permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

6. Indian Country Lands

Stormwater runoff from the MS4 that occur on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from the EPA.

7. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If the permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information. If adverse impact is determined after submittal of the permit application and SWMP or after permit issuance, the permittee shall contact TCEQ immediately to determine corrective action and potential modification to the MS4's permit.

8. Other

Nothing in Part II of the permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.

This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee.

Section E. Obtaining Authorization

1. Stormwater Management Program (SWMP)

When this permit is issued, the TxDOT statewide SWMP must be revised to address new elements. New elements in the statewide permit must be completely implemented within five years of the issued date of this permit. The permittee shall assess existing program elements set forth in previous issued permits listed in Part II.A, modify as necessary, include measurable goals, whenever feasible, and develop and implement new elements as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP.

When renewing or amending this permit, a copy of the updated and current statewide SWMP must be submitted with the permit application for eligible discharges that will reach waters of the U.S., including discharges from the regulated MS4 to other MS4s or to privately-owned separate storm sewer systems that subsequently drain to waters of the U.S., according to the requirements of Part III of this permit. The SWMP must include, as appropriate, the months and years in which the permittee completed required actions, including interim milestones and the frequency of the action throughout the permit term.

2. SWMP Updates Required by TCEQ

Changes may be made to the SWMP during the permit term.

- (a) The TCEQ may require changes to the SWMP through a permit amendment or modification as needed to:
 - (1) Address impacts on receiving water quality either caused or contributed to by discharges from the MS4;
 - (2) Include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements;
 - (3) Include such other conditions deemed necessary to comply with the goals and requirements of the Texas Water Code or the Clean Water Act; or
 - (4) Incorporate new program elements necessary to continue to meet the MEP standard.
- (b) If the TCEQ requires changes to the SWMP, the changes will be through a permit amendment, which will be conducted in accordance with the 30 TAC §305.62. Prior to making any changes to the SWMP, the TCEQ will:
 - (1) Notify the permittee in writing of the required changes;
 - (2) Provide an explanation of the required changes;
 - (3) Set forth the time schedule for the permittee to develop these changes; and
 - (4) Allow the permittee an opportunity to propose alternative program changes to meet the objective of the request.

3. SWMP Updates Required by the Permittee

Changes that are made to the SWMP during the application process must be submitted in a letter providing supplemental information to the permit application. Changes to the SWMP that are made after approval of the SWMP and issuance of the permit may be made

following submittal of written notification to the TCEQ and receipt of written approval of the change(s) from the TCEQ at any time, except as follows:

- (a) The following changes may be implemented without submitting written notification to TCEQ. The changes may be made immediately following revision of the SWMP, and must be included in the annual report:
 - (1) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP. An equivalent BMP is one that is intended to address the same concern as the original BMP and is substantially similar in nature to the original BMP.
 - (2) Non-substantive changes, including:
 - a. A change in personnel, or a reorganization of departments responsible for implementing the SWMP;
 - b. Minor clarifications to the existing BMPs;
 - c. Correction of typographical errors; and
 - d. Other similar administrative or non-substantive comments.
 - (3) Adding or subtracting area(s) during the permit term, such as by annexing land or if land is de-annexed.
- (b) The permittee may replace a less effective or infeasible BMP specifically identified in the SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP). Such a change may be implemented within 60 days following submittal of written notification to TCEQ, unless the change is denied in writing by TCEQ. Such requests must include the following:
 - (1) An explanation of why the BMP was eliminated;
 - (2) An explanation of the effectiveness of the replacement BMP; and
 - (3) An explanation of how the replacement BMP is expected to achieve the goals of the previous BMP.
- (c) All other changes must be submitted in writing to TCEQ and may only be implemented following written approval by TCEQ.

Part III. Statewide Stormwater Management Program

Section A. Developing the TxDOT Statewide SWMP

1. Development and schedule

- (a) To the extent allowable under state and local law, one statewide SWMP must be developed, implemented and enforced according to the requirements of Part II and Part III.B of this permit, for stormwater discharges that reach waters of the U.S., regardless of whether the discharge is conveyed through a separately operated storm sewer system. The statewide SWMP must be developed, implemented and enforced to reduce the discharge of pollutants from the regulated MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the Texas Water Code (TWC).

- (b) Each element of the SWMP must be developed to include measurable goals, whenever feasible.
- (c) The SWMP, taken as a whole, must include controls necessary to effectively prohibit the discharge of non-stormwater into the MS4 (except as described in Part II.C), and reduce the discharge of pollutants from the MS4 to the MEP.
- (d) The SWMP must cover the term of the permit and must be updated as necessary or as required by the TCEQ, to ensure compliance with Section 402 of the CWA, Chapter 26 of the TWC, applicable EPA and TCEQ regulations, and the requirements of the TPDES permit. Any modifications to the SWMP shall be made in accordance with Part II.E of this permit.
- (e) When renewing or amending this permit, the permittee shall continue to operate under the conditions of the existing SWMP, submitted with the permit application, until the revised SWMP is approved by the TCEQ and the new permit is issued.
- (f) Implementation of BMPs consistent with the provisions of this permit and the SWMP constitutes compliance with the standard of reducing pollutants to the MEP and will be deemed in compliance with Part III of this permit. This permit does not extend any compliance deadlines set forth in previous permits listed in Part II.A.
- (g) The permittee shall ensure full implementation of the statewide consolidated SWMP as soon as practicable, but no later than five year from the permit effective date.
- (h) The permittee shall ensure full implementation of the SWMP in newly regulated Phase II areas, based on the 2010 Decennial Census, as soon as practicable, but no later than five years from the permit effective date.

2. Content of the SWMP

At a minimum, the permittee shall include the following information in its SWMP:

- (a) A description of minimum control measures (MCMs) with measureable goals, including, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action for each MCM described in Part III, Section B.
- (b) A measurable goal that includes the development of ordinances or other regulatory mechanisms, allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority.
- (c) A summary of written procedures describing how the permittee will implement the provisions in Parts III and IV of this permit.
- (d) A description of a program or a plan of compliance with the requirements in Part II.D.3. (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements) for those portions of the MS4 discharging into impaired waters.

3. Legal Authority

- (a) The permittee shall, to the extent allowable under state and local law, continue to review and revise, if needed, its relevant regulatory mechanism(s), or shall adopt new regulatory mechanism(s) that provide the permittee with adequate legal authority to

control pollutant discharges into and from its MS4 in order to meet the requirement of this permit. For newly regulated areas, the permittee shall ensure this requirement is met within two years.

Legal authority may be a combination of statute, ordinance, permit, contract, order, interlocal agreements etc.

- (b) Where the permittee lacks the authority to develop or implement enforcement actions, the permittee shall exert enforcement authority as required by this permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UAs under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.
- (c) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this permit through its own powers, then, unless otherwise stated in this permit, the permittee shall notify adjacent MS4 operators with enforcement authority or the TCEQ Program Support Section as needed to report discharges or incidents that it cannot itself enforce against. If possible, the permittee could enter into local agreements with municipalities where its MS4 is located. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the MS4 is located.

