



Annual Reporting Requirements for Phase II (Small) MS4s TPDES General Permit Number TXR040000

Within 90 days of the end of each reporting year, regulated Phase II Municipal Separate Storm Sewer Systems (MS4s) must submit an annual report to the Texas Commission on Environmental Quality (TCEQ). The reporting year may include the permit year ending December 13, the MS4's fiscal year, or the calendar year.

As required by the Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040000, an MS4 operator must annually review its Stormwater Management Program (SWMP) in conjunction with the preparation of the annual report. If MS4s share a common SWMP, all permittees must contribute to a system-wide annual report (if applicable). Each permittee must sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports). This document contains an example format for annual reporting.

Note: For existing MS4s, the Year 1 annual report must include all months from permit issuance and interim months between the expired 2007 permit and the new 2013 permit (*i.e.*, August 13, 2013 to December 12, 2013).

Report Content

Refer to Part IV Section B.2 of the permit for annual report requirements.

Please submit the annual report with a cover letter to ensure that the report reaches the Stormwater & Pretreatment Team. See cover letter template Example 3 of the instructions. The 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 annual report must be submitted even if the SWMP has not yet been approved by the TCEQ.

A. General Information

1. Provide the:

- assigned authorization number, beginning and end dates of the annual reporting period (permit year, fiscal year, or calendar year),
- MS4 Operator Level:
 - Traditional small MS4s – level is based on the population served within the 2010 Urbanized Area,
 - Non-traditional small MS4s – *all* non-traditional small MS4s are categorized as *Level 2* regardless of population served within the Urbanized Area. These include counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts.
- name of the permittee (owner/operator of the MS4, i.e. municipality, water district, etc.),
- name, telephone number, mailing address and e-mail address for the appropriate contact person.

B. Narrative Provisions

The purpose of the annual report is to inform TCEQ of the status of compliance with permit conditions – including, the appropriateness of selected best management practices (BMPs) and the progress towards achieving the measurable goals for each BMP.

1. Provide a brief description on the status of complying with permit conditions according to Part V of the permit. Include compliance with the SWMP that TCEQ approved, compliance with record keeping and reporting requirements, and compliance with permit eligibility requirements.
2. Each MS4 is required to assess the appropriateness of the BMPs in reducing the discharge of pollutants to the maximum extent practicable (MEP). Provide a general assessment of the appropriateness of the selected BMPs, including whether any of the selected BMPs are not appropriate (*See Example 1 – BMP Status*).
3. Describe progress towards reducing the discharge of pollutants. Summarize any information used to evaluate reductions in the discharge of pollutants. This information can be included in a tabular format as provided in the form, or attached in a narrative format.

4. Provide a general evaluation of the success of the implementation of the measurable goals, including any obstacles or challenges in meeting the SWMP schedule, etc. (See *Example 2 – Measurable Goals Status*).

C. Stormwater Monitoring Data

Indicate whether the MS4 has conducted monitoring of stormwater quality, including analytical data and visual observations. Provide an explanation along with any monitoring data used to evaluate the success of the SWMP at reducing pollutants to the maximum extent practicable. Include a discussion of results with the explanation or summary.

D. Impaired Waterbodies

If the receiving water body is newly listed as impaired or a Texas Total Maximum Daily Load (TMDL) has been established, refer to Part II Section D of general permit TXR040000 for additional information about limitations on permit coverage, compliance with water quality standards, and prohibited discharges (Edwards Aquifer Recharge Zone, specific watersheds, etc.).

Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act §303(d) List. Pollutants of concern are those for which the water body is listed as impaired. New sources or new discharges of the pollutant(s) of concern to impaired waters are not authorized by the permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law.

To determine if your receiving water has been listed as impaired, refer to the most recent Texas List of Impaired Waters on the TCEQ website at [Texas List of Impaired Waters](#)

- Texas 303(d) List

Category 5 of the Integrated Report comprises the 303(d) List. The 303(d) list identifies those impaired waters for which the state plans to develop TMDLs.

- Index of All Impaired Waters

Categories 4 and 5 together comprise the list of all impaired waters. Category 4 includes impaired waters for which TMDLs have already been adopted, or for which other management strategies are underway to improve water quality. Category 5 includes impaired waters for which TMDLs or other management strategies are planned.