4. Resources

It is the permittee's responsibility to ensure that it has adequate resources and funding to implement the requirements of this permit.

5. Effluent Limitations

The controls and BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with state rules. This includes the requirements of 30 TAC Chapter 319, Subchapter B, which lists the maximum allowable concentrations of hazardous metals for discharge to water in the state.

6. Enforcement Measures

The permittees shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after the violator has been notified by the permittee, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the TCEQ Program Support Section.

Section B. Minimum Control Measures

The permittee shall develop and implement a SWMP that includes the following five minimum control measures (MCMs), as applicable.

All program elements must be implemented according to the schedules mentioned in Part III.A and Part V.

The permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not feasible as described in each MCM.

1. Public Education, Outreach, and Involvement**(a) Public Education and Outreach**

- (1) The permittee shall continue to develop, implement, and maintain a comprehensive stormwater education and outreach program to educate employees, contractors, and the traveling public of hazards associated with illegal discharges, improper disposal of waste, floatables, toxic materials, used oil, disposal and management of pesticides, herbicides and fertilizers and about the impact that stormwater discharges can have on local waterways, as well as the steps that the traveling public can take to reduce pollutants in stormwater.

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

- a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of trash and debris discharges from the MS4, promoting previous public campaigns used in the MS4, or increasing the numbers of illicit discharge reporting). The permittee shall document activities conducted and materials used to fulfill this control measure, if applicable. Documentation must be detailed enough to demonstrate the amount of resources used to address each group. This documentation must be included in the annual reports required in this permit;
 - b. Identify the target audience(s);
 - c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites; and
 - d. Determine cost effective and practical methods and procedures to meet the above goals and objectives.
- (2) Throughout the permit term, the permittee shall make the educational program available to convey the education message to the target audience(s) at least annually.
 - (3) The permittee shall review and update as necessary, the statewide SWMP and MCM implementation procedures required by this permit. Any changes must be reflected in the statewide annual reports. Such written procedures must be maintained at the District's office and headquarters, as a separate documentation within the statewide SWMP and made available for inspection by the TCEQ.

(b) Public Involvement

The permittee shall involve the public in the planning and implementation activities related to developing and implementing the SWMP. At minimum, the permittee shall comply with any state and local public notice requirements.

The permittee shall assess program elements that were described in previous permits, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements

and all elements in newly regulated Phase II MS4 areas must be fully implemented by the end of this permit term. At a minimum, the permittee shall:

- (1) If feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;
- (2) If feasible, create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, and educational activities; and
- (3) Ensure the public can easily find information about the statewide SWMP.

2. Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

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

The permittee shall assess program elements that were described in previous permits, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements and all elements in newly regulated Phase II MS4 areas must be fully implemented by the end of this permit term. *See also Part III.A.1(g).*

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

- a. Up-to-date MS4 area maps (*See Part III.B.2(c)*);
 - b. Methods for informing and training MS4 field staff (*See Part III.B.2(d)*);
 - c. Procedures for tracing the source of an illicit discharge (*See Part III.B.2(g)(2)*);
 - d. Procedures for removing the source of the illicit discharge (*See Part III.B.2(g)(3)*);
 - e. Procedures for conducting inspections (*See Part III.B.2(h)*); and
 - f. Procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the MS4.
- (2) If illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ regional office of the possible illicit connection or illicit discharge.
 - (3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the MS4, then the permittee shall follow the requirements specified in Part III.B.2(e).
 - (4) The permittee shall review and update as necessary, the statewide SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in the statewide annual reports. Such written procedures must be maintained at the district office and in the SWMP and made available for inspection by the TCEQ.

(b) Allowable Non-Stormwater Discharges

Non-stormwater flows listed in Part II.C do not need to be considered by the permittee as an illicit discharge requiring elimination, unless the permittee or the TCEQ identifies the flow as a significant source of pollutants to the MS4s.

(c) MS4 areas mapping

The permittee shall maintain an up-to-date MS4 area 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:

- (1) The location of all MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S; and
- (2) The location and name of all surface waters receiving discharges from all the MS4 outfalls.

(d) Education and Training

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

(e) Public Reporting of Illicit Discharges and Spills

To the extent feasible, the permittee shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the MS4. The permittee shall provide a central contact point to receive reports; for example, by including a sign on the highway or rest stop area with a telephone number for complaints and spill reporting.

- (f) The permittee shall continue and improve as necessary existing programs which prevent, contain, and respond to spills that may discharge into the MS4. The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the jurisdiction of the permittee. The permittee shall maintain illicit discharge and spill response procedures on site or in the SWMP.

(g) Source Investigation and Elimination

- (1) Minimum Investigation Requirements – Upon becoming aware of an illicit discharge, the permittee shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.
 - a. The permittee shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge. Similarly, priority areas, likely to have illicit discharges, should be considered a high priority for investigation. (See item B.2.(i)(4) below).
 - b. The permittee shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.

- c. The permittee shall track all investigations and document, at a minimum: the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
- (2) Identification and Investigation of the Source of the Illicit Discharge – The permittee shall investigate and document the source of illicit discharges where the permittee has jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee’s boundary, the permittee shall notify the adjacent permitted MS4 operators or the TCEQ Program Support Section according to Part III.A.3.b.
- (3) Corrective Action to Eliminate Illicit Discharge - If and when the source of the illicit discharge has been determined, the permittee shall immediately notify the responsible party of the problem, and shall require, to the MEP, the responsible party to perform all necessary corrective actions to eliminate the illicit discharge. If it is not feasible for the permittee to enforce the incident, the permittee shall notify an adjacent MS4 operator with enforcement authority or TCEQ Program Support Section according to Part III.A.3.
- (h) Inspections –The permittee shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.
- (i) Additional Requirements for Previous Phase I Permitted Areas

In addition to all the requirements described above, the permittee shall meet the following requirements in areas that previously were permitted under a Phase I permit.

- (1) Overflows and Infiltration – The permittee shall implement controls, where necessary and feasible, to address dry weather and wet weather overflows from sanitary sewers into the MS4s. The permittee shall limit the seepage from municipal sanitary sewers into the MS4s to the MEP.
- (2) List of discharges - The permittee shall maintain, and update as necessary, a list of discharges to the MS4 that have been issued an NPDES or a TPDES permit. The list shall include the name, location and permit number of the discharger.
- (3) Hazardous Waste and Used Motor Vehicle Fluids
 - a. The permittee shall prohibit the discharge or disposal of used motor vehicle fluids, hazardous wastes, and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into the MS4s.
 - b. The permittee shall ensure the implementation of programs to collect used motor vehicle fluids (including, at a minimum, oil and antifreeze) and hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycling, reuse, or proper disposal. Such programs must be readily available to the permittee’s contractors and to the permittee’s employees and shall be publicized and promoted on a regular basis.
- (4) Identification of Priority Areas – The permittee shall identify priority areas likely to have illicit discharges and shall document the basis for the selection of each priority area and shall create a list of all priority areas identified. This priority list must be available for review by the TCEQ.
- (5) Alternate Stormwater Assessment Program for Previous Phase I Permitted Areas