A TMDL is the maximum amount of a water quality contaminant that can be discharged into a body of surface water on a daily basis without causing an exceedance of surface water quality standards. More general information about TMDLs is located on the TCEQ website at:

<<http://www.tceq.state.tx.us/implementation/water/tmdl/tmdlprogram.html>>.

For specific information on segments with TMDLs adopted by the Commission see: [TMDLs](#)

NOTE: Discharges of pollutant(s) of concern to impaired water bodies for which there is a TMDL implementation plan (I-Plan) are not eligible for coverage under this general permit unless they are consistent with the approved TMDL and the implementation plan. In order to be eligible for permit coverage, MS4 operators must incorporate into their SWMP the limitations, conditions and requirements applicable to their discharges, including monitoring frequency and reporting as required by the TCEQ rules. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual TPDES permit.

1. If applicable, explain in the worksheets or attach a summary of any activities taken to address the discharge to impaired waterbodies, including any in-stream or outfall sampling results or other available data (include the source of the data) and a summary of the small MS4's BMPs used to address the pollutant of concern. Data may be acquired from TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate.
2. Indicate information about implementing targeted controls.
3. Report the benchmark and assessment activities. Annual reports should include the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.
4. Add an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark.
5. Include focused BMPs to address impairment. If the impairment is for bacteria refer to Part II.D.4(5) of the general permit.
6. Assess progress in achieving the benchmark.

E. Stormwater activities next reporting year

Describe any stormwater activities the MS4 operator has planned for the next reporting year. Use the provided table or attach a summary, as appropriate.

F. SWMP Modifications and Additional Information

1. If changes have been made or are proposed to the SWMP, those modifications must be addressed in the annual report as required in Part IV Section B2 of the permit. If the TCEQ has notified you in writing that changes to the SWMP are necessary, those changes must be included in the report. Be sure to provide the following information in the explanation:

a) Be sure to provide the following information in the explanation:

- i. Describe changes made to or proposed for the SWMP during the reporting year, including changes to BMPs, measurable goals, dates, contacts, procedures or details during the permit year.
- ii. If changes include additions or substitutions of BMPs, include a written analysis explaining why the original BMP is ineffective or not feasible and why the replacement BMP is expected to achieve the goals of the original BMP.

Note: A Notice of Change (NOC) is required if revisions are proposed to a SWMP that has already been approved by the TCEQ. If the initial SWMP has not been approved, submit a letter describing the change(s) so that information may be considered during the SWMP review process. If an NOC is required, it must be submitted separately to the address shown on the NOC form. Do not attach the form to this report.

G. Additional BMPs

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans.

H. Additional Information

1. Indicate if the MS4 is relying on another entity to satisfy some of the permit obligations. Include the name of the other entity and an explanation of the elements of the SWMP that the entity is responsible for implementing. A description of the agreement or written documentation of the agreement must be included in the SWMP.
2. If permittees share a common SWMP, list all associated authorization numbers and permittee names. Add more spaces or pages if needed.
3. Indicate if this is a system-wide annual report including information for all permittees. If "Yes," all represented permittees must sign the report in accordance with signatory requirements. The regulation governing who may sign an application form is at 30 Texas Administrative Code (TAC) §305.128.

I. Construction Activities

1. Provide the number of construction projects in the jurisdiction of the MS4 where the permittee was not the construction site operator (as provided in submittals to the MS4 operator via notices of intent or site notices).
2. Does the permittee utilize the seventh MCM related to construction? To answer "Yes," this must have been requested on the Notice of Intent (NOI) or on an NOC and approved by the TCEQ.
 - If "Yes," then provide information about the number of municipal construction activities authorized under this general permit during the reporting period and the total number of acres disturbed for municipal construction projects.

J. Certification

The annual report must be signed by a principal executive officer or ranking elected official, or by a duly authorized representative as referenced in 30 TAC §305.128. The Delegation of Signatories to Reports (TCEQ Form 20403) can be located by visiting <http://www.tceq.state.tx.us> and selecting the Forms option.

For shared SWMPs, it would be acceptable to submit separate signature pages for each operator participating in the shared SWMP along with one copy of the system-wide annual report.