- a. Alternate Dry Weather Screening Program – The permittee shall continue to screen and detect the presence of illicit connections and improper discharges from adjacent MS4s and illegal third parties discharges to the permittee's MS4. All areas that were permitted under the Phase I MS4 program (See Part II.A) must continue to be screened as specified in the statewide SWMP at least once during the permit term.
 - b. Alternate Wet Weather Program – In previous Phase I permitted areas where the permittee was responsible for outfall or watershed monitoring under the Wet Weather Characterization program, the permittee shall continue to evaluate the watershed using existing stormwater characterization data collected by reliable sources such as TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate. The analysis and interpretation of this data shall be submitted to TCEQ in the year 4 annual report. Previous Phase I areas under this requirement include: TxDOT Beaumont (WQ0004644000), City of San Antonio (WQ0004284000), TxDOT Austin (WQ0004645000), City of Houston (WQ0004685000), TxDOT Houston District (Pasadena) (WQ0004520000), City of Fort Worth (WQ0004350000), City of Arlington (WQ0004635000), and City of Dallas (WQ0004521000).
- (j) Additional Requirements for Previous TxDOT – Austin District Phase I Permit (WQ0004645000)

In addition to all the requirements described above, the permittee shall meet the following requirements in specific areas that previously were permitted under the TxDOT Austin-District Phase I permit.

Spill Prevention and Response – the permittee shall continue to implement and improve, as necessary, programs that prevent, contain, and respond to spills that may discharge into the MS4. When cleanup of a ROW spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee shall ensure the parties responsible for the spill take all reasonable steps to minimize or prevent any adverse effects to human health or the environment. The spill response programs may include a combination of spill response actions by the permittee (and/or another public entity), and legal requirements for private entities within the jurisdiction of the permittee.

The permittee shall address spills that originate from an adjacent MS4 by notifying the appropriate local MS4 entity within a reasonable time. If the permittee does not agree with the corrective measure(s) or the time schedule proposed by the adjacent MS4, the permittee shall refer the case to the TCEQ for further action and or enforcement.

During emergency spill response, the permittee shall provide support to the lead agency – Department of Public Safety, TCEQ, or local official during the containment and cleanup.

- (1) The permittee shall continue to coordinate with the U.S. Fish & Wildlife Service to determine areas of concern for endangered karst invertebrates, submit a discussion of which, if any, existing and needed structures have been identified as potential projects to prevent spills from entering the aquifer, and report any coordination of projects identified with the U.S. Fish & Wildlife Service in the annual report.
- (2) If requested by the local jurisdiction, the permittee shall install hazardous material route signs on hazardous material routes that, by the local jurisdiction's Fire Chief and/or Local Emergency Planning Committee, are defined and established within

the specific areas that previously were permitted under the TxDOT Austin-District Phase I permit area. The posting of hazardous material route signs shall be done according to the permittee's highway sign policies within the required areas of the permittee's ROW.

3. Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

The permittee shall continue to develop, implement and enforce a program requiring the permittee's small and large construction activities, as defined in Part I of this permit, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of a 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.

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

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

- (b) The permittee shall review and update as necessary, the statewide SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the statewide annual reports. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.
- (c) The permittee shall continue to require that its construction sites include implementation of appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its MS4.
- (1) Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants from construction sites.
 - (2) Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures except as provided in a. through d. below:
 - a. Where the immediate initiation of stabilization measures after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
 - b. In arid, semiarid, and drought-stricken areas, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as soon as practicable. Where vegetative controls

are not feasible due to arid conditions, the permittee shall immediately install, and within 14 calendar days of a temporary or permanent cessation of work in any portion of the site complete, non-vegetative erosion controls. If non-vegetative controls are not feasible, the permittee shall install temporary sediment controls as required in item c. below.

- c. In areas where temporary stabilization measures are infeasible, the permittee may alternatively utilize perimeter controls. The permittee shall document in a stormwater pollution prevention plan (SWP3) the reason why stabilization measures are not feasible, and must demonstrate that the perimeter controls will retain sediment on site to the extent practicable.
 - d. If the initiation or completion of vegetative stabilization is affected by circumstances beyond the control of the permittee, vegetative stabilization must be initiated or completed as soon as conditions or circumstances allow it on the site. The requirement to initiate stabilization is triggered as soon as it is known with reasonable certainty that work will be stopped for 14 or more additional calendar days.
- (3) BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the MS4. At a minimum, such BMPs must be designed, installed, implemented, and maintained to:
- a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
 - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - c. Minimize the discharge of pollutants from spills and leaks.
- (4) As an alternative to (1) through (3) above, the permittee shall ensure that all small and large construction activities discharging to its MS4 have developed and implemented a SWP3 in accordance with the TPDES CGP TXR150000.
- (d) Prohibited Discharges - The following discharges are prohibited:
- (1) Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
 - (4) Soaps or solvents used in vehicle and equipment washing; and
 - (5) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.
- (e) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, the permittee shall continue to maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction. This requirement is limited to those sites operated by the permittee and its contractors and located within

the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

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

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

(f) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, the permittee shall continue to implement procedures for inspecting large and small construction projects. At a minimum, the permittee shall conduct inspections of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

- (1) Inspections must occur at a frequency determined by the permittee, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.
- (2) Inspections must occur during the active construction phase.
 - a. The permittee shall develop, implement, and revise as necessary, written procedures outlining the inspection and enforcement requirements. These procedures must be maintained at the permittee's district office and in the statewide SWMP and be made available to TCEQ.
 - b. Inspections of construction sites must, at a minimum:
 - (i) Determine whether the site has appropriate coverage under the TPDES CGP TXR150000. If no coverage exists, notify the contractor or the permittee's own construction site operator of the need for permit coverage.
 - (ii) Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the permittee's requirements.
 - (iii) Assess compliance with the permittee's standards, permit, policy etc.
 - (iv) Provide a written or electronic inspection report.
 - c. Based on site inspection findings, the permittee shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

If necessary, the permittee shall notify the adjacent MS4 operators with enforcement authority or the TCEQ Program Support Section according to Part III.A.3(c).

(g) Information submitted by the Public

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

(h) MS4 Staff Training

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

(i) Additional Requirements for Previous Phase I Permitted Areas

In addition to all the requirements described above, the permittee shall meet the following requirements in areas that previously were permitted under a Phase I permit.

- (1) List of Sites - The permittees shall maintain a current list of construction sites that discharge directly to the MS4 and that have been issued an NPDES or a TPDES permit. The list must include the name, location and permit number of the discharges that have been authorized under an NPDES or TPDES stormwater discharges permit for construction activities (if known).
- (2) Education and training – The permittee shall assure appropriate education and training measures for construction site operators.

4. Post-Construction Stormwater Management in New Development and Redevelopment

- (a) The permittee shall continue to develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that 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 that discharge into the MS4. The program must be established for private (if any) and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

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

- (b) The permittee shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittee shall establish, implement, and enforce a requirement for its contractors and its own departments that develop and redevelop sites to design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated areas must have the program element fully implemented by the end of the permit term.
- (c) The permittee shall review and update as necessary, the statewide SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in

the statewide annual reports. Such written procedures must be maintained at the permittee's district office and in the SWMP and made available for inspection by TCEQ.

- (d) The permittee shall document and maintain records of enforcement actions and make them available for review by the TCEQ.
- (e) The permittee shall, to the extent allowable under state, federal, and local law, continue to ensure the long-term operation and maintenance of structural stormwater control measures owned and operated by the permittee.

5. Pollution Prevention and Good Housekeeping for Transportation Operations

(a) Program development

The permittee shall continue to develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from roadway activities and areas owned by the permittee including, but not limited to, ROW maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; vehicle and equipment maintenance and storage yards; and salt/sand storage locations.

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

(b) Permittee-owned Facilities and Control Inventory

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

- (1) Equipment storage and maintenance facilities;
- (2) Fuel storage facilities;
- (3) Materials storage facilities;
- (4) Pesticide storage facilities;
- (5) Buildings, including office buildings;
- (6) Parking lots;
- (7) Salt storage facilities;
- (8) Street repair and maintenance sites;
- (9) Vehicle storage and maintenance yards;
- (10) Rest areas; and
- (11) Structural stormwater controls.

(c) Training and Education

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

(d) Disposal of Waste Material

Waste materials removed from the MS4s must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.

(e) Contractor Requirements and Oversight

- (1) Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts III B.5.
- (2) The permittee 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 at the permittee's district office or at the headquarters and made available for inspection by TCEQ.

(f) Roadway Operation and Maintenance Activities

(1) Assessment of permittee-owned operations

The permittee shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including, but not limited to:

- a. Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;
 - b. Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;
 - c. Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and
 - d. ROW maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
- (2) The permittee shall identify POCs that could be discharged from the above O&M activities (for example: metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).
 - (3) The permittee shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples:
 - a. Replacing materials and chemicals with more environmentally benign materials or methods;
 - b. Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and
 - c. Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

- (4) Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected at a frequency determined by the permittee to ensure they are working properly. A log of inspections must be maintained at the permittee's district office and made available for review by the TCEQ upon request.

(g) Structural Control Maintenance

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

(h) Additional Requirements for Previous Phase I Permitted Areas

In addition to all the requirements described above, the permittee shall meet the following requirements in areas that were previously permitted under a Phase I permit.

Pesticide, Herbicide, and Fertilizer Application and Management

- a. Landscape maintenance – The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as rest areas, easements, public ROWs, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.
- b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:
 - (i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.
 - (ii) Pest management measures that encourage non-chemical solutions where feasible. Examples include:
 - (a) Use of native plants or xeriscaping;
 - (b) Keeping clippings and leaves out of the MS4 and the streets by encouraging mulching, composting, or landfilling;
 - (c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions; and
 - (d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.
- c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimizes the discharge of pollutants from the application due to irrigation and expected precipitation.
- d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.

Section C. General Requirements

The permittee shall provide information in the SWMP documenting the development and implementation of the program. At a minimum, the documentation must include:

1. A list of any public or private entities assisting with the development or implementation of the SWMP;
2. A list of all BMPs and measurable goals for each of the MCMs;
3. A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term;
4. A description of how each measurable goal will be evaluated; and
5. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.

Part IV. Monitoring and Evaluation, Recordkeeping, and Reporting

Section A. Monitoring and Evaluation

The permittee shall, in areas previously permitted under a Phase I permit, develop and implement an Alternate Stormwater Assessment Program (*See Part III.B.2(i)(5)*) and continue implementing a floatables monitoring and reduction program. The program must include:

1. Dry weather screening – The permittee shall continue to screen and detect the presence of illicit discharges to its MS4 (*See Part III.B.2(i)(5)*).
2. Evaluation of water quality – The permittee shall continue to evaluate the watershed using existing stormwater characterization data. This evaluation must be conducted in the existing Phase I areas where the permittee was previously responsible for outfall or watershed monitoring under the Wet Weather Characterization program and must include available data for the pollutants previously monitored by the permittee under its Phase I permits, as listed in Attachment 3. The results of the evaluation must be submitted with the year 4 annual report. Phase I areas under this requirement include: TxDOT Beaumont (WQ0004644000), City of San Antonio (WQ0004284000), TxDOT Austin (WQ0004645000), City of Houston (WQ0004685000), TxDOT Houston District (Pasadena) (WQ0004520000), City of Fort Worth (WQ0004350000), City of Arlington (WQ0004635000), and City of Dallas (WQ0004521000). (*See Part III.B.2(i)(5)*).
3. Floatables monitoring - The permittee shall continue to implement a program to reduce the discharge of floatables (e.g. litter and other human generated solid refuse) into the MS4, which must include source controls and, where necessary, structural controls and other appropriate controls. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the statewide annual report.

Section B. Recordkeeping

1. The permittee shall retain all records, a copy of this TPDES permit, and records of all data used to complete the application for this permit and to satisfy the public participation requirements, for a period of at least three (3) years, or for the remainder of the term of this permit, whichever is longer. This period may be extended by a request from the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The statewide SWMP required by this permit (including a copy of this permit) must be retained at a location accessible to the TCEQ.

3. The permittee shall make the application and the statewide 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. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.
4. 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 permittee.

Section C. Reporting

1. General Reporting Requirements

(a) Noncompliance Notification

According to 30 TAC §305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by electronic facsimile transmission (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 permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in the application, or any other report, the permittee shall promptly submit the facts or information to the executive director.

(c) Electronic Reporting

Effective December 21, 2020, the permittee must submit the statewide annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

Analytical results for determining compliance with effluent limitations shall be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. If the permittee is issued an electronic reporting waiver, the permittee shall submit analytical results to the TCEQ Enforcement Division (MC-224) on a Discharge Monitoring Report form (EPA No. 3320-1).

2. Statewide Annual Report

The permittee shall submit a concise statewide annual report that includes activities for the entire regulated MS4 and activities broken down by districts, as applicable, to the executive director within 180 days of the end of each reporting year. The annual report must address the previous reporting year and must include the activities from all Phase I and Phase II MS4 regulated areas.

The first reporting year for annual reporting purposes shall begin on the permit effective date, and shall last until the end of the first full fiscal year (September 1 to August 31).

The first annual report must include interim months between last reporting periods of expired permits to the permit effective date of this permit.

Subsequent reporting years will begin at the end of the first reporting year (September 1) and last for one (1) year (until August 31). The permittee shall also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

- (a) 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;
- (b) 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;
- (c) Where applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the permittee's BMPs used to address the pollutant of concern;
- (d) Progress toward reducing the discharge of the POCs to impaired waterbodies and all reporting requirements listed in Part II.D.3;
- (e) A summary of the stormwater activities the permittee plans to undertake during the next reporting year;
- (f) Proposed changes to the statewide SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- (g) 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;
- (h) Notice that the permittee is relying on another government entity(ies) to satisfy some of its permit obligations (if applicable);
- (i) The number of construction activities that occurred within the regulated area of the permittee;
- (j) The number on inspections conducted at construction sites;
- (k) A summary describing the number and nature of enforcement actions and inspections where applicable; and
- (l) Annual expenditures for the reporting year, with a breakdown for the major elements of the SWMP, and the budget for the year (reporting year) following each annual report.

The permittee shall sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports).

A paper copy of the statewide annual report must be submitted to the following address:

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

An electronic file copy of the statewide annual report must also be submitted to the Water Section manager of TCEQ Regional Offices that serves the regulated area of the permittee.

Part V. Other Requirements

1. By the end of the permit term, the permittee shall have completed and submitted original U.S. Geological Survey topographic quadrangle maps, or similar topographic maps with a scale between 1:10,000 and 1:24,000, which clearly delineates the following information:
 - (1) All points of discharge from the MS4 area that were not submitted with the TxDOT MS4 permit application received by TCEQ on March 18, 2013; and
 - (2) The location of major structural controls for stormwater discharge, including detention/retention ponds, major infiltration devices, etc.The permittee shall submit the requested information with the statewide annual reports over the five year permit term, such that each annual report submittal includes 20 percent of the information required in this section.
2. Within 180 days of permit issuance, the permittee shall submit a revised SWMP to the Stormwater & Pretreatment Team (MC-148) that includes all of the requirements listed in Parts II and III of this permit including a proposed implementation schedule for the five year permit term.

Part VI. Standard Permit Conditions**A. General**

1. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application in accordance with 30 TAC chapter 50 and the application process in accordance with 30 TAC Chapter 281, and relying upon the accuracy and completeness of that information and those representations in accordance with 30 TAC Chapter 305. After notice in accordance with 30 TAC Chapter 39 and opportunity for a hearing in accordance with 30 TAC §§55.21 – 55.31, Subchapter B, “Hearing Requests, Public Comment,” this permit may be modified, suspended, or revoked, in whole or in part in accordance with 30 TAC Chapter 305 Subchapter D, during its term for cause; including, but not limited to, the following:
 - a. Violation of any terms or conditions of this permit, or
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
2. The permittee shall furnish to the executive director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the executive director, upon request, copies of records required to be maintained as a provision of the permit.

B. Permit Transfer

1. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of a system authorized by this permit. Such notification should be sent to the Applications Review and Reporting Team (MC-148) of the Water Quality Division.
2. A permit may be transferred only according to the provisions of 30 TAC §305.64 (relating to Transfer of Permits) and 30 TAC §50.133 (relating to Executive Director Action on Application for Transfer).

C. Permit Amendment or Renewal

1. The permittee shall give notice to the Executive Director as soon as possible of any planned revisions to the statewide SWMP that would require amendment of the permit.
2. The permittee shall apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. Authorization to continue such activity will terminate upon the Commission’s denial of the application.
3. In accordance with the TWC §26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.

4. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge, and that standard or prohibition is more stringent than a numeric limitation that was established for that pollutant in this permit, then this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirements.
- D. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued, and is grounds for enforcement action and for terminating coverage under this permit.
- E. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- F. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- G. Authorization under this permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing or terminating authorization under this permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this permit.
- H. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's statewide SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.
- I. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC §26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- J. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:

1. Negligently or knowingly violating CWA, §§301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and
 2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.
- K. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).
- L. Authorization under this permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- M. The permittee shall implement its statewide SWMP on any new Phase II MS4 areas under its jurisdiction that are located in UAs or that are designated by the TCEQ. Implementation of the statewide SWMP in these areas is required the greater of three (3) years from acquiring the new MS4 area, or five (5) years from the date of initial permit coverage.
- N. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC §7.302(b)(6).

Attachment 1: Location of the regulated MS4 in TxDOT Districts

TxDOT District	Counties	Cities	ZIP Codes
Abilene	Jones	Abilene	79563, 79601-79603, 79605-79607
	Taylor	Abilene Impact, Potosi, Tye	
Amarillo	Potter	Amarillo, Bishop Hills	79101, 79103-79104, 79106- 79111, 79118-79119, 79121, 79124
	Randall	Lake Tanglewood, Palisades, Timbercreek Canyon	
Atlanta	Bowie	Nash, Red Lick, Texarkana, Wake Village	75501, 75503, 75569
	Harrison County		
Austin	Caldwell	San Marcos, Umland	78610, 78613, 78617, 78626, 78628, 78634, 78640-78642, 78652, 78655-78656, 78660, 78664, 78666, 78681, 78701-78705, 78717, 78719, 78721-78739, 78741- 78742, 78744-78754, 78756-78759
	Guadalupe	San Marcos	
	Hays	Austin, Buda, Hays, Kyle, San Marcos, Umland	
	Travis	Austin, Bee Cave, Cedar Park, Lakeway, Leander, Manor, Pflugerville, Rollingwood, San Leanna, Sunset Valley, The Hills, West Lake Hills	
	Williamson	Austin, Cedar Park, Georgetown, Hutto, Leander, Pflugerville, Round Rock	
Beaumont	Chambers	Cove, Mont Belvieu	77521, 77523
	Hardin	Lumberton, Rose Hill Acres	77611, 77619, 77625, 77627, 77630, 77632, 77640, 77642, 77651, 77657, 77662, 77701-77703, 77705-77708, 77713
	Jefferson	Beaumont, Central Garden, Groves, Nederland, Port Arthur, Port Neches	
	Orange	Bridge City, Orange, Pine Forest, Pinehurst, Rose City, Vidor, West Orange	
Bryan	Brazos	Bryan	
Corpus Christi	San Patricio	Gregory	78359, 78374, 78380, 78401-78402, 78404-78418
		Portland	
	Aransas	Corpus Christi	
	Kleberg		
	Nueces		
	San Patricio		
Dallas	Collin	Allen, Carrollton, Dallas, Fairview, Frisco, Garland, Hebron, Lavon, Lucas, McKinney, Murphy, Parker, Plano, Prosper, Richardson, Royse City, Sachse, St. Paul, Wylie	75001-75002, 75006- 75007, 75009-75010, 75013, 75019, 75022-75025, 75028, 75032, 75034- 75035, 75038, 75040-

TxDOT District	Counties	Cities	ZIP Codes
	Dallas	Addison, Balch Springs, Carrollton, Cedar Hill, Cockrell Hill, Coppell, Dallas, DeSoto, Duncanville, Farmers Branch, Ferris, Garland, Glenn Heights, Grand Prairie, Highland Park, Hutchins, Irving, Lancaster, Lewisville, Mesquite, Ovilla, Richardson, Rowlett, Sachse, Seagoville, Sunnyvale, University Park, Wilmer, Wylie	75044, 75048, 75050-75052, 75056-75057, 75060-75063, 75067-75070, 75074-75075, 75077-75078, 75080-75082, 75087-75089, 75093-75094, 75098, 75101-75102, 75104-75105, 75110, 75114-75116, 75119, 75121, 75125-75126, 75132, 75134, 75137, 75141-75144, 75146-75150, 75152-75155, 75158-75161, 75163-75167, 75169, 75172-75173, 75180-75182, 75189, 75201-75212, 75214-75220, 75223-75238, 75240-75241, 75243-75244, 75246-75249, 75251-75253, 75287, 75407, 75409,
	Denton	Coppell, Cross Roads, Hackberry, Hebron, Lakewood Village, Lincoln Park, Little Elm, Northlake, Oak Point, Roanoke, The Colony, Trophy Club	75424, 75442, 75452, 75454, 75474, 75485, 75495, 75859, 76041, 76050, 76052, 76064, 76065, 76084, 76177, 76201, 76205, 76207-76208, 76227, 76234, 76247, 76249, 76258-76259, 76262, 76266, 76272, 76551, 76639, 76641, 76648, 76666, 76670, 76679, 76681, 76693
	Ellis	Cedar Hill, Ferris, Glenn Heights, Grand Prairie, Lancaster, Midlothian, Oak Leaf, Ovilla, Pecan Hill, Red Oak, Waxahachie	
	Kaufman	Dallas, Mesquite, Seagoville	
	Rockwall	Dallas, Fate, Heath, McLendon-Chisholm, Mobile City, Rockwall, Rowlett, Royse City, Wylie	
El Paso	El Paso	Agua Dulce, Anthony, Canutillo, Clint, El Paso, Homestead Meadows North, Homestead Meadows South, Horizon City, Morning Glory, Prado Verde, San Elizario, Socorro, Sparks, Vinton, Westway	79821, 79835-79836, 79849, 79901-79908, 79912, 79915, 79922, 79924-79925, 79927, 79930, 79932, 79934-79936, 79938
Fort Worth	Denton	Fort Worth, Grapevine, Haslet, Southlake, Westlake	75022, 75028, 75050-75052, 76001-76002, 76006, 76008-76018, 76020-76023, 76028, 76031, 76034-76036, 76039-76040, 76043-76044, 76048-76054, 76058-76061, 76063, 76065-76067, 76070-
	Ellis	Mansfield	
	Johnson	Briaroaks, Burleson, Cross Timber, Crowley, Joshua, Mansfield	
	Parker	Fort Worth, Reno, Sanctuary, Springtown	

TxDOT District	Counties	Cities	ZIP Codes
	Tarrant	Arlington, Azle, Bedford, Benbrook, Blue Mound, Colleyville, Crowley, Dalworthington Gardens, Edgecliff Village, Euless, Everman, Forest Hill, Fort Worth, Grapevine, Haltom City, Haslet, Hurst, Keller, Kennedale, Lake Worth, Lakeside, Mansfield, North Richland Hills, Pantego, Pelican Bay, Richland Hills, River Oaks, Saginaw, Sansom Park, Southlake, Watauga, Westlake, Westover Hills, Westworth Village, White Settlement	76071, 76073, 76077, 76082, 76084, 76086-76088, 76092-76093, 76102-76112, 76114-76120, 76123, 76126-76127, 76131-76135, 76140, 76148, 76155, 76177, 76179-76180, 76225, 76230, 76234, 76246, 76248, 76262, 76270, 76365, 76389, 76401, 76426-76427, 76429, 76431, 76433, 76446, 76449, 76450, 76453, 76457-76459, 76462, 76463, 76472, 76475-76476, 76484, 76486-76487, 76490, 76649
	Wise	Fort Worth, Springtown	
Houston	Brazoria	Alvin, Angleton, Brookside Village, Clute, Freeport, Hillcrest, Iowa Colony, Lake Jackson, Manvel, Oyster Creek, Pearland, Richwood	77002-77004, 77006-77009, 77011-77015, 77017-77029, 77031-77045, 77047-77049, 77051, 77053-77079, 77081-77096, 77098-77099, 77301-77304, 77306, 77318, 77336, 77338-77339, 77346, 77354-77355, 77357, 77362, 77365, 77372-77373, 77375, 77378-77382, 77384-77386, 77388, 77396, 77401, 77422, 77429, 77433, 77447, 77449, 77450, 77459, 77469, 77471, 77477-77479, 77489, 77493, 77494, 77503-77507, 77510-77511, 77515, 77517-77518, 77520-77521, 77530-77532, 77536, 77539, 77541, 77545-77546, 77550-77551, 77554, 77562-77563, 77565-77566, 77568, 77571, 77573, 77578, 77581, 77583-77584, 77586-77587, 77590-77591, 77598
	Chambers	Baytown, Cove, Mont Belvieu, Shoreacres, Texas City	
	Fort Bend	Arcola, Houston, Katy, Meadows Place, Missouri City, Pleak, Richmond, Rosenberg, Stafford, Sugar Land	
	Galveston	Bayou Vista, Clear Lake Shores, Dickinson, Friendswood, Hitchcock, Kemah, La Marque, League City, Santa Fe, Texas City, Tiki Island	
	Harris	Baytown, Bellaire, Deer Park, El Lago, Friendswood, Galena Park, Hedwig Village, Hilshire Village, Houston, Humble, Hunters Creek Village, Jacinto City, Jersey Village, Katy, La Porte, League City, Missouri City, Morgan's Point, Nassau Bay, Pasadena, Seabrook, Shenandoah, South Houston, Southside Place, Spring, Spring Valley Village, Stafford, Taylor Lake Village, The Woodlands, Tomball, Webster, West University Place	
	Montgomery	Conroe, Cut and Shoot, Houston, Oak Ridge North, Panorama Village, Patton Village, Roman Forest, Shenandoah, Splendora, Stagecoach, The Woodlands, Willis, Woodbranch, Woodloch	
	Waller	Katy	

TxDOT District	Counties	Cities	ZIP Codes
Laredo	Webb	Laredo	78040-78041, 78043, 78045-78046
Lubbock	Lubbock	Lubbock	79382, 79401, 79403-79407, 79410-79416, 79423-79424;
		Wolfforth	
Odessa	Midland	Midland	79701, 79703, 79705-79707, 79758, 79761-79766
	Ector	Odessa	
Paris	Grayson	Dennison, Pottsboro, Sherman, Southmayd	75020-75021, 75076, 75090, 75092
Pharr	Cameron	Bixby, Brownsville, Cameron Park, Chula Vista, Combes, Del Mar Heights, Harlingen, La Feria, La Paloma, Laureles, Los Fresnos, Los Indios, Olmito, Orason, Primera, Rancho Viejo, Reid Hope King, San Benito, San Pedro, Santa Rosa, Solis, South Point, Villa Pancho	78501, 78503-78504, 78516, 78520-78521, 78526, 78537-78539, 78543, 78550, 78552, 78557-78560, 78562, 78566, 78570, 78572, 78575-78577, 78579, 78586, 78589, 78593, 78596
	Hidalgo	Alamo, Alton, Donna, Edcouch, Edinburg, Elsa, Hidalgo, La Villa, McAllen, Mercedes, Mission, Palmhurst, Palmview, Penitas, Pharr, Progreso, San Juan, Weslaco	
San Angelo	Tom Green	San Angelo	76901, 76903-76905
San Antonio	Bexar	Alamo Heights, Balcones, Castle Hills, China Grove, Cibolo, Converse, Fair Oaks Ranch, Helotes, Hill Country Village, Hollywood Park, Kirby, Leon Valley, Olmos Park, San Antonio, Schertz, Selma, Shavano Park, Terrel Hills, Universal City, Von Ormy, Windcrest	78006, 78015, 78023, 78073, 78108-78109, 78123-78124, 78130, 78132, 78148, 78154-78155, 78163, 78201-78202, 78204-78205, 78207-78240, 78242, 78244-78245, 78247-78261, 78263-78264, 78266
	Comal	Bulverde, Fair Oaks Ranch, Garden Ridge, New Braunfels, Schertz	
	Guadalupe	Cibolo, Marion, New Braunfels, Schertz	
	Kendall	Fair Oaks Ranch	
Tyler	Cherokee	Bullard	75601-75605, 75644, 75647, 75693, 75701-75704, 75706-75709, 75757, 75762, 75791
	Gregg	Clarksville City, Gladewater, Lakeport, Longview, White Oak	
	Harrison	Longview	
	Smith	Bullard, Tyler, Whitehouse	
	Upshur	Clarksville City, Gladewater, Union Grove	

TxDOT District	Counties	Cities	ZIP Codes
Waco	Bell	Belton, Harker Heights, Killeen, Morgan's Point Resort, Nolanville, Temple, Troy	76501-76502, 76504, 76513, 76522, 76539, 76541-76544, 76548-76549, 76559, 76579, 76640, 76643, 76655, 76657, 76701, 76704-76708, 76710-76712
	Coryell	Copperas Cove	
	Lampasas		
	McLennan	Bellmead, Beverly Hills, Hewitt, Lacy-Lakeview, Lorena, Robinson, Waco, Woodway	
Wichita Falls	Archer	Lakeside City	76301-76302, 76305-76306, 76308-76311
	Wichita	Wichita Falls	
Yoakum	Victoria	Quail Creek	77901, 77904-77905, 77988
		Victoria	

Attachment 2: Receiving Water Bodies

TxDOT District	Name of Waterbody	Segment Number	Name of River Basin
Abilene	Clear Fork of the Brazos River	1232	Brazos
	Fort Phantom Hill Reservoir	1236	
Amarillo	Canadian River above Lake Meredith	0103	Canadian
	Upper Prairie Dog Town Fork Red River	0229	Red
Atlanta	McKinney Bayou	0225	Red
	Wright Patman Lake	0302	Sulphur
	Days Creek	0304	
	Sabine River Above Toledo Bend Reservoir	0505	Sabine
Austin	Brushy Creek	1244	Brazos
	Granger Lake	1247	
	Lake Georgetown	1249	
	Lampasas River Above Stillhouse Hollow Lake	1217	
	North Fork San Gabriel	1251	
	Salado Creek	1243	
	San Gabriel River	1214	
	San Gabriel/North Fork San Gabriel	1248	
	Somerville Lake	1212	
	South Fork San Gabriel River	1250	
	Barton Creek	1430	Colorado
	Colorado River Above La Grange	1434	
	Colorado River Below La Grange	1402	
	Colorado River Below Lady Bird Lake	1428	

TxDOT District	Name of Waterbody	Segment Number	Name of River Basin
	Inks Lake	1407	
	Lake Austin	1403	
	Lake Buchanan	1408	
	Lake Lyndon B. Johnson	1406	
	Lake Travis	1404	
	Llano River	1415	
	Marble Falls Lake	1405	
	Onion Creek	1427	
	Pedernales River	1414	
	Lady Bird Lake	1429	
	Canyon Lake	1805	Guadalupe
	Cypress Creek	1815	
	Guadalupe River Above Canyon Lake	1806	
	Guadalupe River Below San Marcos River	1803	
	Johnson Creek	1816	
	Lower Blanco River	1809	
	Lower San Marcos River	1808	
	Plum Creek	1810	
	Upper Blanco River	1813	
	Upper San Marcos River	1814	
Beaumont	Sabine River Tidal	0501	Sabine
	Adams Bayou Tidal	0508	
	Cow Bayou Tidal	0511	
	Neches River Tidal	0601	Neches

TxDOT District	Name of Waterbody	Segment Number	Name of River Basin
	Pine Island Bayou	0607	
	Village Creek	0608	
	Taylor Bayou Above Tidal	0701	Neches-Trinity River
	Trinity River Tidal	0801	Trinity River
	Cedar Bayou Tidal	0901	Trinity San Jacinto Coastal
	Intracoastal Waterway Tidal	0702	Neches-Trinity Coastal
	Hillebrandt Bayou	0704	
	Sabine Lake	2412	Bays and Estuaries
	Trinity Bay	2422	
Bryan	Navasota River Below Lake Limestone	1209	Brazos
	Brazos River Above Navasota River	1242	
Corpus Christi	Nueces River Tidal	2101	Bays and Estuaries
	Nueces River Below Lake Corpus Christi	2102	
	Corpus Christi Bay	2481	
	Corpus Christi Inner Harbor	2484	
	Nueces Bay	2482	
	Oso Bay	2485	
	Laguna Madre	2491	
	Gulf Waters	2501	
	Nueces Bay	2482	
Dallas	Lake Tawakoni	0507	Sabine
	Upper Trinity River	0805	Trinity
	Bardwell Reservoir	0815	

TxDOT District	Name of Waterbody	Segment Number	Name of River Basin
	Lake Waxahachie	0816	
	East Fork Trinity River	0819	
	Lake Ray Hubbard	0820	
	Lavon Lake	0821	
	Elm Fork Trinity River below Lewisville Lake	0822	
	Lewisville Lake	0823	
	Denton Creek	0825	
	Grapevine Lake	0826	
	White Rock Lake	0827	
	Joe Pool Lake	0838	
	Elm Fork Trinity River Below Ray Roberts Lake	0839	
	Ray Roberts Lake	0840	
	Lower West Fork Trinity River	0841	
El Paso	Rio Grande Below International Dam	2308	Rio Grande
	Rio Grande Above International Dam	2314	
	Rio Grande Below Riverside Diversion Dam	2307	
Fort Worth	Lake Arlington	0828	Trinity River
	Joe Pool Lake	0838	
	Trinity River Below Eagle Mountain Reservoir	0808	
	Benbrook Lake	0830	
	Lower West Fork Trinity River	0841	
	West Fork Trinity River Below Lake Worth	0806	
	Lake Worth	0807	

TxDOT District	Name of Waterbody	Segment Number	Name of River Basin
	Eagle Mountain Reservoir	0809	
	Clear Fork Trinity River Below Benbrook Lake	0829	
Houston	Cedar Bayou Tidal	0901	Trinity-San Jacinto Coastal Basin
	Cedar Bayou Above Tidal	0902	
	San Jacinto River Tidal	1001	San Jacinto
	Lake Houston	1002	
	East Fork San Jacinto River	1003	
	West Fork San Jacinto River	1004	
	Houston Ship Channel/San Jacinto River Tidal	1005	
	Houston Ship Channel Tidal	1006	
	Houston Ship Channel/Buffalo Bayou Tidal	1007	
	Spring Creek	1008	
	Cypress Creek	1009	
	Caney Creek	1010	
	Peach Creek	1011	
Houston	Buffalo Bayou Tidal	1013	
	Buffalo Bayou Above Tidal	1014	
	Lake Creek	1015	
	Greens Bayou Above Tidal	1016	
	Whiteoak Bayou Above Tidal	1017	
	Clear Creek Tidal	1101	San Jacinto-Brazos Coastal
	Clear Creek Above Tidal	1102	
	Oyster Creek Above Tidal	1110	
	Armand Bayou Tidal	1113	
	Dickinson Bayou Tidal	1103	
	Dickinson Bayou Above Tidal	1104	
	Bastrop Bayou Tidal	1105	

TxDOT District	Name of Waterbody	Segment Number	Name of River Basin
	Oyster Creek Tidal	1109	Bays and Estuaries
	Old Brazos River Channel Tidal	1111	
	Upper Galveston Bay	2421	
	Clear Lake	2425	
	Tabbs Bay	2426	
	San Jacinto Bay	2427	
	Black Duck Bay	2428	
	Scott Bay	2429	
	Burnett Bay	2430	
	Moses Lake	2431	
	Chocolate Bay	2432	
	Barbours Cut	2436	
	Bayport Channel	2438	
	West Bay	2424	
	Brazos River Below Navasota River	1202	
Upper Oyster Creek	1245		
Laredo	Rio Grande Below Amistad Reservoir	2304	Rio Grande
Lubbock	Double Mountain Fork Brazos River	1241	Brazos
Odessa	Colorado River Below Lake J.B. Thomas	1412	Colorado
Paris	Red River Below Lake Texoma	0202	Red River
	Lake Texoma	0203	
Pharr	Arroyo Colorado Tidal	2201	Nueces-Rio Grande Coastal
	Arroyo Colorado Above Tidal	2202	
	Rio Grande Tidal	2301	Rio Grande
	Rio Grande Below Falcon Reservoir	2302	
	Laguna Madre	2491	Bays and Estuaries
	South Bay	2493	Bays and Estuaries
	Brownsville Ship Channel	2494	

TxDOT District	Name of Waterbody	Segment Number	Name of River Basin
	Gulf Waters	2501	Gulf of Mexico
San Angelo	Concho River	1421	Colorado
San Antonio	Guadalupe River Below Comal River	1804	San Antonio
	Comal River	1811	
	Guadalupe River Below Canyon Dam	1812	
	Lower Cibolo Creek	1902	
	Medina River Below Medina Diversion Lake	1903	
	Upper Leon Creek	1907	
	Lower Leon Creek	1906	
	Upper Cibolo Creek	1908	
	Salado Creek	1910	
	Upper San Antonio River	1911	
	Medio Creek	1912	
	Mid Cibolo Creek	1913	
Tyler	Sabine River Above Toledo Bend Reservoir	0505	Sabine
	Sabine River Below Lake Tawakoni	0506	
	Lake Palestine	0605	Neches
	Neches River Above Lake Palestine	0606	
	Angelina River Above Sam Rayburn Reservoir	0611	
	Lake Tyler/Lake Tyler East	0613	
Waco	Little River	1213	Brazos
	Lampasas River Below Stillhouse Hollow Lake	1215	
	Stillhouse Hollow Lake	1216	

TxDOT District	Name of Waterbody	Segment Number	Name of River Basin
	Lampasas River Above Stillhouse Hollow Lake	1217	
	Waco Lake	1225	
	Middle Bosque/South Basque River	1246	
	Brazos River/Lake Brazos	1256	
	Nolan Creek/South Nolan Creek	1218	
	Leon River Below Belton Lake	1219	
	Belton Lake	1220	
	Brazos River Above Navasota River	1242	
Wichita Falls	Wichita River Below Diversion Lake	0214	Red
	Lake Wichita	0219	
Yoakum	Lavaca River Tidal	1601	Lavaca
	Guadalupe River Below San Marcos River	1803	Guadalupe
	Lavaca Bay/Chocolate Bay	2453	Bays and Estuaries

Attachment 3: Pollutants used for Water Quality Evaluations

Parameter	Phase I permits where TxDOT was responsible for monitoring							
	4644	4284	4645	4685	4520	4350	4635	4521
Biological Oxygen Demand (BOD)	yes	yes	yes	yes	yes	yes	yes	yes
Chemical Oxygen Demand (COD)	yes	yes	yes	yes	yes	yes	yes	yes
Oil and Grease	yes	yes	yes	yes	yes	yes	yes	yes
Total Suspended Solids (TSS)	yes	yes	yes	yes	yes	yes	yes	yes
Total Dissolved solids (TDS)	yes	yes	yes	yes	yes	yes	yes	yes
Total Kjeldahl Nitrogen (TKN)	yes	yes	yes	yes	yes	no	no	no
Total Nitrogen	no	yes	yes	yes	yes	yes	yes	yes
Nitrite-N	yes	no	no	no	no	no	no	no
Nitrate-N	yes	yes	no	no	no	no	no	no
Ammonia-N	yes	yes	no	no	no	no	no	no
Nitrate+nitrite	no	yes	yes	no	no	no	no	no
Total Phosphorus	yes	yes	yes	yes	yes	no	no	no
Dissolved Phosphorus	yes	yes	yes	yes	yes	yes	yes	yes
Total Cadmium	yes	yes	yes	yes	yes	no	no	no
Total Chromium	yes	yes	no	no	no	yes	yes	yes
Total Copper	yes	yes	yes	yes	yes	yes	yes	yes
Total Lead	yes	yes	yes	yes	yes	yes	yes	yes
Total Zinc	yes	yes	yes	yes	yes	no	no	no
Total Arsenic	no	no	no	no	no	yes	yes	yes
Total Mercury	no	no	no	yes	yes	no	no	no
Total Nickel	no	yes	no	yes	yes	no	no	no
Total Silver	no	no	yes	yes	yes	no	no	no
E.coli	yes	yes	yes	yes	yes	yes	yes	yes
Total coliform	no	no	no	no	no	yes	yes	yes
Enterococci	no	no	yes	yes	yes	no	no	no
pH	yes	yes	yes	yes	yes	yes	yes	yes
Hardness as CaCO ₃	yes	yes	yes	yes	yes	no	no	no
Temp	yes	yes	yes	yes	yes	no	no	no
Atrazine	yes	no	yes	no	no	no	no	no
Cyanide Amendable	no	no	no	yes	yes	no	no	no
Total Cyanide	no	yes	no	no	no	no	no	no
Diazinon	no	yes	no	yes	yes	no	no	no
Carbaryl	no	no	no	no	no	yes	yes	yes
Chlorides as Cl	no	no	yes	no	no	no	no	no
Sulfates	no	no	yes	no	no	no	no	no