Example 1– BMP Status

MCM(s)	BMP	BMP is appropriate for reducing the discharge of pollutants in stormwater (yes or no). Explain.
2: Illicit Discharge Detection and Elimination	Map all outfalls and all water bodies receiving discharges from the MS4.	Yes, identified 10 new sources and eliminated 2.
2: Illicit Discharge Detection and Elimination	Perform field screening of outfalls.	Yes, there was an increase in illegal discharge detection through screening.

3/4: Construction Site Control and Post-Construction Site Control	Implement stormwater ordinance for construction and post-construction runoff control	Yes, there were reductions in sanitary sewer flows (SSOs).
5: Pollution Prevention & Good Housekeeping for Municipal Operations	Train all public works and streets staff	Yes, conducted 5 educational opportunities for staff.
6. Industrial stormwater sources – if applicable	Inspect industrial facilities	Yes, there was a decrease in illegal dumping into water bodies.

Example 2– Measurable Goals Status

MCM	Measurable Goal(s)	Success
1	Provide utility bill inserts to each utility customer at least once each year.	Met goal
1	Conduct one public meeting or city-wide cleanup day each year.	Exceeded goal: conducted one public meeting and two cleanup days.
2	Map 25% of outfalls and 50% of receiving waters during Year 1 (same as milestone)	Met goal
3	Perform site inspections of 25% of all active construction sites.	Did not meet goal. Number of construction sites in city was far above normal for the year.
3	Respond to 100% of construction complaints received.	Met goal

MCM	Measurable Goal(s)	Success
4	Review all site plans submitted for new development projects.	Met goal
5	Sweep 50% of roads each year.	Exceeded goal – swept all city streets in Year 1.
6	Inspect 5 industrial facilities	Met goal
	Send two employees each year to a stormwater training workshop.	Met goal

Example 3 – Cover Letter Template

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

Re: Phase II MS4 Annual Report Transmittal for { *Small MS4 Name* }
TPDES Permit Authorization: TXR04_ { *include your unique authorization number* }

Dear Team Leader:

This letter serves to transmit the _____ [year] Annual Report for the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, Authorization Number TXR040____ for the [Small MS4 name].
A separate Notice of Change [has been / has not been / will be] submitted based on the fact that changes [have been / have not been] proposed for the next permit year.
As required by the general permit, a copy of this submittal has also been mailed to the TCEQ's regional office in _____, Texas.

Sincerely,

{Name}

Phase II (Small) MS4 Annual Report Form

TPDES General Permit Number TXR040000

A. General Information

Authorization Number: _____ Annual Reporting Year: (calendar year, permit year, or fiscal year): _____ Last day of fiscal year, if applicable: _____

MS4 Operator Level: _____ Name of MS4/Permittee: _____

Contact Name: _____ Telephone Number: _____

Mailing Address: _____

E-mail Address: _____

B. Narrative Provisions (Part IV Section B.2.(a))

Provide information on the status of complying with permit conditions: (Part V - Standard Permit Conditions):

	Yes	No	Explain
Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.			
Permittee is currently in compliance with recordkeeping and reporting requirements.			
Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.)			

2. Provide a general assessment of the appropriateness of the selected BMPs. Use table below or attach a summary, as appropriate (See Example 1 in instructions):

MCM(s)	BMP	BMP is appropriate for reducing the discharge of pollutants in stormwater (yes or no). Explain.

MCM(s)	BMP	BMP is appropriate for reducing the discharge of pollutants in stormwater (yes or no). Explain.

3. Describe progress towards reducing the discharge of pollutants to the maximum extent practicable. Summarize any information used (such as monitoring data) to evaluate reductions in the discharge of pollutants. Use a table or attach a narrative description as appropriate:

MCM	BMP	Parameter	Quantity	Units	Does BMP Demonstrate a Direct Reduction in Pollutants? (Yes / No / Explain)

____Yes ____No

a. Explain below or attach a summary to submit along with any monitoring data used to evaluate the success of the SWMP at reducing pollutants to the maximum extent practicable. Be sure to include a discussion of results:

D. Impaired Waterbodies (Part IV Section B.2.(c))

1. If applicable, explain below or attach a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4's BMPs used to address the pollutant of concern:

2. Describe the implementation of targeted controls if the small MS4 discharges to an impaired water body with an approved TMDL (*Part II Section D.4.(a)*):

3. Report the benchmark identified by the MS4 and assessment activities (*Part II Section D.4.(a)(6)*):

Benchmark Parameter <i>(Ex: Total Suspended Solids)</i>	Benchmark Value	Description of additional sampling or other assessment activities	Year(s) conducted

4. Provide an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark (*Part II Section D.4.(a)(4)*):

Benchmark Parameter	Selected BMP	Contribution to achieving Benchmark

5. If applicable, report on focused BMPs to address impairment (*Part II Section D.4.(a)(5)*):

Pollutant to Address <i>(Ex: Bacteria)</i>	Description of Focused BMP	Comments/Discussion

6. Describe progress in achieving the benchmark (*Part II.D.4.(a)(6)*):

For example, the MS4 may use the following indicators:

- number of sources identified or eliminated;
- decrease in number of illegal dumping;
- increase in illegal dumping reporting;
- number of educational opportunities conducted;
- reductions in sanitary sewer flows (SSOs)
- increase in illegal discharge detection through dry screening

Benchmark Indicator	Description/Comments

E. Stormwater Activities (Part IV Section B.2.(d))

Describe any stormwater activities the MS4 operator has planned for the next reporting year. Use the table or attach a summary, as appropriate:

MCM(s)	BMP	Stormwater Activity	Description/Comments

MCM(s)	BMP	Stormwater Activity	Description/Comments

F. SWMP Modifications (Part IV Section B.2.(e))

1. Changes have been made or are proposed to the SWMP since the NOI or the last annual report, including changes in response to TCEQ's review.
 ____Yes____No

If 'Yes', report on changes made to measurable goals and BMPs:

MCM(s)	Measurable Goal(s) or BMP(s)	Implemented or Proposed Changes (Submit NOC as needed)
3	<i>Measurable Goal - Perform site inspections of 25% of all active construction sites.</i>	<i>Revise goal to perform site inspections of 25% of all active construction sites, or a minimum of 50 sites per year. Submitted NOC along with the annual report to reflect this change.</i>

MCM(s)	Measurable Goal(s) or BMP(s)	Implemented or Proposed Changes (Submit NOC as needed)

Note: If changes include additions or substitutions of BMPs, include a written analysis explaining why the original BMP is ineffective or not feasible and why the replacement BMP is expected to achieve the goals of the original BMP.

2. Explain additional changes or proposed changes not previously mentioned (i.e. dates, contacts, procedures, annexation of land etc.):

G. Additional BMPs (Part IV Section B.2.(f))

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans.

BMP	Description	Implementation Schedule (Start Date etc.)	Status / Completion Date (completed, in progress, not started)

H. Additional Information (Part IV Section B.2.(g))

1. Is the permittee relying on another entity/ies to satisfy some of its permit obligations?

Yes No

If 'Yes,' provide the name(s) of other entity/ies and an explanation of their responsibilities (add more spaces or pages if needed):

Name and Explanation:

2.a. Is the named permittee sharing a SWMP with other entities?

Yes No

2.b. If 'yes,' is this a system-wide annual report including information for all permittees?

Yes No

If 'Yes,' list all associated permit numbers and permittee names (add additional spaces or pages if needed):

Authorization Number: _____ Permittee: _____

I. Construction Activities (Part IV Section B.2.(h-i))

1. The number of construction projects in the jurisdiction of the MS4 where the permittee was not the construction site operator (as provided in submittals to the MS4 operator via notices of intent or site notices) _____

2. a. Does the permittee utilize the optional seventh MCM related to construction?

___ Yes ___ No

2. b. If 'yes,' then provide the following information for this permit year:

The number of municipal construction activities authorized under this general permit	
The total number of acres disturbed for municipal construction projects	

Note: *Though the seventh MCM is optional, implementation must be requested on the NOI or on a NOC and approved by the TCEQ.*

J. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Name (printed): _____ Title: _____

Signature: _____ Date: _____

Note: If this is this a system-wide annual report including information for all permittees, each permittee shall sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports).