

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of Chief Clerk **DATE:** October 24, 2016

From: Robert Brush
Attorney
Environmental Law Division

Subject: Backup Documents Filed for Consideration of Hearing Requests at
Agenda

Applicant: Texas Department of Transportation
Proposed Permit No.: WQ0005011000
Program: Water
Docket No.: TCEQ Docket No. 2016-1703-IWD

Enclosed please find an original and seven copies of the following documents for inclusion in the backup material for this permit application:

- Draft permit
- Fact sheet and ED's preliminary decision
- Compliance history reports

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 (ROWs) 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) and within previous TxDOT Phase I MS4 areas 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

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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.D3(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, Uhland	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, Uhland	
	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	Bryan	77801-77803, 77807- 77808, 77840, 77844	
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, 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
	Denton	Coppell, Cross Roads, Hackberry, Hebron, Lakewood Village, Lincoln Park, Little Elm, Northlake, Oak Point, Roanoke, The Colony, Trophy Club	
	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, Splendor, 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	
	Old Brazos River Channel Tidal	1111	
	Upper Galveston Bay	2421	Bays and Estuaries
	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	Brazos
	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		
Tyler	Mid Cibolo Creek	1913	Sabine	
	Sabine River Above Toledo Bend Reservoir	0505		
	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						
Nitrite-N	yes	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 CaCO3	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

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0005011000 for the Municipal Separate Storm Sewer System (MS4) areas to discharge to surface water in the state.

ISSUING OFFICE:

Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, Texas 78711-3087

APPLICANT(S):

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

PREPARED BY:

Hanne Lehman Nielsen
Wastewater Permitting Section (MC-148)
Water Quality Division
(512) 239-6524

DATE: November 11, 2014

PERMIT ACTION: Renewal with Major Amendment

I. EXECUTIVE DIRECTOR RECOMMENDATION

The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. It is proposed the permit be issued to expire five years from the date of issuance, following the requirements of 30 Texas Administrative Code (TAC) Chapter 305.

II. APPLICANT ACTIVITY

The applicant currently operates the Texas Department of Transportation (TxDOT) Municipal Separate Storm Sewer System (MS4) as established by the TxDOT Right-of-Way (ROW) within Phase I areas based on the 1990 U.S. Census Bureau and based on urbanized areas established by the 2000 and 2010 U.S. Census Urbanized Area Map - hereafter referred to as TxDOT's "Regulated Area".

TxDOT has previously been operating under co-permittee status in a cooperative effort of its Phase I MS4 portions with the following entities as required by the associated TPDES Phase I MS4 individual permits: City of Abilene-TPDES Permit No. WQ0004692000, City of Amarillo-TPDES Permit No. WQ0004678000, City of Arlington-TPDES Permit No. WQ0004635000, City of Corpus Christi-TPDES Permit No. WQ0004200000, City of El Paso-TPDES Permit No. WQ0004527000, City of Fort Worth-TPDES Permit No. WQ0004350000, City of Houston-TPDES Permit No. WQ0004685000, City of Laredo-TPDES Permit No. WQ0004592000, City of Lubbock-TPDES Permit No.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

WQ0004773000, City of San Antonio-TPDES Permit No. WQ0004284000, and City of Waco-TPDES Permit No. WQ0004774000.

TxDOT has also been operating under individual permittee status for the Phase I MS4 areas in City of Beaumont, TPDES Permit No. WQ0004644000 and City of Pasadena, TPDES Permit No. WQ0004520000.

TxDOT has been operating under combined permit status that includes the requirements of Phase I permits and the TCEQ Phase II Small MS4 General Permit No. TXR0400000 within the Austin District, TPDES Permit No. WQ0004645000, and Dallas District, TPDES Permit No. WQ0004521000.

In addition to the fifteen (15) individual TPDES permits listed above, TxDOT operates under the following nineteen (19) Phase II Small MS4 general permit authorizations: Abilene TxDOT MS4 area, Permit No. TXR040158; Amarillo TxDOT MS4 area, Permit No. TXR040176; Texarkana TxDOT MS4 area, Permit No. TXR040179; Beaumont and Port Arthur TxDOT MS4 area, Permit No. TXR040180; Bryan and College Station TxDOT MS4 area, Permit No. TXR040181; Corpus Christi TxDOT MS4 area, Permit No. TXR040182; El Paso TxDOT MS4 area, Permit No. TXR040183; Fort Worth TxDOT MS4 area, Permit No. TXR040184; Houston, Galveston, Angleton, Lake Jackson, Texas City, and The Woodlands TxDOT MS4 area, Permit No. TXR040191; Lubbock TxDOT MS4 area, Permit No. TXR040169; Odessa and Midland TxDOT MS4 area, Permit No. TXR040163; Sherman and Denison TxDOT MS4 area, Permit No. TXR040166; McAllen, Harlingen, and Brownsville TxDOT MS4 area, Permit No. TXR040171; San Angelo TxDOT MS4 area, Permit No. TXR040195; San Antonio TxDOT MS4 area, Permit No. TXR040198; Tyler TxDOT MS4 area, Permit No. TXR040170; Killeen, Copperas Cove, Morgans Point, Belton, Temple, Lacy, Lakeview, Bellmead, Robinson, Hewitt, Woodway, and Beverly Hills TxDOT MS4 area, Permit No. TXR040199; Wichita Falls TxDOT MS4 area, Permit No. TXR040209; and Victoria TxDOT MS4 area, Permit No. TXR040212.

TxDOT has requested that these thirty-four (34) separate Phase I MS4 permits and Phase II MS4 authorizations, along with new Phase II regulated areas based on the 2010 U.S. Census, be combined into one individual statewide permit that covers the "Regulated Area" in order to offer an improved and streamlined MS4 program that provides greater efficiencies related to management and reporting, and increases water quality benefits.

III. DISCHARGE LOCATION

As authorized by the Clean Water Act (CWA) §402(p), this permit is proposed on a state-wide basis. This permit covers all MS4 areas, except for any agricultural lands, within the TxDOT ROW, and within Phase I areas based on the 1990 U.S. Census and within the urbanized areas established by the 2000 and 2010 U.S. Census Bureau Urbanized Area Maps - hereafter referred to as "TxDOT's Regulated Area". The TxDOT MS4 Regulated Area is located within the following TxDOT Districts and applicable counties, cities, and zip codes as presented in Table 1 below.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

TABLE 1: TxDOT Districts and Applicable Counties, Cities, and ZIP Codes			
TxDOT District	Counties	Cities	ZIP Code(s)
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	
Austin	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	
	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	77801-77803, 77807-77808, 77840, 77844
		College Station	
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-

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 1: TxDOT Districts and Applicable Counties, Cities, and ZIP Codes**

TxDOT District	Counties	Cities	ZIP Code(s)
Dallas	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, 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, 76639, 76641, 76648, 76551, 76666, 76670, 76679, 76681, 76693
	Denton	Coppell, Cross Roads, Hackberry, Hebron, Lakewood Village, Lincoln Park, Little Elm, Northlake, Oak Point, Roanoke, The Colony, Trophy Club	
	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,
	Ellis	Mansfield	
	Johnson	Briar Oaks, Burleson, Cross Timber, Crowley, Joshua, Mansfield	
	Parker	Fort Worth, Reno, Sanctuary, Springtown	

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

TABLE 1: TxDOT Districts and Applicable Counties, Cities, and ZIP Codes			
TxDOT District	Counties	Cities	ZIP Code(s)
Fort Worth	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	76065-76067, 76070-76071, 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	
Houston	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	
Laredo	Webb	Laredo	78040-78041, 78043, 78045-78046
Lubbock	Lubbock	Lubbock	

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

TABLE 1: TxDOT Districts and Applicable Counties, Cities, and ZIP Codes			
TxDOT District	Counties	Cities	ZIP Code(s)
		Wolfforth	79382, 79401, 79403-79407, 79410-79416, 79423-79424;
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, Progresso, 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	
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 County	Lakeside City	76301-76302, 76305-76306, 76308-76311
	Wichita	Wichita Falls	
Yoakum	Victoria	Quail Creek	77901, 77904-77905, 77988
		Victoria	

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

Discharge is via the MS4 to various ditches and tributaries that eventually reach the streams and stream segments as listed in Table 2 below.

TABLE 2: Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses
	Name	Segment		
Abilene	Clear Fork of the Brazos River	1232	Brazos	primary contact recreation and high aquatic life use
	Fort Phantom Hill Reservoir	1236		primary contact recreation, high aquatic life use and public water supply
Amarillo	Canadian River above Lake Meredith	0103	Canadian	primary contact recreation and high aquatic life use
	Upper Prairie Dog Town Fork Red River	0229	Red	primary contact recreation and high aquatic life use
Atlanta	McKinney Bayou	0225	Red	primary contact recreation, limited aquatic life use and public water supply
	Wright Patman Lake	0302	Sulphur	primary contact recreation, high aquatic life use and public water supply
	Days Creek	0304		primary contact recreation and intermediate aquatic life use
	Sabine River Above Toledo Bend Reservoir	0505	Sabine	primary contact recreation, high aquatic life use and public water supply
Austin	Brushy Creek	1244	Brazos	primary contact recreation, high aquatic life use and public water supply/aquifer protection
	Granger Lake	1247		primary contact recreation, high aquatic life use and public water supply
	Lake Georgetown	1249		primary contact recreation, high aquatic life use and public water supply/aquifer protection
	Lampasas River Above Stillhouse Hollow Lake	1217		primary contact recreation and high aquatic life use
	North Fork San Gabriel	1251		primary contact recreation, high aquatic life use and public water supply/aquifer protection
	Salado Creek	1243		primary contact recreation, high aquatic life use and public water supply/aquifer protection
	San Gabriel River	1214		primary contact recreation, high aquatic life use and public water supply
	San Gabriel/North Fork San Gabriel	1248		primary contact recreation, high aquatic life use and public water supply/aquifer protection
	Somerville Lake	1212		primary contact recreation, high aquatic life use and public water supply
	South Fork San Gabriel River	1250		primary contact recreation, high aquatic life use and public water supply/aquifer protection
	Barton Creek	1430	Colorado	contact recreation, high aquatic life use and aquifer protection
	Colorado River Above La Grange	1434		primary contact recreation, exceptional aquatic life use and public water safety

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 2:** Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses
	Name	Segment		
Austin	Colorado River Below La Grange	1402	Colorado	primary contact recreation, high aquatic life use and public water supply
	Colorado River Below Lady Bird Lake	1428		primary contact recreation, exceptional aquatic life use and public water supply
	Inks Lake	1407		primary contact recreation, high aquatic life use and public water supply
	Lake Austin	1403		primary contact recreation, high aquatic life use and public water supply
	Lake Buchanan	1408		primary contact recreation, high aquatic life use and public water supply
	Lake Lyndon B. Johnson	1406		primary contact recreation, high aquatic life use and public water supply
	Lake Travis	1404		primary contact recreation, exceptional aquatic life use and public water supply
	Llano River	1415		primary contact recreation, high aquatic life use and public water supply
	Marble Falls Lake	1405		primary contact recreation, high aquatic life use and public water supply
	Onion Creek	1427		primary contact recreation, high aquatic life use and public water supply/aquifer protection
	Pedernales River	1414		primary contact recreation, high aquatic life use and public water supply
	Lady Bird Lake	1429		primary contact recreation, high aquatic life use and public water supply
	Canyon Lake	1805	Guadalupe	primary contact recreation, exceptional aquatic life use and public water safety/aquifer protection
	Cypress Creek	1815		primary contact recreation, exceptional aquatic life use and public water supply/aquifer protection
	Guadalupe River Above Canyon Lake	1806		primary contact recreation, exceptional aquatic life use and public water safety/aquifer protection
	Guadalupe River Below San Marcos River	1803		primary contact recreation, high aquatic life use and public water supply
	Johnson Creek	1816		primary contact recreation, exceptional aquatic life use and public water safety
	Lower Blanco River	1809		primary contact recreation, high aquatic life use and public water supply/aquifer protection
Lower San Marcos River	1808	primary contact recreation, high aquatic life use and public water supply		
Plum Creek	1810	primary contact recreation, high aquatic life use and aquifer protection		

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 2:** Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses
	Name	Segment		
	Upper Blanco River	1813		primary contact recreation, exceptional aquatic life use and public water safety/aquifer protection
Austin	Upper San Marcos River	1814	Guadalupe	primary contact recreation, exceptional aquatic life use and aquifer protection
Beaumont	Sabine River Tidal	0501	Sabine	primary contact recreation and high aquatic life use
	Adams Bayou Tidal	0508		primary contact recreation and high aquatic life use
	Cow Bayou Tidal	0511		primary contact recreation and high aquatic life use
	Neches River Tidal	0601	Neches	primary contact recreation and intermediate aquatic life use
	Pine Island Bayou	0607		primary contact recreation, high aquatic life use and public water supply
	Village Creek	0608		primary contact recreation, high aquatic life use and public water supply
	Taylor Bayou Above Tidal	0701	Neches-Trinity River	primary contact recreation and intermediate aquatic life use
	Trinity River Tidal	0801	Trinity River	primary contact recreation and high aquatic life use
	Cedar Bayou Tidal	0901	Trinity San Jacinto Coastal	primary contact recreation and high aquatic life use
	Intracoastal Waterway Tidal	0702	Neches-Trinity Coastal	primary contact recreation and high aquatic life use
	Hillebrandt Bayou	0704		primary contact recreation and intermediate aquatic life use
	Sabine Lake	2412	Bays and Estuaries	primary contact recreation, high aquatic life use and oyster waters
	Trinity Bay	2422		primary contact recreation, high aquatic life use and oyster waters
Bryan	Navasota River Below Lake Limestone	1209	Brazos	primary contact recreation, high aquatic life use and public water supply
	Brazos River Above Navasota River	1242		primary contact recreation, high aquatic life use and public water supply
Corpus Christi	Nueces River Tidal	2101	Bays and Estuaries	primary contact recreation and high aquatic life use
	Nueces River Below Lake Corpus Christi	2102		primary contact recreation, high aquatic life use and public water supply
	Corpus Christi Bay	2481		primary contact recreation, exceptional aquatic life use and oyster waters
	Corpus Christi Inner Harbor	2484		non-contact recreation and intermediate aquatic life use

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 2:** Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses
	Name	Segment		
Corpus Christi	Nueces Bay	2482	Bays and Estuaries	primary contact recreation, exceptional aquatic life use and oyster waters
	Oso Bay	2485		primary contact recreation, exceptional aquatic life use and oyster waters
	Laguna Madre	2491		primary contact recreation, exceptional aquatic life use and oyster waters
	Gulf Waters	2501		primary contact recreation, exceptional aquatic life use and oyster waters
	Nueces Bay	2482		primary contact recreation, exceptional aquatic life use, and oyster waters
Dallas	Lake Tawakoni	0507	Sabine	primary contact recreation, high aquatic life use and public water supply
	Upper Trinity River	0805	Trinity	primary contact recreation and high aquatic life use
	Bardwell Reservoir	0815		primary contact recreation, high aquatic life use and public water supply
	Lake Waxahachie	0816		primary contact recreation, high aquatic life use and public water supply
	East Fork Trinity River	0819		primary contact recreation and intermediate aquatic life use
	Lake Ray Hubbard	0820		primary contact recreation, high aquatic life use and public water supply
	Lavon Lake	0821		primary contact recreation, high aquatic life use and public water supply
	Elm Fork Trinity River below Lewisville Lake	0822		primary contact recreation, high aquatic life use and public water supply
	Lewisville Lake	0823		primary contact recreation, high aquatic life use and public water supply
	Denton Creek	0825		primary contact recreation, high aquatic life use and public water supply
	Grapevine Lake	0826		primary contact recreation, high aquatic life use and public water supply
	White Rock Lake	0827		primary contact recreation and high aquatic life use
	Joe Pool Lake	0838		primary contact recreation, high aquatic life use and public water supply
	Elm Fork Trinity River Below Ray Roberts Lake	0839		primary contact recreation, high aquatic life use and public water supply
	Ray Roberts Lake	0840		primary contact recreation, high aquatic life use and public water supply
Lower West Fork Trinity River	0841	primary contact recreation and intermediate aquatic life use		
El Paso	Rio Grande Below International Dam	2308	Rio Grande	primary contact recreation and limited aquatic life use

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 2:** Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses
	Name	Segment		
	Rio Grande Above International Dam	2314		primary contact recreation, high aquatic life use and public water supply
	Rio Grande Below Riverside Diversion Dam	2307		primary contact recreation, high aquatic life use and public water supply
Fort Worth	Lake Arlington	0828	Trinity River	primary contact recreation, high aquatic life use and public water supply
	Joe Pool Lake	0838		primary contact recreation, high aquatic life use and public water supply
	Trinity River Below Eagle Mountain Reservoir	0808		primary contact recreation, high aquatic life use and public water supply
	Benbrook Lake	0830		primary contact recreation, high aquatic life use and public water supply
	Lower West Fork Trinity River	0841		primary contact recreation and intermediate aquatic life use
	West Fork Trinity River Below Lake Worth	0806		primary contact recreation, high aquatic life use and public water supply
	Lake Worth	0807		primary contact recreation, high aquatic life use and public water supply
	Eagle Mountain Reservoir	0809		primary contact recreation, high aquatic life use and public water supply
	Clear Fork Trinity River Below Benbrook Lake	0829		primary contact recreation, high aquatic life use and public water supply
Houston	Cedar Bayou Tidal	0901	Trinity-San Jacinto Coastal Basin	primary contact recreation and high aquatic life use
	Cedar Bayou Above Tidal	0902		primary contact recreation, high aquatic life use and public water supply
	San Jacinto River Tidal	1001	San Jacinto	primary contact recreation and high aquatic life use
	Lake Houston	1002		primary contact recreation, high aquatic life use and public water supply
	East Fork San Jacinto River	1003		primary contact recreation, high aquatic life use and public water supply
	West Fork San Jacinto River	1004		primary contact recreation, high aquatic life use and public water supply
Houston	Houston Ship Channel/San Jacinto River Tidal	1005		noncontact recreation and high aquatic life use
	Houston Ship Channel Tidal	1006		navigation/industrial water supply
	Houston Ship Channel/Buffalo Bayou Tidal	1007		navigation/industrial water supply
	Spring Creek	1008		primary contact recreation, high aquatic life use and public water supply
	Cypress Creek	1009		primary contact recreation, high aquatic life use and public water supply

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 2:** Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses	
	Name	Segment			
Houston	Caney Creek	1010	San Jacinto	primary contact recreation, high aquatic life use and public water supply	
	Peach Creek	1011		primary contact recreation, high aquatic life use and public water supply	
	Buffalo Bayou Tidal	1013		primary contact recreation and intermediate aquatic life use	
	Buffalo Bayou Above Tidal	1014		primary contact recreation and limited aquatic life use	
	Lake Creek	1015		primary contact recreation, high aquatic life use, and public water supply	
	Greens Bayou Above Tidal	1016		primary contact recreation and limited aquatic life use	
	Whiteoak Bayou Above Tidal	1017		primary contact recreation and limited aquatic life use	
	Clear Creek Tidal	1101		primary contact recreation and high aquatic life use	
	Clear Creek Above Tidal	1102		primary contact recreation and high aquatic life use	
Houston	Oyster Creek Above Tidal	1110	San Jacinto-Brazos Coastal	primary contact recreation and high aquatic life use	
	Armand Bayou Tidal	1113		primary contact recreation and high aquatic life use	
	Dickinson Bayou Tidal	1103		primary contact recreation and high aquatic life use	
	Dickinson Bayou Above Tidal	1104		primary contact recreation and intermediate aquatic life use	
	Bastrop Bayou Tidal	1105		primary contact recreation and high aquatic life use	
	Oyster Creek Tidal	1109		primary contact recreation and high aquatic life use	
	Old Brazos River Channel Tidal	1111		primary contact recreation and high aquatic life use	
	Upper Galveston Bay	2421		Bays and Estuaries	primary contact recreation, high aquatic life use and oyster waters
	Clear Lake	2425			primary contact recreation and high aquatic life use
	Tabbs Bay	2426			primary contact recreation and high aquatic life use
	San Jacinto Bay	2427			primary contact recreation and high aquatic life use
	Black Duck Bay	2428			primary contact recreation and high aquatic life use
	Scott Bay	2429			primary contact recreation and high aquatic life use
Burnett Bay	2430	primary contact recreation and high aquatic life use			
Moses Lake	2431	primary contact recreation and high aquatic life use			

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 2:** Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses
	Name	Segment		
Houston	Chocolate Bay	2432	Bays and Estuaries	primary contact recreation, high aquatic life use, and oyster waters
	Barbours Cut	2436		primary contact recreation and high aquatic life use
	Bayport Channel	2438		noncontact recreation and high aquatic life use
	West Bay	2424		primary contact recreation, high aquatic life use and oyster waters
	Brazos River Below Navasota River	1202	Brazos	primary contact recreation, high aquatic life use and public water supply
	Upper Oyster Creek	1245		primary contact recreation, intermediate aquatic life use and public water supply
Laredo	Rio Grande Below Amistad Reservoir	2304	Rio Grande	primary contact recreation, high aquatic life use and public water supply
Lubbock	Double Mountain Fork Brazos River	1241	Brazos	primary contact recreation and high aquatic life use
Odessa	Colorado River Below Lake J.B. Thomas	1412	Colorado	primary contact recreation and high aquatic life use
Paris	Red River Below Lake Texoma	0202	Red River	primary contact recreation, high aquatic life use and public water supply
	Lake Texoma	0203		primary contact recreation, high aquatic life use and public water supply
Pharr	Arroyo Colorado Tidal	2201	Nueces-Rio Grande Coastal	primary contact recreation and high aquatic life use
	Arroyo Colorado Above Tidal	2202		primary contact recreation and intermediate aquatic life use
	Rio Grande Tidal	2301	Rio Grande	primary contact recreation and exceptional aquatic life use
	Rio Grande Below Falcon Reservoir	2302		primary contact recreation, high aquatic life use and public water supply
	Laguna Madre	2491	Bays and Estuaries	primary contact recreation, exceptional aquatic life use and oyster waters
	South Bay	2493		primary contact recreation, exceptional aquatic life use and oyster waters
	Brownsville Ship Channel	2494	Bays and Estuaries	noncontact recreation and exceptional aquatic life use
	Gulf Waters	2501	Gulf of Mexico	primary contact recreation, exceptional aquatic life use and oyster waters
San Angelo	Concho River	1421	Colorado	primary contact recreation, high aquatic life use and public water supply
San Antonio	Guadalupe River Below Comal River	1804	Guadalupe	primary contact recreation, high aquatic life use and public water supply and aquifer protection
	Comal River	1811		primary contact recreation, high aquatic life use and public water supply and aquifer protection

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 2:** Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses
	Name	Segment		
San Antonio	Guadalupe River Below Canyon Dam	1812	San Antonio	primary contact recreation, exceptional aquatic life use, and public water supply and aquifer protection
	Lower Cibolo Creek	1902		primary contact recreation and high aquatic life use
	Medina River Below Medina Diversion Lake	1903		primary contact recreation, high aquatic life use and public water supply and aquifer protection
	Upper Leon Creek	1907		primary contact recreation, high aquatic life use and public water supply and aquifer protection
	Lower Leon Creek	1906		primary contact recreation, high aquatic life use and public water supply
	Upper Cibolo Creek	1908		primary contact recreation, high aquatic life use and public water supply/aquifer protection
	Salado Creek	1910		primary contact recreation, high aquatic life use and public water supply/aquifer protection
	Upper San Antonio River	1911		primary contact recreation and high aquatic life use
	Medio Creek	1912		primary contact recreation and intermediate aquatic life use
	Mid Cibolo Creek	1913		primary contact recreation and limited aquatic life use
Tyler	Sabine River Above Toledo Bend Reservoir	0505	Sabine	primary contact recreation, high aquatic life use and public water supply
	Sabine River Below Lake Tawakoni	0506		primary contact recreation, high aquatic life use and public water supply
	Lake Palestine	0605	Neches	primary contact recreation, high aquatic life use and public water supply
	Neches River Above Lake Palestine	0606		primary contact recreation, intermediate aquatic life use and public water supply
	Angelina River Above Sam Rayburn Reservoir	0611		primary contact recreation, high aquatic life use and public water supply
	Lake Tyler/Lake Tyler East	0613		primary contact recreation, high aquatic life use and public water supply
Waco	Little River	1213	Brazos	primary contact recreation, high aquatic life use and public water supply
	Lampasas River Below Stillhouse Hollow Lake	1215		primary contact recreation, high aquatic life use and public water supply
	Stillhouse Hollow Lake	1216		primary contact recreation, exceptional aquatic life use and public water supply
	Lampasas River Above Stillhouse Hollow Lake	1217		primary contact recreation and high aquatic life use
	Waco Lake	1225		primary contact recreation, high aquatic life use and public water supply

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**TABLE 2:** Discharge is via the MS4 to various ditches and tributaries that eventually reach the:

TxDOT District	Stream		River Basin	Designated Uses
	Name	Segment		
Waco	Middle Bosque/South Basque River	1246	Brazos	primary contact recreation and high aquatic life use
	Brazos River/Lake Brazos	1256		primary contact recreation, high aquatic life use and public water supply
	Nolan Creek/South Nolan Creek	1218		primary contact recreation and high aquatic life use
	Leon River Below Belton Lake	1219		primary contact recreation, high aquatic life use and public water supply
	Belton Lake	1220		primary contact recreation, high aquatic life use and public water supply
	Brazos River Above Navasota River	1242		primary contact recreation, high aquatic life use and public water supply
Wichita Falls	Wichita River Below Diversion Lake	0214	Red	primary contact recreation and high aquatic life use
	Lake Wichita	0219		primary contact recreation and high aquatic life use
Yoakum	Lavaca River Tidal	1601	Lavaca	primary contact recreation and high aquatic life use
	Guadalupe River Below San Marcos River	1803	Guadalupe	primary contact recreation, high aquatic life use and public water supply
	Lavaca Bay/Chocolate Bay	2453	Bays and Estuaries	primary contact recreation, exceptional aquatic life use and oyster waters

IV. RECEIVING STREAM USES

The unclassified receiving waters have a presumed aquatic life use of high for perennial streams, limited aquatic life use for intermittent streams with perennial pools, and no significant life use for intermittent streams. The designated uses are listed in Table 2 beginning on Page 7 above.

V. STREAM STANDARDS

The general criteria and numerical criteria which make up the stream standards are provided in 30 TAC §§307.1 - 307.10.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**VI. DISCHARGE DESCRIPTION****A. Discharges Authorized**

1. The draft permit authorizes the discharge of stormwater from all existing or new stormwater point sources to surface water in the state from the Phase I and Phase II MS4 regulated area owned or operated by the permittee, except that the following discharges, whether discharged separately or commingled with municipal stormwater, are not authorized by the permit:
 - a. non-stormwater, any stormwater discharges associated with industrial activity, or other stormwater discharges required by the TCEQ to obtain a TPDES permit; and
 - b. discharges of materials resulting from a spill, except when necessary to prevent loss of life, personal injury, or severe property damage (provisional discharge authorization does not extend to parties responsible for the spill nor relieve the responsible parties of any statutory or regulatory requirements or liability for the spill).
2. Subsections a and b above do not 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. The permit does not transfer liability for the act of discharging without, or in violation of, a National Pollutant Discharge Elimination System (NPDES) or a TPDES permit from the responsible party(ies) of the discharge to the permittee.
3. As part of the application, the applicant included detailed information on programs it has implemented in order to address these discharges as required in the existing TPDES permits.

B. Statewide Stormwater Management Program (SWMP)

The applicant has submitted a statewide Stormwater Management Program (SWMP) with the application to address the requirements of the existing Phase I individual TPDES permits and Phase II authorizations.

The draft permit authorizes discharges to surface water in the state in accordance with the Texas Water Code (TWC) §26.027. Consistent with the federal stormwater regulations (See 40 CFR §122.26(a)), the TCEQ requires that the statewide SWMP be implemented to address all portions of the MS4 area with discharges that reach waters of the United States (U.S.). Waters of the U.S. do not include 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). This exclusion applies only to manmade bodies of water that neither were originally created in waters of the U.S. (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland.

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The Executive Director's review of the permit application and attached statewide SWMP indicates that all programs have been implemented according to the requirements in the existing permits and authorizations. The Executive Director has determined that if the SWMP is implemented as detailed in the application, it will reduce the discharge of pollutants from the MS4. The Executive Director has proposed additional conditions to better ensure that pollutants continue to be reduced to the maximum extent practicable (MEP) (See Sections VII.A and VIII.C. of this fact sheet).

Specific statewide SWMP requirements in the draft permit are included in the five Minimum Control Measures (MCMs) listed below. Unless specifically stated, the control measures are implemented in both Phase I and Phase II MS4 areas:

1. Public Education, Outreach, and Involvement

The federal rules require regulated MS4 operators to implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff (See 40 CFR §122.34(b)(1)). The rules also require a public involvement and participation program that, at a minimum, complies with state and local public notice requirements (See 40 CFR §122.34(b)(2)).

The draft permit requires TxDOT to educate the public about the impact of stormwater discharges on receiving water bodies and what steps they can take to reduce the contamination of stormwater. TxDOT is encouraged to use existing public materials in their program, such as using examples from the EPA's Nonpoint Source Outreach Toolbox (www.epa.gov/nps/toolbox) or from other agencies and municipalities with similar public education goals.

SWMPs can be greatly improved by involving the community throughout the entire process of developing and implementing the program. Involving the community will benefit the permittee itself as well as the community. By listening to the public's concern and coming up with solutions together, TxDOT will gain the support of the public, and the community will become invested in the program. TxDOT will likewise gain even more insight into the most effective ways to communicate its messages.

The permit requires TxDOT to involve the public in the development of the program, for example, provide opportunities for public comments or public meetings. Public input and involvement can include many different activities, such as meeting with local land planners and provide input on land use code or ordinance updates, stream clean-ups, storm drain marking, and volunteer monitoring.

TxDOT is encouraged to work together with other entities that have an impact on stormwater to implement this MCM.

TxDOT has several programs, publications, and forums for educating and involving the traveling public, TxDOT employees, and contractors on issues affecting stormwater quality. Elements of the program focus on general well-known public programs (e.g., Don't Mess With Texas" and "Adopt-A-Highway Program") and inter-agency education on

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environmental issues such as proper handling and application of pesticides and fertilizers, proper handling of used oil and toxic materials and improvement and awareness of construction and maintenance activities.

TxDOT has developed, implemented, and maintains a comprehensive stormwater education and outreach program. The comprehensive program focuses on educating target audiences about the impacts that illegal discharges (i.e. third party discharges into the TxDOT MS4 area and illicit storm sewer connections) and improper disposal of waste and litter can have on stormwater discharges. TxDOT also provides steps that the target audiences can take to reduce pollutants in stormwater runoff.

There are no residences, businesses, or commercial and industrial facilities located within TxDOT's right-of-way (ROW) – TxDOT regulated area. Therefore, TxDOT will target the non-residential transient users of their roadways. Since transient users cover such a broad spectrum of society, it is important that TxDOT's educational MCM address as many people as possible with a high level of comprehension.

TxDOT has determined that the following audiences are high-priority statewide targets:

- Public service employees (TxDOT personnel including maintenance staff)
- General traveling public traveling the roadways; and
- Construction site personnel.

Given the above, TxDOT will implement an educational Best Management Practice (BMP) and participation/involvement BMP as described below.

Educational BMP – To address improper disposal of waste, TxDOT will continue to develop and promote the “Don't Mess with Texas” campaign. The “Don't Mess with Texas” campaign is one of the best-known public education/outreach programs implemented. Its message is very effective and highly recognizable statewide and the campaign itself has received considerable notoriety, both nationally and internationally, as an excellent example of public education/outreach. TxDOT has recently begun the “*Don't Mess With Texas Water*” campaign, developed under House Bill HB 451. This program will be implemented through a Memorandum of Understanding (MOU) between TCEQ and TxDOT. (See 30 TAC §7.127).

Participation/involvement BMP – To encourage public participation/involvement in minimizing improper waste disposal, TxDOT will continue to develop and sponsor the Adopt-A-Highway program. Individuals and/or groups will be encouraged to volunteer for litter collection activities at designated Adopt-A-Highway segments. During past permit terms, this program has proven to be highly successful in generating new volunteers and providing cleaner roadway segments. TxDOT provides Adopt-A-Highway groups with stormwater related educational materials and the equipment and supplies necessary to clean their adopted segments. In addition, TxDOT places roadway signs advertising the Adopt-A-Highway entity responsible for cleaning the subject segment. TxDOT maintains a list of current Adopt-A-Highway individuals/groups.

The educational and public participation/involvement BMP activities and/or materials utilized to fulfill this control measure will be documented. Records of these activities will

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be summarized in the annual reports and will be specific enough to describe the message of the educational campaign, the programs successful summary (e.g., reduction of trash, miles of Adopt-a-Highway) , and the events or methods utilized to provide the information to the target audience. Included in each BMP is a description of what records will be maintained and included in the annual reports.

Public involvement program - TxDOT utilizes public input (for example, the opportunity for public comment, or public meetings) in the implementation of the MS4 program through the Transportation Improvement Program (TIP) or Statewide Transportation Improvement Program (STIP). If a public meeting is held, a citizen advisory committee is formed, or a similar public function is established to allow the public an opportunity to participate in transportation development and the associated SWMP implementation, TxDOT will comply with all applicable state and local public notice requirements for the activity.

TxDOT has created opportunities for citizens to participate in the implementation of control measures by creation of the Adopt-A-Highway program. The TxDOT MS4 area is located entirely within the ROW of roadways that carry a variable amount of traffic depending on their position to population centers. Directly involving the public in MS4 related activities would place those persons in close proximity to traffic. Because of the risks associated with working in close proximity to traffic, TxDOT requires employees that work, observe, or assign others to work in the ROW, work zones, and other safety sensitive areas to complete safety training, such as TxDOT's "Focus on Safety" and "Work Zone Traffic Control" courses. Therefore, TxDOT limits the direct public involvement and participation BMP to TxDOT's Adopt-A-Highway program.

The TxDOT program such as "Don't Mess with Texas" and "Adopt-a-Highway" are successful contributors to litter abatement. The program promotes, publicizes, and helps facilitate the public to be involved and to report to TxDOT the presence of improper disposal of materials along the highway and into the MS4 area. The campaigns also increase public awareness that cigarette butts not only create litter but also contributes to wildfires by promoting its "Texas is Not your Ashtray" message with statewide advertising that includes social media messaging and billboards.

TxDOT's Travel Division publishes the monthly magazine "Texas Highways." This magazine reaches more than 300,000 subscribers and promotes environmental stewardship through highlighting Texas' natural beauty.

TxDOT's webpage (www.txdot.gov) has an environmental section with information on environmental resources and a link to the "Don't Mess with Texas" litter prevention campaign webpage (www.dontmesswithtexas.org). The website is designed to promote, publicize, and facilitate the public to be involved and to report to TxDOT the presence of improper disposal of materials by participating in the listed programs. The website also contains a section for reporting littering.

TxDOT's webpage also has a link to the TxDOT stormwater program. The website is designed to educate the public about the impacts from illicit discharge and improper disposal of materials to stormwater. The website also contains information on actions to take to eliminate pollutants into water sources from stormwater runoff.

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TxDOT educate its employees that work in TxDOT's regulated area, including maintenance yards, in the proper disposal of materials that may impact stormwater quality. Training includes material handling and proper disposal for general tasks such as roadway repairs or vehicle maintenance. Specific activities such as pesticide application are performed by personnel certified to perform that activity safely.

TxDOT requires a pre-construction meeting for projects requiring a construction general permit (CGP) notice of intent. TxDOT will educate construction site personnel using either TxDOT approved training programs or distributing guidance materials regarding the proper installation and maintenance of erosion and sediment controls, and other construction site issues to construction site personnel.

TxDOT keeps a copy of the statewide SWMP at the Environmental Affairs Division (ENV) in Austin and at each District office for the public to gain access. An electronic copy of the SWMP will also be posted on TxDOT's MS4 website.

2. Illicit Discharge Detection and Elimination (IDDE)

The regulations require TxDOT to develop, implement, and enforce a program to detect and eliminate illicit discharges into the MS4 (*See* 40 CFR §122.34(b)(3)). Through the IDDE MCM, TxDOT is required to respond to complaints about illicit discharges or spills. TxDOT is also required to actively seek out illicit discharges and behaviors that could result in illicit discharges, such as illegal connection to the MS4, improper disposal of wastes, or dumping of used motor oil or other chemicals.

The CWA §402(p)(3)(B)(ii), requires MS4 permits to "effectively prohibit non-stormwater discharges into the storm sewers." The permit implements this requirement, in part by requiring the development of procedures to investigate and eliminate illicit discharges. Standard operating procedures (SOPs) with necessary forms provide guidance to investigators and ensure that consistent investigations occur on every illicit discharge incident detected.

The public must have a central contact point, such as a stormwater hotline, to report observed illicit incidents. An incident could be anything from an overturned gasoline tanker, to sediment leaving a construction site, or a sanitary sewer overflow entering the storm drain.

Training of field staff - The permit requires TxDOT to implement a method for informing or training field staff who may come into contact with or observe illicit discharges, and on the identification and proper procedures for reporting illicit discharges. Field staff to be trained may include, but are not limited to, maintenance staff, inspectors, and other staff whose job responsibilities regularly take them out of the office and into areas within the MS4 area. TxDOT field staff is out in the regulated area on a day-to-day basis and are in the best position to locate and report spills, illicit discharges, and potentially polluting activities. With proper training and information on reporting illicit discharges easily accessible, these field staff can greatly expand the reach of the IDDE program.

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The normal inspection and maintenance activities performed by TxDOT will include screening for potential environmental problems within the TxDOT MS4. This screening will include visual inspections for dry weather discharges or other indications of potential undesirable environmental impacts. TxDOT will screen all previously designated Phase I MS4 areas at least once during the permit term; for previous Phase II areas, TxDOT will continue to develop and implement a source investigation and elimination program. Screening methodologies may be modified based on experience gained during the actual field screening activities. TxDOT has in-place an Advanced Outfall Tracking System (which maps and tracks the outfall locations with associated screening data and outfall classifications).

The Advanced Outfall Tracking System (AOTS) utilizes a Global Positioning System (GPS) to collect outfall spatial and non-spatial data that includes the following:

- The location in latitude and longitude of all MS4 outfalls, excluding bridge drains which are not considered outfalls, that are operated by TxDOT and that discharge into waters of the U.S.;
- The location and name of all surface waters receiving discharges from TxDOT MS4 outfalls as well as the impairment classification of each surface water;
- The outfall physical properties and the surrounding areas (including debris, stain, flow, color, etc.); and
- The analytical results for potential or suspect illicit discharge outfalls.

Data collected over several permit terms supports the conclusion that the majority of illicit discharges to TxDOT's MS4 come from adjacent third party MS4s. Given this information, TxDOT can better protect the quality of its MS4 by providing increased inspection of third party outfalls. Thus, TxDOT's program to locate and eliminate illicit discharges and improper disposals to the MS4 will focus on third party outfalls. The program includes visual inspection (visual screening) to locate portions of the MS4 with suspected illicit discharges and improper disposals, along with the results of field test kits and laboratory analytical verification when warranted.

Outfalls with the potential to contribute high levels of pollutants to the MS4 (based on previous screening results, complaints, adjacent land use, physical evidence, or other factors) and in accordance with the procedures specified in the statewide SWMP will be screened. Follow-up activities to eliminate illicit discharges and improper disposals may be prioritized based on magnitude and the nature of the suspected discharge, sensitivity of the receiving water, or other relevant factors. All the previously designated Phase I MS4, but not necessarily each individual outfall, will be screened at least once every five years based on TxDOT requirements. In the Phase II MS4 areas, TxDOT will continue to develop and implement a source investigation and elimination program.

The permit identifies categories of non-stormwater discharges that are not prohibited from being discharged into the MS4. Non-stormwater discharges may contain pollutants that would need to be addressed by the permittee. For example, discharges from water line flushing could contain levels of chlorine that could have an impact on aquatic life, in which case the permittee may need to put controls on the discharge of chlorinated water line flushing.

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Non-stormwater discharges 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 MS4.

MS4 mapping - The permit includes requirements for TxDOT to develop and maintain an up-to-date map of all its MS4 areas. An information management system for data, the Advance Outfall Tracking System (AOTS), was developed to compile a storm sewer outfall map that contains the elements required under the MS4 individual statewide permit. AOTS is a web-based tool with a central storage database that holds TxDOT field-collected and desktop related outfall and crossing point data. The AOTS allows for storage of data associated with field inspections, follow-up investigations, and third-party notifications. The stored outfall and crossing point Geographic Information Systems (GIS) map, together with the corresponding attributes and inspection data is available via an internet website. The website is broken down into a Map Viewer and Data Manager. Overall, the website provides dynamic mapping capabilities and near-real time tracking information related to TxDOT outfalls across the entire state of Texas.

TxDOT will update the AOTS map with new and relocated outfalls on an annual or on-going basis.

TxDOT will screen approximately 20 percent of its outfalls in the previously permitted Phase I regulated area yearly, in order to identify the presence of illicit discharges. During the outfall screening activity, TxDOT has a procedure to perform the illicit discharge inspection, field data collection, and tracking system that will apply to each of the mapped outfall. All outfalls in the previously permitted Phase I MS4 regulated area will be screened at least once per permit term.

The permit includes requirements for TxDOT to train field staff that may come in contact with or observe illicit discharges.

Education and training - Specific emphases on educating and training TxDOT personnel are important and integral aspects of the SWMP. Many pollution problems can be avoided by having an informed populous willing to participate in improving stormwater quality. TxDOT is committed to establishing:

- Manuals and training classes to facilitate the proper management and disposal of used oil and toxic materials;
- Appropriate educational and training guidelines for TxDOT planners, highway designers, construction site personnel and maintenance personnel;
- Mandated Environmental Management system (EMS) classes for construction site personnel, maintenance personnel, and managers; and
- Appropriate funds necessary to perform the goals stated above.

Public reporting of illicit discharges - Specific emphasis on educating the public and training TxDOT personnel are important and integral aspects of the SWMP. Many pollution problems can be avoided by having an informed populous willing to participate in improving stormwater quality. TxDOT is committed to establishing:

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- A program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from the MS4;
- TxDOT has recently begun the “*Don’t Mess With Texas Water*” program:
 - The program was developed under House Bill HB 451; and
 - This program will be implemented through an MOU between TCEQ and TxDOT.

Procedures for responding to illicit discharges and spills - TxDOT will implement and improve, as necessary, programs that prevent, contain, and respond to spills that may discharge into the MS4. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, TxDOT will 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 TxDOT (and/or another public or private entity), and legal requirements for private entities within the jurisdiction of TxDOT.

TxDOT's role in emergency spill response is to provide support to the lead agency — Department of Public Safety (DPS), TCEQ, or local Fire Marshall during the containment and cleanup. All TxDOT personnel who may encounter a hazardous material spill or release require Hazardous Materials Awareness Training. For more information about TxDOT's hazardous material cleanup policy, see the Occupational Safety Manual, Chapter 5, Section 6.

Most spills are a result of a traffic incident; and usually, TxDOT is called to the scene by law enforcement. Safety of TxDOT personnel and the motoring public is priority. Department personnel are specifically prohibited from handling, cleaning up or otherwise coming in contact with toxic or hazardous materials at accident scenes or abandonment sites on the department's right of way. Vehicle fluid cleanup of less than 25 gallons is the only exception to handling or cleaning up hazardous materials at accident scenes or abandonment sites.

TxDOT's Emergency Response Standard Operating Procedure No. 15-04 requires, among other things, that the ROW and MS4 be fully restored to its pre-existing condition. This normally includes repairing the infrastructure, replacing removed soil with clean acceptable fill, re-establishing the drainage system, and re-sodding the impacted area. In periods of dry weather the contractor may be required to water the sod up to five weeks in order to establish the root system.

TxDOT will respond to complaints of spills and un-authorized discharges that occur within TxDOT's jurisdiction. TxDOT contracts with professional hazardous materials (HAZMAT) service teams to respond to spills. The service team is required to be on site within ninety (90) minutes after being informed about an incident. TxDOT tracks spills and estimates the loading on the receiving water body or the loading that was prevented due to actions taken. Collisions of automobiles might result in small spills of organic liquids, but those are unlikely to have an impact on water bodies. Spill from a freight transport or fuel delivery truck such as

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spills of liquid or solid cargo could pose a temporary adverse impact on a water body and TxDOT responds expeditiously to accidents that result in spills of liquid or solid cargo.

Source investigation and elimination - The permit includes requirements for source investigation and elimination of illicit discharges. Data collected over several permit terms supports the conclusion that the majority of illicit discharges to TxDOT's MS4 come from adjacent third party MS4s. Given this information, TxDOT can better protect the quality of its MS4 by providing increased inspection of third party outfalls. Thus, TxDOT's program to locate and eliminate illicit discharges and improper disposals to the MS4 will focus on third party outfalls. The program includes visual inspection (visual screening) to locate portions of the MS4 with suspected illicit discharges and improper disposals, along with the results of field test kits and laboratory analytical verification when warranted.

Outfalls with the potential to contribute high levels of pollutants to the MS4 (based on previous screening results, complaints, land use, physical evidence, or other factors) and in accordance with the procedures specified in the SWMP will be screened. Follow-up activities to eliminate illicit discharges and improper disposals may be prioritized based on magnitude and the nature of the suspected discharge, sensitivity of the receiving water, or other relevant factors. All of the previously designated Phase I MS4 areas, but not necessarily each individual outfall, will be screened at least once every five years based on TxDOT requirements. TxDOT will continue to develop and implement a screening program for the Phase II MS4 areas.

Inspections of illicit discharges -TxDOT does not have the legal authority to enforce state laws. TxDOT must rely completely on TCEQ or the local municipal governments for law enforcement. As such, upon detection of a potential illicit connection, dumping, other illegal activity, or accident spills, TxDOT will investigate on-site and within the state ROW and then report the problem as appropriate. In the event that a possible illicit discharge is identified, TxDOT will trace the flow upstream to the extent of state property. TxDOT will report flows originating off state ROW to the appropriate responsible party or the adjacent MS4 operator(s) within 48 hours of discharge confirmation for further action. In the event the flow appears to create a hazard or contain toxic or noxious substances, TxDOT will report the flow to TCEQ. TxDOT also has an "Interagency Cooperation Contract" between the TCEQ and TxDOT that is intended to mitigate potential pollutant discharges to surface waters and to environmentally sensitive areas.

Overflows from sanitary sewers into the MS4 areas - For previous Phase I MS4 regulated areas the permit includes a requirement to address overflows from sanitary sewers into the MS4 areas. TxDOT neither owns nor operates any municipal sanitary sewer lines, nor regulates this activity within its ROW. If sanitary sewer discharges into the TxDOT MS4 are identified during dry weather or illicit discharge inspections, TxDOT will notify the sewer owner and request that they provide a description of the corrective measures to be taken, along with an implementation schedule. If either the measures or schedule are deemed unacceptable, or if the owner cannot be located, the case will be referred to TCEQ for enforcement. All illicit discharges are reported to TCEQ as part of the annual report.

TxDOT requires that any plans for sanitary sewer construction in a TxDOT ROW be certified by a licensed professional engineer. On a case-by-case basis, TxDOT also requires that the sanitary sewer be encased in flowable fill or steel casing to provide additional

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security from damage. The permit includes a proposed requirement to develop and maintain a list of priority areas that are likely to have illicit discharges.

Hazardous Waste and Used Motor Vehicle Fluids - The permit includes a proposed requirement for handling hazardous waste and used motor vehicle fluids. TxDOT ensures all hazardous waste, used motor vehicle fluids, and other waste used by TxDOT employees are disposed of in accordance with applicable regulations and are not exposed to stormwater. In addition, recycling programs are implemented as part of TxDOT's waste reduction efforts.

Alternate Stormwater Assessment Program -The permit includes an Alternate Stormwater Assessment Program for previous Phase I MS4 regulated areas: TxDOT will implement the alternate stormwater assessment program in areas that were previously regulated under a Phase I MS4 permit, in lieu of the dry weather and wet weather monitoring programs.

Per TPDES permit requirements, TxDOT is required to develop, implement, and continue ongoing efforts to detect the presence of illicit connections and improper discharges (typically third-party connections and discharges from adjacent MS4's) to the TxDOT MS4. All areas or representative areas that were previously permitted as a Phase I MS4 of the TxDOT Statewide MS4, must be screened at least once during the permit term when the weather meets the dry weather condition. TxDOT may select dry weather screening points with emphasis on the areas that may potentially be contributing high levels of pollutants to the TxDOT MS4 based on previous screening results, complaints, physical evidence, or other factors. Screening methodologies may be modified based on experience gained during the actual field screening activities.

TxDOT has previously performed the dry weather screening at all outfalls in TxDOT's Regulated Area concurrently with the mapping requirement. TxDOT's AOTS application is designed to perform both requirements. As part of the alternate dry weather screening program, TxDOT will emphasize the areas that may potentially be the sources of pollutants such as the illegal third party connections.

To comply with the Storm Event Discharge Monitoring requirements (40 CFR §122.26(d)(1)(iv)(B), TxDOT proposes to perform the following activities in lieu of monitoring fixed wet weather monitoring stations or in lieu of participation in the Regional Wet Weather Characterization Monitoring Program:

1. Perform visual observation inspections and site-specific monitoring for potential illicit discharge outfalls identified within TxDOT's regulated area annually, and submit the results with the annual reports.
2. Evaluate the watershed using existing stormwater characterization data collected by the National Stormwater Quality Database, the North Central Texas Council of Governments (NCTCOG) Regional Wet Weather Characterization Program (RWWCP), TCEQ Clean Rivers Program database, and the Houston Area Wet Weather Characterization program. The analysis and interpretation of this data will be submitted to TCEQ in the Year 4 annual report.

The evaluation of watersheds will be conducted for previous Phase I MS4 areas, where TxDOT was partly responsible for the Wet Weather Characterization Program. These areas include City of Beaumont (TPDES Permit No. WQ0004640004), City of San Antonio

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(TPDES Permit No. WQ0004284000), City of Austin (TPDES Permit No. WQ0004645000), City of Houston (TPDES Permit No. WQ0004685000), Pasadena District (TPDES Permit No. WQ0004520000), City of Fort Worth (TPDES Permit No. WQ0004350000), City of Arlington (TPDES Permit No. WQ0004635000), and City of Dallas (TPDES Permit No. WQ0004521000). TxDOT is required to evaluate the watersheds using available data of pollutants that were monitored by TxDOT in Phase I permits listed above. Those pollutants are listed in Attachment 3 of the permit.

TxDOT is not required to evaluate watersheds (item 2 above) in previous Phase I MS4 areas, where TxDOT's co-permittees had taken over the Wet Weather Characterization Program. Those areas include: City of Amarillo (WQ0004678000), City of Waco (WQ0004774000), City of Lubbock (WQ0004773000), City of Corpus Christi (WQ0004200000), City of Abilene (WQ0004692000) and City of El Paso (WQ0004527000).

The normal inspection and maintenance activities performed by TxDOT in accordance with TxDOT's IDDE program will include screening for potential environmental problems within the storm drainage system. This screening will include visual inspections for dry weather discharges or other indications of potential undesirable environmental impacts.

TxDOT has in-place an AOTS which tracks the outfall locations, screening data (both physical observation and chemical result), and classification of each MS4 outfall. There are four (4) types of TxDOT's outfall classifications: Unlikely Illicit Discharge, Potential Illicit Discharge, Suspect Illicit Discharge, and Obvious Illicit Discharge. A dry weather screening point will be chosen based on the AOTS as well as the area served and the discharge route.

TxDOT will focus on the identification and reporting of all illicit dischargers caused by the third party connections and/or by the adjacent MS4. TxDOT will trace the potential source to the extent practicable and report the result to TCEQ or the adjacent MS4.

Due to the fact that a majority of potential pollutants that may discharge from the TxDOT MS4 areas originate from adjacent MS4s, TxDOT will utilize monitoring from the two largest metropolitan areas in Texas and in Phase I MS4 areas where TxDOT previously were partly responsible for outfall or watershed monitoring under the Wet Weather Characterization Program in-lieu of performing monitoring at in-stream or fixed location wet weather monitoring stations in previously permitted Phase I MS4 areas. TxDOT will include the in-lieu monitoring data described in the permit in the Year 4 annual report. In addition, TxDOT will focus its resources on identifying third-party (adjacent MS4) discharges into the TxDOT MS4 through its IDDE program. Utilization of the IDDE program will allow TxDOT to more effectively address water quality improvement through early detection and mitigation of illicit discharges onto the TxDOT MS4.

In addition to utilizing the available resources listed above, TxDOT will perform site-specific monitoring when conditions warrant. Site-specific monitoring will occur through increased IDDE inspections and will follow specific TxDOT protocols.

In addition to the program requirements described above, TxDOT had a spill prevention and response program in place in specific Phase I MS4 areas under the TxDOT Austin-

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District (TPDES Permit No. WQ0004645000). Those requirements, if not met in the previous permit term, were continued in this permit and were modified to reflect TxDOTs responsibilities.

3.0 Construction Site Stormwater Runoff Control

The regulations require TxDOT to develop, implement, and enforce a program to reduce pollutants in stormwater runoff to the MS4 from construction activities that result in a land disturbance of one acre or greater (See 40 CFR § 122.34(b)(4)). The draft permit requires TxDOT to ensure that construction site operators use appropriate erosion and sediment controls to reduce or eliminate impacts on receiving water bodies.

TxDOT is required to implement procedures to conduct inspections of large and small construction projects in their MS4 area.

The permit requires TxDOT to develop and implement site plan review procedures, which describes which plans will be reviewed as well as when an operator may begin construction. TxDOT is required to develop SOPs to perform the site plan reviews to ensure that the review process is consistent. The site plan review also provides the TxDOT with a way to track construction sites.

The permit requires TxDOT to implement procedures for performing inspections of construction sites. Inspection frequencies are determined by TxDOT and based on the evaluation of factors that are a threat to water quality such as soil erosion potential, site slope, proximity to receiving waters and water quality status of the receiving water. The sites must be inspected during the active construction phase, to ensure that stormwater controls are maintained.

TxDOT is required to develop inspection and enforcement procedures. The permit language includes minimum requirements that construction site inspections must include. Also, TxDOT must ensure MS4 staff is trained to perform the inspections.

Construction Site Stormwater Runoff Control Program Implementation Overview

Based on permit requirements, TxDOT's program is designed to reduce the discharge of pollutants into the MS4 from construction sites. The program includes:

- Requirements for the use and maintenance of appropriate structural and nonstructural control measures to reduce pollutants discharged into the MS4 from construction sites;
- Implementation of appropriate erosion and sediment control BMPs;
- Construction plan review procedures;
- Inspection of construction sites and enforcement of control measures;
- Appropriate education and training measures for construction site operators; and

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- Notification, as appropriate, to construction site operators of their potential responsibilities under the NPDES/TPDES permitting program for construction site runoff.

TCEQ Construction General Permit (CGP) No. TXR150000 and Structural and Nonstructural Control Measures

TxDOT requires that all TxDOT construction sites resulting in a land disturbance of greater than or equal to one acre, or that are part of a larger common plan of development or sale that will disturb one or more acres of land, will comply with TCEQ's CGP No. TXR150000. However, it is TxDOT's policy to implement activity-appropriate BMPs for any soil disturbing activity where a potential for stormwater discharges exists, regardless of the type of activity or acreage disturbed.

If required by the CGP, sites will incorporate a Stormwater Pollution Prevention Plan (SWP3) including adequate sediment and erosion controls. The SWP3 will also contain measures to control discarded building materials, concrete truck washout water, chemicals, and litter and sanitary waste generated at each construction site. It is TxDOT policy that all SWP3s be reviewed and approved before construction activities commence.

At each permitted TxDOT construction site, an appropriate Construction General Site Notice (CSN) is posted as required by the CGP TXR150000. These notices are posted in a location accessible to the public and contain a phone number for the public to submit information regarding the site. Comments received from the public will be considered by the district engineer or another responsible TxDOT representative.

Additional requirements for the use and maintenance of appropriate structural and nonstructural control measures to reduce pollutants discharged to the MS4 from construction sites include:

- Plan the highway project to fit the particular topography, soils, drainage patterns and natural vegetation as much as practicable. In general, areas with steep slopes, erodible soils, and soils with severe limitations should be avoided when possible.
- Construction sequencing: A sequence of construction should be developed that minimizes the potential erosion and sedimentation impacts. The sequence should consider specific measures dealing with allowable disturbed areas, construction vehicle maintenance procedures, and material stockpiling methods. The sequence of work should be anticipated, and should reflect measures to be used throughout the project. Layouts for sediment control features should be included in the construction plans.
- Minimize the extent and the duration of exposure. Plan the phases or stages of construction to minimize exposure. Permanent vegetation should be achieved as soon as practicable as the work progresses.
- Apply erosion control practices to prevent discharge of sediments offsite. This principle relates to using practices that control erosion on a site to prevent excessive sediment from being produced. Efforts should be made to keep soil covered as much as possible with temporary or permanent vegetation, erosion control blankets, or with various mulch materials. Other practices include slope

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texturing, diversion structures to channel surface runoff from exposed soils, and using slope drains where grades may be prone to erosion.

- Apply perimeter control practices to down slope boundaries of the construction area, and to those side slope boundaries deemed appropriate as dictated by individual site conditions. This principle relates to using practices that effectively isolate the construction site from surrounding properties, and especially to control sediment once it is produced and prevent its transport from the site. Diversion structures, swales, dikes, sediment traps, and vegetative and structural sediment control measures can be classified as either temporary or permanent depending on whether or not they will remain in use after construction is complete.
- Limit the types of construction operations, including access and hauling allowed in certain areas of the project that may be more susceptible to erosion.
- Minimize the disturbance of and access to existing waterways.
- When constructing cross drainage structures in existing waterways, provide a controlled diversion as appropriate, rather than allowing uncontrolled flow through the construction area. This could be done by temporarily diverting the existing stream through a channel made from sandbag(s) with plastic sheathing. Divert the stream until the permanent structure is completed or even just protected or partially completed (for example, completing one barrel or a multi-barrel culvert installation and allowing the flow to cross through the partially completed portion).
- Maximize the storage volume afforded in ditches, etc., for use as temporary sediment traps or ponds to contain sediment-laden runoff on the site.
- Give priority to completing and stabilizing slopes and ditches to reduce erosion potential.
- Keep runoff velocities low and retain runoff on the site if it can be safely accomplished. The removal of existing vegetative cover and the increase in impermeable surface area during construction will increase both the volume and velocity of runoff. These increases should be taken into account when providing for erosion control. Keeping slope lengths short and gradients low, and preserving natural vegetative cover can keep stormwater velocities low and limit erosion hazards. Runoff from the development should be safely conveyed to a stable outlet using storm drains, diversion structures, stable waterways or similar measures. Conveyance systems should be designed to withstand the velocities of projected peak discharges. These facilities should be operational as soon as possible.
- Stabilize disturbed areas immediately after final grade has been attained or as otherwise specified in the CGP TXR150000. Permanent structures, temporary or permanent vegetation, mulch, stabilizing emulsions, or a combination of these measures should be employed as quickly as possible after the land is disturbed. Temporary seeding, mulches and other control materials can be most effective where or when it is not practical to establish permanent vegetation or until the vegetation is established. Such temporary measures should be employed immediately after rough grading is completed if a delay is anticipated in obtaining finished grade. The finished slope of a cut or fill should be stable and ease of maintenance should be considered in the design.

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- Implement a thorough inspection, maintenance and follow-up program. This last principle is vital to the success of the management of runoff from construction activities. A site cannot be effectively controlled without thorough, periodic checks of the erosion and sediment control practices.
- TxDOT will include a specification for erosion and sediment control in the construction project plans and specifications of all projects that disturb one or more acres.
- TxDOT will follow Notice of Termination (NOT) procedures, as required, by the TPDES CGP TXR150000.

Some routine maintenance activities do not require authorization under the CGP including activities performed to maintain the original line and grade; hydraulic capacity and original purpose of a ditch, channel, or other similar stormwater conveyance; the routine grading of existing dirt roads; and asphalt overlays of existing roads. TxDOT's interpretation of this exclusion exempts shoulder blading to restore the shoulder to its original condition and pavement "reworking" operations if they stay within the limits of the original pavement and do not expose the base or sub-grade. If the base or sub-grade is exposed or if previously undisturbed land is disturbed (for example, clearing for staging areas or temporary haul roads), coverage under the CGP could be required.

Inspection and Enforcement Through Environmental Management System (EMS)

By statute, TxDOT has the power to control virtually all of the activities occurring within the ROW, but there is little, if any, authority to regulate discharges occurring off the ROW and flowing into state maintained drainage systems. The codification of state law in the rules of the TAC gives TxDOT the power to construct, maintain, and operate a drainage system for state highways to accommodate stormwater, which originates within and reaches highway ROWs. TxDOT contracts with others for the construction and sometimes for the maintenance of these systems. As such, contracting is the primary control for enforcement.

As construction commences, TxDOT inspectors will evaluate the stormwater control measures specified in the SWP3. TxDOT has created a "Stormwater Field Inspector's Guide" to assist TxDOT inspectors with identifying any infrastructure stormwater device deficiencies. The guide provides design criteria for each device as well as repair and when maintenance is needed. Sediment will be removed from devices and damaged devices repaired as soon as practical.

In addition, TxDOT implements the EMS for all construction project sites that disturb one acre or more of land. The EMS is TxDOT's commitment to improve environmental compliance performance at road construction sites across the state. As part of this effort, TxDOT has developed a number of tools, training opportunities, management practices, and compliance requirements for all affected TxDOT personnel, consultants, contractors, and other participants in TxDOT's road construction operations.

Site Operator Education and Training

Prior to initiation of construction, the contractor will meet with the TxDOT Area Engineer (AE) in a pre-construction meeting to discuss stormwater issues for the construction site. TxDOT will ensure contractors are aware of practices and policies identified in this section, as well as emphasize the need for compliance.

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Site Operators Permitting Responsibility Notification

At the pre-construction meeting, TxDOT will notify the site operator of their TPDES permitting responsibilities associated with construction activity, as appropriate.

Other Operator Considerations

Utility contractors that are working within the ROW must first provide a Utility Installation Request form, and obtain approval prior to commencing those construction activities. The approval form requires the contractor to comply with the Federal Clean Water Act (for example, obtain TPDES CGP TXR150000) to develop BMPs to minimize erosion, and to revegetate the project area.

When using a Comprehensive Development Agreement (CDA), the CDA entity will be the primary operator for all operations and control, and TxDOT is typically a secondary operator.

When TxDOT is working in another MS4 area, TxDOT will implement the CGP in accordance with TxDOT's plans and specifications. If the local jurisdiction has a SWMP, ordinance, etc. that vary(s) from TxDOT plans and specifications, TxDOT will make every effort to reach a mutually acceptable solution to the problem.

Surplus Materials

TxDOT and its contractors take ownership of surplus materials unless otherwise shown on the plans or directed. TxDOT and its contractors remove and dispose of material in accordance with federal, state, and local regulations. If requested, a contractor will be required to show documentation to verify proper disposal. When materials are disposed of on private property, the property owner is, by TxDOT, required to provide written notification for the use of the material.

Construction Outside TxDOT ROW

Discharges to TxDOT's MS4 from adjacent construction will be identified through the IDDE, and during existing systematic ROW inspections. TxDOT lacks legal authority to prohibit discharges of stormwater runoff into its MS4 from construction projects outside of TxDOT ROW, even after discovery of evidence that those projects may have inadequate SWP3 measures or controls. Illicit discharge detection will occur during a dry period by visibly inspecting outfalls. If there is an illicit discharge, or evidence of a discharge from a site with inadequate controls detected, TxDOT will attempt to notify the property owner and request that they eliminate or adequately control the discharge. If TxDOT is unsuccessful or if the source of the discharge cannot be identified at the limits of the TxDOT ROW, TxDOT will contact the adjacent MS4(s) who has enforcement authority and/or contact the TCEQ Program Support Section.

Construction over Edwards Aquifer Zones

Only the TxDOT Austin, San Antonio, and Laredo Districts construct roadways on the Recharge Zone (RZ), Contributing Zone (CZ), and Transition Zone (TZ) of the Edwards Aquifer. In the San Antonio District, this generally encompasses the entire area from the Recharge Zone to the north and northwest county lines of Uvalde, Medina, Bexar and Comal Counties. In the Austin District, the Edwards Aquifer Zones encompass the area of

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Hays, Travis, and Williamson counties. In the Laredo District, the Edwards Aquifer zones reach parts of Kinney County, although Kinney County does not have any TxDOT MS4 regulated area. TxDOT will comply with the Edwards Aquifer rule in the required areas.

Compliance with Effluent Limit Guidelines (ELG) and Low Impact Development (LID) Sustainability Approach

TxDOT will apply the Best Practicable Control Technology (BPT) currently available and meet the requirements stipulated in the up-to-date TPDES General Permit TXR150000 Section G (relating to Erosion and Sediment Control Requirements Applicable to All Sites) to TxDOT's erosion and sediment controls, soil stabilization, dewatering, pollution prevention measures, prohibited discharges, and surface outlet management.

In regard to the Green Infrastructure or Low Impact Development (LID) or other sustainability approaches to manage stormwater runoff, TxDOT has incorporated the appropriate LID methodology and features, such as vegetated swales, vegetative filter strips, permeable friction course (PFC) pavement, sand filter, xeriscape landscaping, and constructed wetlands, where appropriate, into the roadway designs. TxDOT's research studies of these techniques indicate significant reduction of pollutants of concern as well as stormwater velocity reduction.

4.0 Post-Construction Stormwater Management in Areas of New Development and Redevelopment

The stormwater regulations require TxDOT to develop, implement, and enforce a program to address stormwater discharges from new development and redevelopment sites that disturb one acre or more, and requires that the program ensure controls are in place that would prevent or minimize water quality impacts (*See 40 CFR §122.34(b)(5)*).

Developed land changes the hydrology of sites, leading to higher stormwater discharge volume and higher pollutant loads. Frequently, the volume, duration, and velocity of stormwater discharges can cause degradation to aquatic systems.

The draft permit requires that TxDOT install and maintain stormwater control measures appropriate for the MS4. In addition, TxDOT is required to maintain all long term post-construction stormwater controls measures. Controls will be located on TxDOT property, and it will be necessary to establish some provisions to assure the responsibility and accountability for the operation and maintenance of these controls.

Structural controls may include practices such as permeable pavement, velocity dissipation, and vegetated swales; many of which are considered to be low impact development practices, or green infrastructure BMPs.

TxDOT is required to inspect post-construction controls to ensure that control measures are operating correctly and are being maintained. Without maintenance stormwater controls will not be able to properly protect water quality.

For the purpose of the draft permit, "redevelopment" does not include routine maintenance activities and linear utility installation. Examples of linear utility

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installation are construction activities that maintain the original line, grade, and hydraulic capacity of the surrounding areas, such as the installation of underground gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains. Routine maintenance activities are construction activities that are performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including but not limited to: (1) Re-grading of gravel roads or parking lots; (2) stream bank restoration projects (does not include the placement of spoil material); (3) cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch; (4) placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment; (5) full depth milling and filling of exiting asphalt pavements, replacement of concrete pavements slabs, and similar work that does not expose soil or disturb the bottom six inches of sub-base material; (6) long-term use of equipment storage areas at or near highway maintenance facilities; (7) removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment; and (8) replacement of curbs, gutters, sidewalk, and guide rail posts.

Post-Construction Stormwater Management in Areas of New Development and Redevelopment Program Implementation Overview

TxDOT's Post-Construction MCM consists of BMPs that focus on the prevention or minimization of water quality impacts from new development and redevelopment projects that disturb greater than or equal to one acre of land, including projects less than one acre of land that are part of a larger common plan of development or sale that discharge into the MS4.

TxDOT lacks authority to prohibit or to control post-construction discharges of stormwater from areas of new development and redevelopment located outside of the ROW. Discharges to the MS4 from adjacent areas of new development and redevelopment that cause erosion or similar water quality issues with TxDOT's MS4 areas will be identified in conjunction with the illicit discharge detection survey activities. TxDOT may approach the discharger to resolve the water quality/quantity/discharge rate concerns or may install controls in the MS4, according to TxDOT policy and guidance and as is necessary.

Areas of New Development and Redevelopment

TCEQ defines the Redevelopment as *"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."*

New development and redevelopment projects within the ROW are under TxDOT control. TxDOT policy requires all new development and re-development projects, including highway construction subject to the TCEQ CGP TXR150000, to include permanent controls appropriate for the project and for local water bodies. Permanent controls may be structural or non-structural in nature. Because highway projects are linear in nature and ROW is often limited, non-structural controls are frequently necessary and are considered to be adequate if the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes.

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TxDOT has internal planning and design guidelines for new development and redevelopment for use by environmental, planning and design staff. This guideline includes a description of permanent structural and non-structural control measures to reduce pollutants from roadway runoff and how the controls will be developed and incorporated into the planning process. The goals of such controls for minimizing water quality impact include:

- New development - limiting increases in erosion and the discharge of pollutants in stormwater as a result of development; and,
- Redevelopment – reducing erosion and the discharge of pollutants in stormwater.

TxDOT has a well-defined and organized planning process in place for the development of transportation projects. The transportation planning process incorporates water quality and stormwater management in the early decision-making phases on a project. Stormwater issues are one of the many taken into consideration during the identification of potential alternatives available to meet a project's needs. Later in the transportation planning process, TxDOT follows the environmental review process outlined by the National Environmental Policy Act of 1969 (NEPA) and Federal Highway Administration rules (23 CFR 771) or the state equivalent rule (43 TAC Part 1 Chapter 2).

TxDOT's environmental review process follows strict requirements for public involvement, impact assessment, and agency coordination. The environmental assessment (EA) process includes the assessment, discussion, and evaluation of water quality, existing conditions, its potential impacts, and applicable mitigation measures. TxDOT is required to coordinate with TCEQ as outlined in a TxDOT/TCEQ MOU.

For typical highway construction projects, TxDOT's post-construction plan design efforts primarily address stormwater volume reduction/control, velocity dissipation, pollutant reduction, and erosion control practices. Specifically, the use of vegetative filter strips enables infiltration and evapotranspiration of stormwater runoff from the TxDOT roadways based on moderate retention and velocity dissipation. The velocity of stormwater discharges is reduced, thus limiting erosion and stream channel degradation and pollutant discharge. TxDOT ROW and new ROW with earthen surfaces are vegetated or re-vegetated according to the specifications included in TxDOT's Roadside Vegetation Management Manual.

In addition to the Stormwater Management Guidelines for Construction Activities, TxDOT's Bridge Division's Hydraulic Manual establishes general procedures for development of highway drainage facilities. It includes a survey of existing characteristics, estimates of future characteristics, engineering design criteria, discharge estimates, structure requirements, and constraints for the hydraulic design or analysis of highway drainage and receiving facilities. The manual also discusses in some detail stormwater management, erosion control, pollution prevention plans, and issues related to managing quantity and quality of runoff.

LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles, such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional, and safe site drainage that treat stormwater as a resource rather than

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a waste product. There are many practices that have been used to adhere to these principles, such as bio-retention facilities, vegetated swales, xeriscape landscaping, and permeable pavements. By implementing LID principles and practices where safe and practicable, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within a watershed.

Green Infrastructure (GI) is a relatively new and flexible EPA term, and it has been used differently in different contexts. However, EPA intends the term to generally refer to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse stormwater or runoff on the site where it is generated. GI can be used at a wide range of landscape scales in place of, or in addition to, more traditional stormwater control elements to support the principles of LID. GI approaches currently in use include green roofs, vegetated swales, vegetated median strips, and protection and enhancement of riparian buffers and floodplains. GI can be used almost anywhere where soil and vegetation can be safely worked into the urban or suburban landscape. GI is most effective when supplemented with other infiltration approaches, such as the use of permeable pavement to capture rainfall. GI also allows stormwater to be absorbed and cleansed by soil and vegetation and allowed to flow back into groundwater or surface water resources.

The LID/GI strategies that TxDOT may employ are as follows:

TxDOT Post-construction Control Measures

Structural Controls may include the following:

- Retention/irrigation ponds
- Extended detention (wet/dry basins)
- Vegetative filter strips
- Vegetated swales
- Constructed wetlands
- Sedimentation ponds/traps
- Infiltration ponds
- Catch basins
- Grated inlets
- Outfall velocity dissipation controls

Non-Structural Controls may include the following:

- Street sweeping
- Litter collection
- "No Mow" areas
- Inlet stenciling/Stormwater Inlet Markers (SWIMs)

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Identification and Selection of Structural Controls

The hydraulics and necessary structural controls for stormwater runoff are identified by TxDOT during the design phase for construction or redevelopment projects located within the regulated area. TxDOT maintains a number of manuals and guidance documents that are relied upon both during the design phase of these projects and during the maintenance activities that follow completion of the projects.

TxDOT will maintain copies of the most recent guidance manuals in locations readily accessible to staff and contractors. TxDOT will continue to use the following manuals and documents.

Roadside Vegetation Maintenance Manual

This guidance document was prepared by the Vegetation Management Section of the Maintenance Division to support TxDOT. This document provides a comprehensive discussion on the establishment and maintenance of vegetative cover.

Evaluation and Management of Highway Runoff Water Quality

A manual was prepared by the Federal Highways Administration (FHWA) and is used by TxDOT highway designers and environmental professionals to identify the appropriate impact prediction and mitigation tools available for use during highway project planning and development activities. The manual has five major sections: Introduction, Coordination with Environmental Agencies and the Public, Highway Runoff Water Quality, Water Quality Impact Assessment, and Best Management Practices.

The Hydraulic Design Manual

The manual was prepared by TxDOT's Design Division to establish general procedures for development of highway drainage facilities. It includes a survey of existing characteristics, estimates of future characteristics, engineering design criteria, discharge estimates, structure requirements, and constraints for the hydraulic design or analysis of highway drainage and receiving facilities. The manual also discusses in some detail stormwater management, erosion control, pollution prevention plans, and issues related to managing quantity and quality of runoff.

TxDOT does not construct flood control management projects. Flood control devices are not considered as a management measure and are not included in the SWMP. However, TxDOT does have structural and non-structural controls to provide pollutant removal from stormwater. If TxDOT does propose to construct a flood control project within the TxDOT's ROW in the MS4, the SWMP will be updated with applicable control measures for Flood Control Projects, and TCEQ will be notified of the change.

5.0 Pollution Prevention and Good Housekeeping for Transportation Operations

The stormwater regulations require TxDOT to develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from TxDOT operations (See 40 CFR §122.34(b)(6)).

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The draft permit requires TxDOT to maintain an inventory of TxDOT facilities and of stormwater controls in the previously designated Phase I areas. An inventory of facilities will help staff responsible for stormwater compliance build a better awareness of their locations within the TxDOT MS4 and their potential to contribute stormwater pollutants. The facility inventory will also serve as a basis for setting up periodic facility assessments and developing, where necessary, facility stormwater pollution plans.

Operation and maintenance of roads may include a street sweeping program. Street sweeping removes both fine and large particles from streets and has thereby a positive effect on water quality. TxDOT has roads without a curb and gutter, and they are therefore not suitable for street sweeping. In these cases source controls or inlet protection measures, to minimize pollutant discharges to storm drains and creeks, may be used in place of sweeping.

The stormwater regulation found at 40 CFR §122.34(b)(6) specifically requires that TxDOT develop a "training component" that trains employees to prevent and reduce stormwater pollution from activities such as building maintenance, new construction and land disturbances, and stormwater system maintenance. The draft permit requires TxDOT to develop a training program and to train all appropriate employees involved in implementing pollution prevention and good housekeeping practices.

The draft permit includes language for situations where TxDOT may use third-party contractors to conduct transportation maintenance activities. Contractors must be held to the same standards as TxDOT.

TxDOT Operation and Maintenance (O&M) Program

The Pollution Prevention and Good Housekeeping MCM consists of BMPs that focus on training and the prevention or reduction of pollutants in runoff from transportation operations that occur within TxDOT's regulated area.

TxDOT has existing good housekeeping measures and non-structural BMPs that reduce the discharge of pollutants from the following transportation operations, these include:

- 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.

TxDOT operates and maintains highways in a manner to minimize the discharge of pollutants from road repair, equipment yards, and material storage/maintenance facilities to the MEP. BMPs and statewide programs described throughout this SWMP have the primary goal of minimizing pollutants from roadways, as the highways are TxDOT's primary MS4 area of operation.

TxDOT implements a number of programs to minimize pollutant discharge, as presented below:

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**(1) Mowing and Vegetation Management for Street, Road, or Highway Maintenance**

Mowing and vegetation management are an integral part of TxDOT's highway maintenance program. The wildflower program is part of a comprehensive vegetation management program. It encourages the growth of native species that require less mowing and care. The native grasses and wildflowers help to conserve water, control erosion and provide a habitat for wildlife. TxDOT normally plants wildflowers annually and has a multi-million dollar annual landscaping budget. The amounts vary each year depending on its need. Mowing is delayed until wildflowers have produced mature seeds to assure the preservation and propagation of wildflower species. Detailed information on the wildflower program, as well as types of mowing, special situations mowing and litter pickup, and non-mow areas, are located in the Roadside Vegetation Management Manual, (<http://onlinemanuals.txdot.gov>).

(2) Storm Sewer System and Drainage Ditch Cleaning

Drainage ditches are cleaned on an as-needed basis during the summer. During the winter, all state-owned drainage ditches are systematically cleaned. Stormwater structures are cleaned on an as-needed basis as identified by inspection procedures.

(3) New Construction and Land Disturbances

New construction and land disturbance projects within the ROW are under TxDOT control. TxDOT policy requires all construction and land disturbance projects subject to the TCEQ Stormwater CGP, to include permanent controls appropriate for the project and for local water bodies. Permanent controls may be structural or non-structural in nature. Because highway projects are linear in nature and ROW is often limited, non-structural controls are frequently necessary and are considered to be adequate if the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes.

(4) Material Storage at Maintenance Facilities

TxDOT's Occupational Safety (OCC) and Environmental Affairs (ENV) divisions have implemented programs that require periodic inspections of each district/maintenance section. The objective of both programs is to note hazards within the workplace that may contribute to employee accidents and/or violate state and federal regulations (including water quality). The responses by the districts and sections have shown that the OCC and ENV survey teams are serving as educators as well as reporters. These programs have resulted in improved operations associated with the storage, handling, labeling and personal protection requirements involved with such items as solvents, wet batteries, paint/oil/grease barrels, etc.

(5) Stockpiled Materials

Stockpile Management procedures and practices are designed to reduce or eliminate air and stormwater pollution from stockpiles of soil, paving materials such as portland cement concrete rubble, reclaimed asphalt pavement (RAP), hot mixed-cold laid bituminous

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mixes, limestone rock asphalt, pre-coated aggregates, various patching mixes, and road deicing salt and sand.

TxDOT implements best management practices at all facilities that stockpile soil and other materials. Protection of stockpiles is a year-round requirement. To properly manage stockpiles TxDOT:

- Locates stockpiles away from concentrated flows of stormwater, drainage courses, and inlets;
- Protects all stockpiles from stormwater run-on using temporary perimeter sediment barriers, such as berms, dikes, fiber rolls, silt fences, sandbag, gravel bags, or straw bale barriers where available and appropriate;
- Places bagged materials on pallets and under cover where available and appropriate;
- Inspect stockpiled materials once every 18 months to verify continued BMP implementation; and
- Repair and/or replace perimeter controls and covers as needed to keep them functioning properly.

(6) Pesticide, Herbicide, and Fertilizer Application

In areas previously regulated under a Phase I MS4 individual permit, TxDOT continues to implement a program to reduce the discharge of pollutants from the application of pesticides, herbicides and fertilizers.

TxDOT 's management practices rely heavily on vegetation and re-vegetation management principles. Procedures for management of roadside vegetation are documented in TxDOT's Roadside Vegetation Management Manual. Vegetation management includes physical means such as hand-pulling, hoeing, plowing, cultivation, trimming, and mowing. Chemical methods include the application of approved herbicides to control specific vegetation problems. Herbicides are selected to provide the desired control of the target species while presenting minimum possible harm to the environment, the applicator and the travelling public.

Applicators are licensed by the state and TxDOT provides annual workshop trainings for TxDOT maintenance personnel, subcontractors, and contractors.

6.0 Industrial Stormwater Sources - NOT APPLICABLE TO TXDOT OPERATIONS

TxDOT's Phase I individual MS4 permits and Level 4 Operators of the Phase II (Small) MS4 General Permit TXR040000 issued on December 13, 2013 includes a requirement to address industrial stormwater sources. However, since TxDOT is considered a Level 2 operator in the 2013 Phase II MS4 General Permit and further does not have industrial facilities, activities, and/or processes located within its ROW, the permit does not include a MCM for industrial stormwater sources.

7.0 Impaired Water Bodies and Total Maximum Daily Load Requirements

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The permit includes requirements for direct discharges into impaired waterbodies and for discharges into impaired waterbodies with a total maximum daily load.

TxDOT will identify outfalls within its regulated MS4 that will discharge directly or indirectly into impaired water bodies using the latest TCEQ and EPA approved CWA §303(d) list and/or the Integrated Report of Surface Water Quality within the second permit year. TxDOT will also identify the associated pollutants of concern (POCs) within these segments within the third permit year. If additional BMPs are needed, TxDOT will revise its SWMP and submit written notification to TCEQ within the third permit year.

8.0 Edwards Aquifer Rules Requirements

The permit includes requirements for discharges within the Edwards Aquifer Recharge Zone and the Contributing Zone. The applicable TxDOT MS4 areas are required to meet all requirements of, and operate according to 30 TAC Chapter 213 (Edwards Aquifer Rule).

Implementation Overview

All the special precautions and requirements of the Edwards Rules are specifically related to the type of geology in the area of proposed construction. These geologic conditions are rare and are only present in isolated areas of the state's central region.

For purposes of inclusion to the draft permit, it must be clarified that the Edwards Rules only applies to three TxDOT Districts. The boundaries of these districts have within them, at least one roadway corridor that coincides with the TCEQ designation of Edwards Aquifer Recharge Zone or Contributing Zone boundaries.

Below are the TxDOT Districts and the Counties of those Districts where the Edwards Rules apply:

Austin District – Williamson, Travis, and Hays

San Antonio District – Comal, Bexar, Medina, and Uvalde

Laredo District - Kinney (not in MS4 Area)

Within the areas listed above, if there is construction proposed in TxDOT ROW that is greater than a five-acre disturbance on the Contributing Zone; or any soil disturbance or regulated activity on the Recharge Zone; an application and coordinating documentation will be provided to the TCEQ Region 11 office for review. This document can be either a Water Pollution Abatement Plan (WPAP) for RZ; or if over the CZ a Contributing Zone Abatement Plan (CZP). These documents will describe the project proposed, the water quality mitigation, the maintenance of both temporary and permanent controls or, the justification for any exception request thereof. The project will not commence until approved by the Executive Director after the Region office review of the project.

9.0 Expenditures

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Justification for Expenditures Requirements

All funding for transportation maintenance, administration and training, and public involvement and education originates with the Texas Legislature and is allocated to TxDOT. TxDOT provides adequate finances, staff, equipment, and support capabilities to implement its activities under the SWMP and other associated transportation activities. TxDOT spends funding on litter removal, street sweeping, spot litter pick-up, "Adopt-a-Highway" programs, vegetation control, ditch maintenance, culvert and storm drain maintenance, stormwater pump station maintenance, and channel maintenance for both the MS4 and non-MS4 areas. The cost of TxDOT environmental and stormwater training classes are charged to the overhead funds of each section being trained and are not specifically tracked for stormwater costs. Public involvement and education programs are mostly funded by TxDOT's "Don't Mess With Texas" campaign. TxDOT as a non-traditional MS4 does not have MS4-only staff and MS4-only expenditures.

To be in compliance with the Expenditures requirement, TxDOT will include the following expenditures that are considered representatives of the funding spent on the stormwater management program:

MCM 1 – Public Education, Outreach, and Involvement: Expenditure for DMWT Program

MCM 2 – Illicit Discharge Detection and Elimination: Expenditure for Outfall mapping and inspection

MCM 3 – Construction Site Stormwater Runoff Control: Expenditure for most used BMPs such as silt fencing

MCM 4 – Post construction Stormwater Management in New Development and Redevelopment: Expenditure for maintenance of ditch, culverts, and storm drains; also, placement of grassy swales

MCM 5 – Pollution Prevention and Good House Keeping: Expenditure for Street Sweeping, Litter pick-up and other litter control

The above expenditures and projected expenditures will be included in the annual report.

VII. PROPOSED DISCHARGE LIMITATIONS

The requirements in the draft permit are based on the CWA §402(p)(3)(B), which provides that a permit for discharges from a MS4 must effectively prohibit the discharge of non-stormwater to the MS4. The permit must also provide controls to reduce pollutants in discharges from the MS4 to the MEP. Permit conditions include: BMPs, control techniques, system, design and engineering methods, and other appropriate conditions.

A. Statewide SWMP

1. Existing SWMP Requirements. The draft permit includes a series of BMPs in the form of a comprehensive SWMP rather than numeric effluent limitations. The details of the existing SWMP are discussed above in Section VI.B. of this fact sheet. Previous permit renewals for the Austin District (TPDES Permit No. WQ0004645000) and Dallas District (TPDES Permit No. WQ0004521000) included an amendment to add regulated Phase II Ms4 areas, so many of the requirements from both the Phase I and Phase II EPA rules have been

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incorporated into the draft permit.

2. **Proposed SWMP Requirements.** The draft permit continues the existing requirements reorganized for clarity. While some of the existing permits included Phase II areas and therefore included requirements from the TPDES general permit for small MS4s (TXR040000), which is based on the Federal Phase II MS4 (40 CFR §122.34), the draft permit adds further detailed requirements from the Phase II program. The permittee is required to implement new elements in the statewide SWMP as soon as practicable, but no later than the five years from the permit effective date. The new SWMP requirements require the permittee to:
 - a. **Maintain an up-to-date map for the MS4.** To address the mapping requirements for the MS4 minimum control measure (MCM) related to Illicit Discharge Detection and Elimination from the federal Phase II rule 40 CFR §122.34(b)(3)(ii)(A), the draft permit requires the permittee to:
 - i. **Maintain an MS4 map to include the names and locations of all surface waters of the U.S. that receive discharges from the MS4s outfalls; and**
 - ii. **Map all new outfalls that are operated by the permittee and that discharge into waters of the U.S.**
 - b. **Expand Regulations for Post Construction Stormwater Management in New Development and Redevelopment.** To address the provisions related to post construction site runoff management in new development and redevelopment from the Federal Phase II rule (40 CFR §122.34(b)(5)(i) and (ii)), the draft permit requires the permittee to continue to develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one or more acres, that discharge into the MS4. Routine maintenance activities and linear utility installation are not considered new development and redevelopment. The program must ensure that controls are in place that would prevent or minimize water quality impacts. Specifically, the permittee must:
 - i. **develop and implement strategies that include a combination of structural and nonstructural BMPs appropriate for the ROW; and**
 - ii. **use an ordinance or other regulatory mechanism to address post-construction runoff from post construction, new development and redevelopment projects.**
 - c. **Update Construction Site Runoff Program.** To address the construction site runoff control provisions in the federal Phase II rule (40 CFR §§122.34(b)(4)(i) and (ii)), the permittee must ensure that the existing

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construction program regulates construction sites that will disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one or more acres, that discharge into the MS4.

The permittee must address construction site waste and include plan reviews that take into account water quality impacts.

The permittee must establish a regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.

Based on Section 4.3 of the SWMP and the annual reports (*See Section VI.B of this fact sheet*), it is clear that TxDOT is already implementing its construction program to include these smaller sites; therefore, the draft permit does not include any additional compliance period for this element.

3. Requirements -- Five Minimum Control Measures (MCMs).

The draft permit SWMP contains the following five program elements or "minimum control measures" (MCMs), which combine the existing Phase I and II requirements, and the new Phase II requirements listed in item 2 above:

- i. Public Education, Outreach, and Involvement;
- ii. Illicit Discharge Detection and Elimination (IDDE);
- iii. Construction Site Stormwater Runoff Control;
- iv. Post-Construction Stormwater Management in Areas of New Development and Redevelopment; and
- v. Pollution Prevention and Good Housekeeping for Transportation Operations.

Ancillary requirements include:

- i. Impaired Water Bodies and Total Maximum Daily Load Requirements;
- ii. Edwards Aquifer Rules Requirements;
- iii. Expenditures; and
- iv. Mapping Requirements in Other Requirements.

B. Monitoring Requirements

The draft permit recommends that TxDOT must develop, implement, and continue ongoing efforts to detect the presence of illicit connections and improper discharges (typically third-party connections and discharges from adjacent MS4's) to the TxDOT MS4. All areas or representative areas that were previously permitted as a Phase I MS4 of the TxDOT statewide MS4, are proposed to be screened at least once during the permit term when the weather meets the dry weather condition. TxDOT may select dry weather screening points with emphasis on the areas that may potentially be contributing high levels of pollutants to the TxDOT MS4 based on previous screening results, complaints,

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physical evidence, or other factors. Screening methodologies may be modified based on experience gained during the actual field screening activities.

TxDOT has previously performed the dry weather screening of all outfalls in TxDOT's Regulated Area concurrently with the mapping requirements. TxDOT's AOTS application is designed to perform both requirements. As part of the alternate dry weather screening program, TxDOT will emphasize the areas that may potentially be the sources of pollutants such as the illegal third party connections.

The draft permit recommends that in order to be in compliance with previous Wet Weather Screening Programs, which includes the Storm Event Discharge Monitoring requirements (40 CFR §122.26(d)(1)(iv)(B), and as agreed upon by U.S. EPA Region 6, TxDOT will perform the following activities in lieu of monitoring fixed wet weather monitoring stations or in lieu of participation in the Regional Wet Weather Characterization Monitoring Programs:

1. Perform visual observation inspections and site-specific monitoring for potential illicit discharge outfalls identified within TxDOT's regulated area annually, and submit the results with the annual reports.
2. Evaluate the watershed using existing stormwater characterization data collected by the National Stormwater Quality Database, the NCTCOG Regional Wet Weather Characterization Program (RWWCP), TCEQ Clean Rivers Program database, and the Houston Area Wet Weather Characterization program. The analysis and interpretation of this data will be submitted to TCEQ in the Year 4 annual report.

The evaluation of watersheds will be done for previous Phase I areas, where TxDOT was responsible for outfall monitoring or participated in a regional watershed monitoring program. See description of the Alternative Wet Weather Program in Part VI.B.2 in the IDDE program of this fact sheet.

The normal inspection and maintenance activities performed by TxDOT in accordance with TxDOT's IDDE program will include screening for potential environmental problems within the storm drainage systems. This screening will include visual inspections for dry weather discharges or other indications of potential undesirable environmental impacts.

TxDOT has in-place an AOTS that tracks the outfall locations, screening data (both physical observation and chemical result), and classification of each MS4 outfall. There are four (4) types of TxDOT's outfall classifications: Unlikely Illicit Discharge, Potential Illicit Discharge, Suspect Illicit Discharge, and Obvious Illicit Discharge. A dry weather screening point will be chosen based on the AOTS as well as the area served and the discharge route.

TxDOT will focus on the identification and reporting of all illicit dischargers caused by the third party connections and/or by the adjacent MS4(s). TxDOT will trace the potential source to the extent practicable and report the result to TCEQ or the adjacent MS4.

Due to the fact that a majority of potential pollutants that may discharge from the TxDOT MS4 areas originate from adjacent MS4s, TxDOT will utilize monitoring from the two largest metropolitan areas in Texas and from areas where TxDOT performed outfall

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monitoring or participated in watershed monitoring under the previous Phase I MS4 permits, in-lieu of performing monitoring at in-stream or fixed location wet weather monitoring stations in previously permitted Phase I MS4 areas. TxDOT will include the in-lieu monitoring data described in the permit in the Year 4 annual report. In addition, TxDOT will focus its resources on identifying third-party (adjacent MS4) discharges into the TxDOT MS4 area through its IDDE program. Utilization of the IDDE program will allow TxDOT to more effectively address water quality improvement through early detection and mitigation of illicit discharges onto the TxDOT MS4.

In addition to utilizing the available resources listed above, TxDOT will perform Site-Specific Monitoring when conditions warrant. Site-Specific Monitoring will occur through increased IDDE inspections and will follow specific TxDOT protocols.

C. Legal Authority

The permittee is required to have the legal authority necessary to successfully enforce, implement, and complete the various activities described in the permit and SWMP. According to the permit application, the permittee has indicated that it has adequate legal authority to:

1. Implement the permit;
2. Control the contribution of pollutants to the MS4;
3. Control the quality of stormwater from industrial sites contributing to the storm sewer system;
4. Prohibit illicit discharges to the storm sewer system;
5. Control spills, dumping or improper disposal to the storm sewer system;
6. Control of contribution of pollutants from one portion of the storm sewer system to the other;
7. Require compliance with applicable ordinances through inter-local agreements; and
8. Perform site inspections and monitoring.

D. Support Capabilities and Staffing

The draft permit requires the permittee to provide adequate support capabilities to implement its activities under the statewide SWMP, which shall be demonstrated by the permittee's ability to fully implement the SWMP, monitoring programs, and other permit requirements. The draft permit does not require specific funding or staffing levels, which provides the permittee the ability and incentive to adopt the most efficient and cost effective methods to comply with permit requirements.

E. Changes from the existing permits:

1. The cover page was updated to include areas throughout the state, and Part II.B specifies the MS4 located in urbanized areas, as determined by the 2000 and 2010 U.S. Census Bureau. The TxDOT MS4 located in Phase I areas based on the 1990 U.S. Bureau of Census are also authorized under the permit.

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2. The existing SWMP requirements are reorganized into five (5) MCMs, so that similar program areas are together.
3. A new provision was added to Part II, Section E. of the permit that would allow TxDOT to replace an infeasible BMP with an alternative BMP, if approved in writing by the TCEQ.
4. The reporting year was revised to coincide with TxDOT's fiscal year.
5. The requirement, in all TxDOT Phase I MS4 permits to assess flood control projects to determine the impacts on receiving water quality, was removed since TxDOT does not construct such control measures. Email from TxDOT to TCEQ February 20, 2014.
6. The requirement in all TxDOT Phase I permits to include controls to reduce the discharge of pollutants related to storage and application of pesticides, herbicides, and fertilizers was added to the permit. The requirement incorporates the Phase II MS4 general permit requirement for Level 4 MS4s. (Part III.B.5. (h) of draft permit).
7. The requirement in all TxDOT Phase I MS4 permits to implement a floatable discharge reduction program was included in the permit. (Part IV.A.3 of permit). The requirement incorporates requirement from Phase I MS4 permits such as the City of Fort Worth (WQ0004350000).
8. The requirement, in some TxDOT Phase I MS4 permits such as the City of Laredo (WQ0004592000), to document the source of information used to develop a MS4 map, including how the outfalls are verified and how the map will be regularly updated, was not included because TxDOT has previously implemented this as described in this fact sheet. (Part IV. B.2 of fact sheet).
9. The requirement in all TxDOT Phase I MS4 permits to address hazardous waste and used motor vehicle fluids was added to the IDDE MCM in the permit for Phase I areas (Part III.B.2. (i) (3) of permit).
10. The requirement in some TxDOT Phase I MS4 permits, such as City of San Antonio (WQ0004284000) and City of Fort Worth (WQ0004350000) to maintain a list of discharges to the MS4 that have been issued an NPDES or TPDES permit was added to the IDDE MCM in the permit for Phase I areas (Part III.B.2. (i) (2) of permit).
11. The requirement in all TxDOT Phase I MS4 permits to address overflows and infiltration from sanitary sewers was added to the IDDE MCM in the permit for Phase I areas. (Part III.B.2. (i) (1) of permit). The requirement incorporates the requirement from Phase I permits such as the City of San Antonio (WQ0004284000) and the City of Corpus Christi (WQ0004200000).
12. The requirement in several TxDOT Phase I MS4 permits, such as the City of Arlington (WQ0004635000) and the City of Fort Worth (WQ0004350000) to maintain a list of construction sites was added to the Construction MCM in the

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permit for Phase I MS4 areas (Part III.B.3.(i)(1) of permit).

13. The requirement in several TxDOT Phase I MS4 permits, such as TxDOT Beaumont (WQ0004644000) to implement a program with appropriate education and training measures for construction site operators, was added to the Construction MCM in the permit for Phase I areas (Part III.B.3(i)(2) of permit).
14. The requirement in the TxDOT Phase I MS4 permits, City of Arlington (WQ0004635000) and TxDOT Dallas (WQ0004521000) to create a list of priority areas likely to have illicit discharges was added to MCM 2 Illicit Discharge Detection and Elimination for Phase I areas. (Part III.B.2(i)4 of permit).
15. The requirement in the TxDOT Austin Phase I MS4 permit (WQ0004645000) under Spill Prevention and Response to coordinate with the U.S. Fish and Wildlife Service to determine areas of concern for endangered kart invertebrates was continued and revised to require TxDOT to report any coordination of projects with the U.S. Fish and Wildlife Service in the annual report. The requirements to designate hazardous material routes and to incorporate posting of hazardous material route signs was revised to reflect TxDOT's responsibilities.
16. The annual report requirement all TxDOT Phase I MS4 permits to report enforcement actions, inspections, construction site inspections, and annual expenditures was added to the annual report requirement (Part IV.C.2 of the permit).
17. The new development and redevelopment program has been revised to incorporate requirements of the Phase II Post Construction Runoff Control requirements (Part III, Section B.4 of the draft permit) to include a requirement to use a regulatory mechanism, such as an ordinance, to control stormwater sources from new development and redeveloped sites. The permit includes a requirement for TxDOT to develop, implement and enforce a program to ensure that the statewide SWMP includes strategies for structural and non-structural controls appropriate for the community and that requires the permittee to provide for long-term operation and maintenance of stormwater control measures.
18. A new provision is included allowing the permit to be amended to include requirements and conditions, specific to the stormwater discharges from the MS4 and to the pollutant(s) of concern, consistent with an approved TMDL and Implementation Plan.
19. A new provision is included requiring TxDOT to implement requirements in TMDLs and I-Plans to address discharges to water quality impaired receiving waters.
20. Previous requirements for monitoring were revised to require TxDOT to

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perform an Alternate Stormwater Assessment Program in lieu of the previously utilized Representative Rapid Bioassessment Monitoring, Representative Monitoring, and Regional Wet Weather Characterization programs. Per TPDES permit requirements, TxDOT is required to develop, implement, and continue ongoing efforts to detect the presence of illicit connections and improper discharges (typically third-party connections and discharges from adjacent MS4s) to the permittee's MS4. All areas or representative areas that were previously permitted as a Phase I MS4 of the TxDOT's Statewide MS4 will be screened at least once during the permit term. In addition, TxDOT will evaluate the water quality in watersheds where TxDOT previously was responsible for either outfall monitoring or participated in a regional watershed monitoring program using available data of pollutants previously monitored by TxDOT under its Phase I permits. This evaluation will be submitted with the Year 4 annual report.

21. A new provision is included to submit the statewide annual report using the online electronic reporting system available through the TCEQ website by September 1, 2020 and to submit DMRs using the NetDMR reporting system available through the TCEQ website by December 21, 2016, unless the permittee obtains an electronic reporting waiver.

VIII. DRAFT PERMIT RATIONALE

The following section sets forth the statutory and regulatory requirements considered in preparing the draft permit. Also set forth are any calculations or other necessary explanations of the derivation of specific discharge limitations and conditions, including a citation to the applicable effluent limitation guidelines and water quality standards.

A. REASON FOR PERMIT ISSUANCE

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal with major amendment of TPDES Permit No. WQ0005011000, which authorizes stormwater point source discharges to surface water in the state from the TxDOT Regulated Area (MS4).

B. WATER QUALITY SUMMARY**1. Discharge Information**

The MS4 (TxDOT ROW within the urbanized areas established by the 2000 and 2010 U.S. Census Bureau Urbanized Area Map and the TxDOT MS4s located in Phase I areas based on the 1990 U.S. Bureau of Census - hereafter referred to as "TxDOT's Regulated Areas") is located within the TxDOT Districts and applicable counties, cities, and zip codes as presented in Table 1 beginning on Page 2 of this fact sheet. The receiving water uses are described in Part IV of this fact sheet. Effluent limitations or conditions established in the draft permit are in compliance with state water quality standards and the applicable water quality management plan. The effluent limits and conditions in the draft permit will maintain and protect the existing instream uses.

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Additional discussion of the water quality aspects of the draft permit can be found at Part VIII, Section D of this fact sheet.

2. Impaired Surface Waters and Endangered Species

TxDOT has applied for a permit renewal with an amendment to authorize discharges from the TxDOT MS4 located within its ROW in urbanized areas throughout the State. The following is a list of these urbanized areas by TxDOT District, including their stream segments and applicable CWA § 303(d) List for impairments and endangered species.

Abilene District, Clear Fork Brazos River, Segment No. 1232 (primary contact recreation and high aquatic life use); and Fort Phantom Hill Reservoir, Segment No. 1236 (primary contact recreation, high aquatic life use and public water supply) of the Brazos River Basin.

The discharge from this permit action in Segment Nos. 1232 and 1236 are not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the United States Fish and Wildlife Service's (USFWS) biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Amarillo District Canadian River Above Lake Meredith, Segment No. 0103 (primary contact recreation and high aquatic life use) of the Canadian River Basin; and Upper Prairie Dog Town Fork Red River, Segment No. 0229 (primary contact recreation, and high aquatic life use) of the Red River Basin.

The Canadian River Above Lake Meredith in Segment No. 0103 is on the current 303(d) list for chloride. Upper Prairie Dog Town Fork Red River in Segment No. 0229 is on the current 303(d) list for pH.

A priority watershed of critical concern has been identified in Segment No. 0103 in Oldham and Potter Counties. Therefore, ***Notropis girardi***, **Arkansas River Shiner**, a threatened aquatic species, has been determined to occur in the watershed of Segment No. 0103. To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of the threatened Arkansas River shiner in the watershed of the Amarillo TXDOT District requires EPA review, and if appropriate, consultation with USFWS.

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Atlanta District McKinney Bayou, Segment No. 0225 (primary contact recreation, limited aquatic life use, and public water supply) of the Red River Basin; Wright Patman Lake, Segment No. 0302 (primary contact recreation, high aquatic life use, and public water supply); Days Creek, Segment No. 0304 (primary contact recreation, and intermediate aquatic life use) of the Sulphur River Basin; and the Sabine River above Toledo Bend Reservoir, Segment No. 0505 (primary contact recreation, high aquatic life use, and public water supply) of the Sabine River Basin.

The following Segment Nos. and subwatersheds are on the current CWA § 303(d) List of impaired waters in the Sulphur and Sabine River Basins of the Atlanta TXDOT District: Wright Patman Lake, Segment No. 0302 for depressed dissolved oxygen and pH; Swampoodle Creek, 0304A, and Cowhorn Creek, 0304B for impaired fish and macrobenthic community; Toledo Bend Reservoir, Segment Nos. 0505, and Grace Creek, Segment No. 0505B for bacteria and depressed dissolved oxygen; Wards Creek, Segment No. 0505G for depressed dissolved oxygen; and Hills Lake, Segment No. 0505O for mercury in edible tissue.

The discharge from this permit action to waters in the Atlanta District are not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Austin District Somerville Lake, Segment No. 1212 (primary contact recreation, high aquatic life use, public water supply); San Gabriel River, Segment No. 1214 (primary contact recreation, high aquatic life use, public water supply); Lampasas River Above Stillhouse Hollow Lake, Segment No. 1217 (primary contact recreation and high aquatic life use); Salado Creek, Segment No. 1243 (primary contact recreation, high aquatic life use, public water supply and aquifer protection); Brushy Creek, Segment No. 1244 (primary contact recreation, high aquatic life use, public water supply and aquifer protection); Granger Lake, Segment No. 1247 (primary contact recreation, high aquatic life use, and public water supply), San Gabriel/North Fork San Gabriel, Segment No. 1248 (primary contact recreation, high aquatic life use, public water supply and aquifer protection), Lake Georgetown, Segment No. 1249 (primary contact recreation, high aquatic life use, public water supply and aquifer protection); South Fork San Gabriel River, Segment No. 1250, (primary contact recreation, high aquatic life use, public water supply and aquifer protection); and North Fork San Gabriel River, Segment No. 1251 (primary contact recreation, high aquatic life use, public water supply and aquifer protection) of the Brazos River Basin.

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Colorado River Below La Grange, Segment No. 1402 (primary contact recreation, high aquatic life use, public water supply); Lake Austin, Segment No. 1403 (primary contact recreation, high aquatic life use, public water supply); Lake Travis, Segment No. 1404 (primary contact recreation, exceptional aquatic life use, public water supply); Lake Marble Falls, Segment No. 1405 (primary contact recreation, high aquatic life use, public water supply); Lake Lyndon B. Johnson, Segment No. 1406 (primary contact recreation, high aquatic life use, public water supply); Inks Lake, Segment No. 1407 (primary contact recreation, high aquatic life use, public water supply); Lake Buchanan, Segment No. 1408 (primary contact recreation, high aquatic life use, public water supply); Pedernales River, Segment No. 1414 (primary contact recreation, high aquatic life use, public water supply); Llano river, Segment No. 1415 (primary contact recreation, high aquatic life use, public water supply); Onion Creek, Segment No. 1427 (primary contact recreation, high aquatic life use, public water supply, and aquifer protection); Colorado River Below Lady Bird Lake, Segment No. 1428 (primary contact recreation, exceptional aquatic life use, public water supply); Lady Bird Lake, Segment No. 1429 (primary contact recreation, high aquatic life use, public water supply); Barton Creek, Segment No. 1430 (primary contact recreation, high aquatic life use, aquifer protection); and the Colorado River Above La Grange, Segment No. 1434 (primary contact recreation, exceptional aquatic life use, public water supply) of the Colorado River Basin.

Guadalupe River Below San Marcos, Segment No. 1803 (primary contact recreation, high aquatic life use, public water supply); Canyon Lake, Segment No. 1805 (primary contact recreation, exceptional aquatic life use, public water supply); Guadalupe River Above Canyon Lake, Segment No. 1806 (primary contact recreation, exceptional aquatic life use, public water supply, and aquifer protection); Lower San Marcos River, Segment No. 1808 (primary contact recreation, high aquatic life use, public water supply); Lower Blanco River, Segment No. 1809 (primary contact recreation, high aquatic life use, public water supply, and aquifer protection); Plum Creek, Segment No. 1810 (primary contact recreation, high aquatic life use, aquifer protection); Upper Blanco River, Segment No. 1813 (primary contact recreation, exceptional aquatic life use, public water supply, and aquifer protection); Upper San Marcos River, Segment No. 1814 (primary contact recreation, exceptional aquatic life use, and aquifer protection); Cypress Creek, Segment No. 1815 (primary contact recreation, exceptional aquatic life use, public water supply, and aquifer protection); and Johnson Creek, Segment No. 1816 (primary contact recreation, exceptional aquatic life use, public water supply) of the Guadalupe River Basin.

The following segments and subwatersheds are on the current CWA 303d List of impaired waters in the Austin TXDOT District Watershed: Somerville Lake, Segment No. 1212 for pH; Middle Yegua, Segment No. 1212A, and East Yegua, Segment No. 1212B for bacteria; San Gabriel River, Segment No. 1214 for bacteria, chloride, and sulfate; Sulphur Creek, Segment No. 1217B and North Rocky Creek, Segment No. 1217D for depressed dissolved oxygen; Brushy Creek, Segment No. 1244, Willis Creek 1247A, and Mankins Branch, Segment No. 1248C for bacteria; Buckners Creek, Segment No. 1402C, Skull Creek,

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Segment No. 1402H, Lake Austin, Segment No. 1403 and Bull Creek, 1403A for depressed dissolved oxygen; Spicewood Tributary to Shoal Creek, 1403J and Taylor Slough South, 1403K for bacteria; Clear Creek, Segment No. 1407A for aluminum, pH, sulfate, and total dissolved solids; Walnut Creek, 1428B and Waller Creek, 1429C for bacteria; Elm Creek, Segment No. 1803A for depressed dissolved oxygen; Sandies Creek, Segment No. 1803B for bacteria, depressed dissolved oxygen, and impaired fish and macrobenthic community; Peach Creek, Segment No. 1803C for bacteria and depressed dissolved oxygen; Canyon Lake, Segment No. 1805 for mercury in edible tissue; and Guadalupe River Above Canyon Lake, Segment No. 1806, Quinlan Creek, Segment No. 1806D, and Town Creek, Segment No. 1806E for bacteria.

A priority watershed of critical concern has been identified in Segment No. 1212 in Lee, Milam, and Bastrop Counties, Segment No. 1402 in Colorado County, and Segment No. 1434 in Bastrop County. Therefore, the Houston Toad, *Bufo houstonensis*, an endangered aquatic-dependent species of critical concern, has been determined to occur in the watershed of Segment Nos. 1212, 1402, and 1434. To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of the endangered Houston Toad requires EPA review and, if appropriate, consultation with USFWS.

A priority watershed of critical concern has been identified in the Colorado River Basin (1400) including Segment Nos. 1427, 1430, 1809, and 1814. Therefore, the Tooth Cave spider, *Neoleptoneta myopica*, Kretschmarr Cave mold beetle, *Texamaurops reddelli*, Tooth Cave ground beetle, *Rhadine persephone*, Bee Creek Cave harvestman, *Texella reddelli*, Bone Cave harvestman, *Texella reyesi*, Tooth Cave pseudoscorpion, *Tartarocreagris texana*, Barton Springs salamander, *Eurycea sosorum*, Comal Springs dryopid beetle, *Stygoparnus comalensis*, fountain darter, *Etheostoma fonticola*, San Marcos gambusia, *Gambusia georgei*, San Marcos Salamander, *Eurycea nana*, Texas wild-rice, *Zizania texana*, Texas blind salamander, *Eurycea (Typhlomolge) rathbuni*, Comal Springs riffle beetle, *Heterelmis comalensis* have been determined to occur in watersheds within the Austin TXDOT District. To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of these species in the watershed of the Austin TXDOT District requires EPA review and, if appropriate, consultation with USFWS.

Beaumont District Sabine River Tidal, Segment No. 0501 (primary contact recreation, and high aquatic life use); Adams Bayou Tidal, Segment No. 0508 (primary contact recreation, and high aquatic life use); and Cow Bayou Tidal, Segment No. 0511 (primary contact recreation, and high aquatic life use) of the Sabine River Basin.

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Neches River Tidal, Segment No. 0601 (primary contact recreation, and intermediate aquatic life use); Pine Island Bayou, Segment No. 0607 (primary contact recreation, high aquatic life use, public water supply); and Village Creek, Segment No. 0608 (primary contact recreation, high aquatic life use, public water supply) of the Neches River Basin.

Taylor Bayou Above Tidal, Segment No. 0701 (primary contact recreation and intermediate aquatic life use) of the Neches-Trinity River Basin.

Intracoastal Waterway Tidal, Segment No. 0702 (primary contact recreation, and high aquatic life use) of the Neches-Trinity Coastal Basin.

Hillebrandt Bayou, Segment No. 0704 (primary contact recreation, and intermediate aquatic life use) of the Neches-Trinity Coastal Basin.

Trinity River Tidal, Segment No. 0801 (primary contact recreation and high aquatic life use) of the Trinity River Basin.

Cedar Bayou Tidal, Segment No. 0901 (primary contact recreation, and high aquatic life use) of the Trinity-San Jacinto Coastal Basin.

Sabine Lake, Segment No. 2412 (primary contact recreation, high aquatic life use, and oyster waters); and Trinity Bay, Segment No. 2422 (primary contact recreation, high aquatic life use, and oyster waters) of the Bays and Estuaries.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Beaumont TXDOT District watershed: Sabine River Tidal, Segment No. 0501 for bacteria and PCBs in edible tissue; Little Cypress Bayou 0501B for bacteria, depressed dissolved oxygen, and toxicity in water; Neches River Tidal, Segment No. 0601 for bacteria and PCB's in edible tissue; Star Lake Canal 0601A for bacteria; Neches River Below Lake Palestine, Segment No. 0604, and Lake Ratcliff, 0604T for mercury in edible tissue; 604A, Cedar Creek, 604B, Hurricane Creek, 604C Jack Creek, and 0604M Biloxi Creek for bacteria; Piney Creek, 0604D for depressed dissolved oxygen; Pine Island Bayou, Segment No. 0607 for bacteria and depressed dissolved oxygen; Boggy Creek, 0607A, Little Pine Island Bayou, 0607B, and Willow Creek, 0607C for depressed dissolved oxygen; Village Creek, Segment No. 0608 and Lake Kimball, 0608G for mercury in edible tissue; Big Sandy Creek, 0608B and Turkey Creek, 0608F for bacteria; Cypress Creek, 0608C and Mill Creek (Hardin County), 0608E for depressed dissolved oxygen; Taylor Bayou Above Tidal, Segment 0701 for depressed oxygen; Intracoastal Waterway Tidal, Segment No. 0702 for bacteria, dioxin in edible tissue, and PBCs in edible tissue; Alligator Bayou and Main Canals A, B, C, and D 0702A for toxicity in sediment and waters; Hillebrandt Bayou, Segment No. 0704 for bacteria, and depressed dissolved oxygen; Cotton Bayou, 0801C for bacteria; Cedar Bayou Tidal, Segment No. 0901 for dioxin and PCB's in edible tissue, and bacteria; Sabine Lake, Segment No. 2412 for PCBs in edible tissue; and Trinity Bay, Segment No. 2422 for dioxin and PCBs in edible tissue.

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A watershed of high priority has been identified in the Sabine River Basin. The Navasota ladies'-tresses, *Spiranthes parksii*, an endangered aquatic dependent species, is found in the Sabine River watershed. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Since this permit is for an MS4 stormwater permit, the presence of the endangered Navasota ladies'-tresses in the watershed of the Beaumont TXDOT District requires that the permit be sent to EPA and, if appropriate, consultation with USFWS.

The piping plover, *Charadrius melodus* Ord, a threatened aquatic dependent species is found in the watershed of Segment No. 2422. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Since this permit is for MS4 Stormwater facilities, the presence of the threatened piping plover in the watershed of the Beaumont TXDOT District, requires that the permit be sent to EPA and, if appropriate, consultation with USFWS.

Bryan District Navasota River Below Lake Limestone, Segment No. 1209 (primary contact recreation, high aquatic life use, public water supply); and Brazos River Above Navasota River, Segment No. 1242 (primary contact recreation, high aquatic life use, public water supply) of the Brazos River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Bryan TXDOT District watershed: Navasota River Below Lake Limestone, Segment No. 1209, Carters Creek, 1209C, Country Club Branch, 1209D, Wickson Creek, 1209E, Cedar Creek, 1209G, Gibbons Creek, 1209I, Shepherd Creek, 1209J, Steele Creek, 1209K, and Burton Creek, 1209L for bacteria; Duck Creek, 1209H for bacteria and depressed dissolved oxygen; Country Club Lake, 1209A, and Fin Feather Lake for toxicity in sediment; 1242B, Cottonwood Branch, 1242C, Still Creek, 1242F, Pond Creek, 1242I, Campbells Creek, 1242J, Deer Creek, 1242K, Mud Creek, 1242L, Pin Oak Creek, 1242M, Spring Creek, 1242O, Walnut Creek, and 1242P, Big Creek, for bacteria; and 1242D Thompsons Creek for bacterial and dissolved oxygen.

The Houston Toad, *Bufo houstonensis*, an endangered aquatic-dependent species of critical concern, occurs within the watersheds of Segment No. 1209 and 1242, as well as the 12070101 and 12070103 United States Geological Survey hydrologic unit codes. This determination is based on the USFWS

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biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only consider aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Species distribution information for Segment No. 1209 and 1242 watersheds is provided by the USFWS and documents the toad's presence solely in the vicinity of Running Creek in Leon County, and Sweet Gum Branch in Burleson County, both of which are farther up the watershed from the facility associated with this permit action. Based upon this information, it is determined that the facility's discharge is not expected to impact the Houston Toad. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Corpus Christi District Nueces River Tidal, Segment No. 2101 (primary contact recreation, and high aquatic life use); Nueces River Below Lake Corpus Christi, Segment No. 2102 (primary contact recreation, high aquatic life use, and public water supply); Corpus Christi Bay, Segment No. 2481 (primary contact recreation, exceptional aquatic life use, and oyster waters); Nueces Bay, Segment No. 2482 (primary contact recreation, exceptional aquatic life use, and oyster waters); Corpus Christi Inner Harbor, Segment No. 2484 (non-contact recreation, and intermediate aquatic life use); Oso Bay, Segment No. 2485 (primary contact recreation, exceptional aquatic life use, and oyster waters); and Laguna Madre, Segment No. 2491 (primary contact recreation, exceptional aquatic life use, and oyster waters) of the Bays and Estuaries.

Gulf of Mexico, Segment No. 2501 (primary contact recreation, exceptional aquatic life use, and oyster waters).

The following segments are on the current CWA 303(d) list of impaired waters in the Corpus Christi TXDOT District watershed: Nueces River Below Lake Corpus Christi, Segment No. 2102 for total dissolved solids; Corpus Christi Bay, 2481CB (Recreational Beaches) for bacteria; Oso Bay, Segment No. 2485, for depressed dissolved oxygen; Oso Creek, 2485A, and Oso Bay (Oyster Waters), 2485OW for bacteria; Laguna Madre, Segment No. 2491 for bacteria, and depressed dissolved oxygen; Laguna Madre (Oyster Waters), 2491OW for bacteria, and Gulf of Mexico, Segment No. 2501 for mercury in edible tissue, and bacteria.

A watershed of high priority has been identified in Segment Nos. 2481, 2485, 2491, and 2501. The piping plover, *Charadrius melodus* Ord, a threatened aquatic dependent species, is found in the watershed of these segments; **however, the facility is not a petroleum facility and its discharge is not expected to have an effect on the piping plover.** This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high

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priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Dallas District Lake Tawakoni, Segment No. 0507 (primary contact recreation, high aquatic life use, and public water supply) of the Sabine River Basin.

Upper Trinity River, Segment No. 0805 (primary contact recreation, and high aquatic life use); Bardwell Reservoir, Segment No. 0815 (primary contact recreation, high aquatic life use, and public water supply); Lake Waxahachie, Segment No. 0816 (primary contact recreation, high aquatic life use, and public water supply); East Fork Trinity River, Segment No. 0819 (primary contact recreation, and intermediate aquatic life use); Lake Ray Hubbard, Segment No. 0820 (primary contact recreation, high aquatic life use, and public water supply); Lavon Lake, Segment No. 0821 (primary contact recreation, high aquatic life use, and public water supply); Elm Fork Trinity River Below Lewisville Lake, Segment No. 0822 (primary contact recreation, high aquatic life use, and public water supply); Lewisville Lake, Segment No. 0823 (primary contact recreation, high aquatic life use, and public water supply); Denton Creek, Segment No. 0825 (primary contact recreation, high aquatic life use, and public water supply); Grapevine Lake, Segment No. 0826 (primary contact recreation, high aquatic life use, and public water supply); White Rock Lake, Segment No. 0827 (primary contact recreation, and high aquatic life use); Joe Pool Lake, Segment No. 0838 (primary contact recreation, high aquatic life use, and public water supply); Elm Fork Trinity River Below Ray Roberts Lake, Segment No. 0839 (primary contact recreation, high aquatic life use, and public water supply); Ray Roberts Lake, Segment No. 0840 (primary contact recreation, high aquatic life use, and public water supply); and Lower West Fork Trinity River, Segment No. 0841 (primary contact recreation, and intermediate aquatic life use) of the Trinity River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Dallas TXDOT District: Lake Tawakoni, Segment No. 0507 for pH; South Fork Sabine River, 0507G for bacteria; Upper Trinity River, Segment No. 0805 for dioxin and PCB's in edible tissue; East Fork Trinity River, Segment No. 0819 for chloride, sulfate, and total dissolved solids; Wilson Creek, 0821C, and East Fork Trinity River above Lake Lavon Lake, 0821D for bacteria; Grapevine Lake, Segment No. 0826 for pH; Lower West Fork Trinity River, Segment No. 0841 for dioxin and PCB's in edible tissue, and bacteria; Cottonwood Creek, 0841F, Dalworth Creek, 0841G, Delaware Creek, 0841H, Estelle Creek, 0841J, Fish Creek, 0841K, Johnson Creek, 0841L, Kee Branch, 0841M, Kirby Creek, 0841N, Rush Creek, 0841R, Vilbig Lakes, 0841S, Village Creek, 0841T, West Irving Creek, 0841U, and Crockett Branch, 0841V for bacteria.

A priority watershed of critical concern has been identified in Segment No. 0805 for the Least Tern (*Sterna antillarum*), an endangered aquatic dependent

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species. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Since this permit is for an MS-4 Stormwater Permit, the presence of the endangered Least Tern in the watershed of the Dallas TXDOT District requires that the permit be sent to EPA and, if appropriate, consultation with USFWS.

El Paso District Rio Grande Below Riverside Diversion Dam in Segment No. 2307, (primary contact recreation, high aquatic life use, and public water supply); Rio Grande Below International Dam in Segment No. 2308 (primary contact recreation, limited aquatic life use); and Rio Grande above International Dam in Segment No. 2314 (primary contact recreation, high aquatic life use, and public water supply) of the Rio Grande Basin.

The following segments and subwatersheds are on the current 303-(d) list of impaired waters in the El Paso TXDOT District: Rio Grande Below Riverside Diversion Dam, Segment No. 2307 for bacteria, chloride, and TDS; and Rio Grande Above International Dam, Segment No. 2314 for Bacteria.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species in the El Paso TXDOT District.

Fort Worth District West Fork Trinity River Below Lake Worth, Segment No. 0806 (primary contact recreation, high aquatic life use, and public water supply); Lake Worth, Segment No. 0807 (primary contact recreation, high aquatic life use, and public water supply); West Fork Trinity River Below Eagle Mountain Reservoir, Segment No. 0808 (primary contact recreation, high aquatic life use, and public water supply); Eagle Mountain Reservoir, Segment No. 0809 (primary contact recreation, high aquatic life use, and public water supply); Lake Arlington, Segment No. 0828 (primary contact recreation, high aquatic life use, and public water supply); Clear Fork Trinity River Below Benbrook Lake, Segment No. 0829 (primary contact recreation, high aquatic life use, and public water supply); Benbrook Lake, Segment No. 0830 (primary contact recreation, high aquatic life use, and public water supply); Joe Pool Lake, Segment No. 0838 (primary contact recreation, high aquatic life use, and public water supply); and Lower West Fork Trinity River, Segment No. 0841

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(primary contact recreation, and intermediate aquatic life use) of the Trinity River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Fort Worth TXDOT District watershed: West Fork Trinity River Below Lake Worth in Segment No. 0806 for dioxin and PCBs in edible tissue; Sycamore Creek, 0806E for bacteria; West Fork Trinity River Below Eagle Mountain Reservoir, Segment No. 0808 for PCB's in edible tissue; Village Creek, 0828A for bacteria; Clear Fork Trinity River Below Benbrook Lake, Segment No. 0829 for dioxin and PCB's in edible tissue; Walnut Creek, 0838C, for bacteria; and Cottonwood Creek, 0841F, Fish Creek, 0841K, Johnson Creek, 0841L, Kee Branch, 0841M, Kirby Creek, 0841N, Rush Creek, 0841R, Village Creek, 0841T, and Crocket Branch, 0841V for bacteria.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species in the Fort Worth TXDOT District.

Houston District, Cedar Bayou Tidal, Segment No. 0901 (primary contact recreation, high aquatic life use); and Cedar Bayou Above Tidal, Segment No. 0902 (primary contact recreation, high aquatic life use, and public water supply) of the Trinity-San Jacinto Coastal Basin.

Cedar Bayou Tidal in Segment No. 0901 is on the current CWA 303(d) List of impaired waters for bacteria, and dioxin and PCB's in edible tissue.

San Jacinto River Tidal, Segment No. 1001 (primary contact recreation, high aquatic life use); Lake Houston, Segment No. 1002 (primary contact recreation, high aquatic life use, and public water supply); East Fork San Jacinto River, Segment No. 1003 (primary contact recreation, high aquatic life use, and public water supply); West Fork San Jacinto River, Segment No. 1004 (primary contact recreation, high aquatic life use, and public water supply); Houston Ship Channel/San Jacinto River Tidal, Segment No. 1005 (non-contact recreation, and high aquatic life use); Houston Ship Channel Tidal, Segment No. 1006 (navigation and industrial water supply); Houston Ship Channel/Buffalo Bayou Tidal, Segment No. 1007 (navigation, and industrial water supply); Spring Creek, Segment No. 1008 (primary contact recreation, high aquatic life use, and public water supply); Cypress Creek, Segment No. 1009 (primary contact recreation, high aquatic life use, and public water supply); Caney Creek, Segment No. 1010 (primary contact recreation, high

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aquatic life use, and public water supply); Peach Creek, Segment No. 1011 (primary contact recreation, high aquatic life use, and public water supply); Buffalo Bayou Tidal, Segment No. 1013 (primary contact recreation, intermediate aquatic life use); Buffalo Bayou Above Tidal, Segment No. 1014 (primary contact recreation, limited aquatic life use); Lake Creek, Segment No. 1015 (primary contact recreation, high aquatic life use, and public water supply); Greens Bayou Above Tidal, Segment No. 1016 (primary contact recreation, limited aquatic life use); and Whiteoak Bayou Above Tidal Segment No. 1017 (primary contact recreation, limited aquatic life use) of the San Jacinto River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Houston TXDOT District: San Jacinto River Basin watershed: San Jacinto River Tidal, Segment No. 1001 for dioxin and PCBs in edible tissue; Lake Houston, Segment No. 1002 for bacteria; Lake Isabell, 1002C for mercury in edible tissue, East Fork San Jacinto River, Segment No. 1003 for bacteria; West Fork San Jacinto River, Segment No. 1004, and Crystal Creek, 1004D for bacteria; Houston Ship Channel, Segment No. 1005 for dioxin and PCB's in edible tissue; Houston Ship Channel Tidal, Segment No. 1006 for bacteria, mercury in water, toxicity in sediment, and dioxin and PCB's in edible tissue; Halls Bayou, 1006D for bacteria; Houston Ship Channel, Segment No. 1007 for toxicity in sediment, and dioxin and PCB's in edible tissue; Canal C-147 Tributary of Sims Bayou Above Tidal, 1007A for bacteria; Pine Gully Above Tidal, 1007H, Plum Creek Above Tidal, 1007I, Country Club Bayou Above Tidal, 1007K, unnamed tributary of Buffalo Bayou, 1007O, and Hunting Bayou, 1007R for depressed dissolved oxygen; Poor Farm Ditch, 1007S, Bintliff Ditch, 1007T, Mimosa Ditch, 1007U, and unnamed tributary of Hunting Bayou, 1007V for bacteria; Spring Creek, Segment No. 1008 for depressed dissolved oxygen; Upper Panther Branch, 1008B, Lower Panther Branch, 1008C, and Bear Branch, 1008E for bacteria; Little White Oak Bayou, 1013A for depressed dissolved oxygen; Newman Branch (Neimans Bayou), 10014M for depressed dissolved oxygen, and impaired fish and benthic macrobenthic community; unnamed tributary of Greens Bayou, 1016D for depressed dissolved oxygen; Vogel Creek, 1017C, and Rolling Fork Creek, 1017F for bacteria; unnamed tributary of Whiteoak Bayou, 1017D for depressed dissolved oxygen.

Clear Creek Tidal, Segment No. 1101 (primary contact recreation, high aquatic life use); Clear Creek Above Tidal, Segment No. 1102 (primary contact recreation, high aquatic life use); Dickinson Bayou Tidal, Segment No. 1103 (primary contact recreation, high aquatic life use.); Dickinson Bayou Above Tidal, Segment No. 1104 (primary contact recreation, intermediate aquatic life use); Bastrop Bayou Tidal, Segment No. 1105 (primary contact recreation, high aquatic life use); Oyster Creek Tidal, Segment No. 1109 (primary contact recreation, high aquatic life use); Oyster Creek Above Tidal, Segment No. 1110 (primary contact recreation and high aquatic life use); Old Brazos River Channel Tidal, Segment No. 1111 (primary contact recreation, high aquatic life use); and Armand Bayou, Segment No. 1113 (primary contact recreation, high aquatic life use) of the San Jacinto-Brazos Coastal Basin.

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The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Houston TXDOT District San Jacinto-Brazos Coastal Basin: Clear Creek Tidal, Segment No. 1101 for PCB's and dioxin in edible tissue; Magnolia Creek, 1101A, and Cow Bayou, 1101C for bacteria; Clear Creek Tidal, Segment No. 1102 for PCB's in edible tissue; unnamed tributary of Mary's Creek, 1102G for bacteria; Dickinson Bayou, Segment No. 1103 for PCB's and dioxin in edible tissue, depressed dissolved oxygen, and bacteria; Geisler Bayou, 1103C for depressed dissolved oxygen; Gum Bayou, 1103D for bacteria; Cedar Creek, 1103E for bacteria; Bastrop Bayou Tidal, Segment No. 1105, and Flores Bayou, 1105A, for bacteria; Brushy Bayou, 1105E for bacteria and depressed dissolved oxygen; Oyster Creek Tidal, Segment No. 1109 for bacteria; Oyster Creek Above Tidal, Segment No. 1110 for bacteria and depressed dissolved oxygen; and Armand Bayou Tidal, Segment No. 1113 for PCB's and dioxin in edible tissue, depressed dissolved oxygen, and bacteria.

Brazos River Below Navasota River, Segment No. 1202 (primary contact recreation, high aquatic life use, and public water supply); Upper Oyster Creek, Segment No. 1245 (primary contact recreation, intermediate aquatic life use, and public water supply) of the Brazos River Basin.

The following subwatersheds are on the current CWA 303(d) List of impaired waters in the Houston TXDOT District Brazos River Basin watershed: Bullhead Bayou, 1245C, unnamed tributary of Bullhead Bayou, 1245D, Alcorn Bayou, 1245F, and Steep Bank, 1245I for bacteria.

The Houston Toad, *Bufo houstonensis*, an endangered aquatic dependent species of critical concern, occurs within the watershed of Segment No. 1202 as well as the 12070104 United States Geological Survey hydrologic unit code. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only consider aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Species distribution information for Segment No. 1202 watershed is provided by the USFWS and documents the toad's presence solely in the vicinity of Deep Creek in Austin County which is farther up the watershed from the facility associated with this permit action. Based upon this information, it is determined that the facility's discharge is not expected to impact the Houston Toad. The permit does not require EPA review with respect to the presence of the Houston Toad in the Houston TXDOT District.

Upper Galveston Bay, Segment No. 2421 (primary contact recreation, high aquatic life use, and oyster waters); West Bay, Segment No. 2424 (primary contact recreation, high aquatic life use, and oyster waters); Clear Lake, Segment No. 2425 (primary contact recreation, high aquatic life use); Tabbs Bay, Segment No. 2426 (primary contact recreation, high aquatic life use); San Jacinto Bay, Segment No. 2427 (primary contact recreation, high aquatic life

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use); Black Duck Bay, Segment No. 2428 (primary contact recreation, high aquatic life use); Scott Bay, Segment No. 2429 (primary contact recreation, high aquatic life use); Burnet Bay, Segment No. 2430 (primary contact recreation, high aquatic life use); Moses Lake, Segment No. 2431 (primary contact recreation, and high aquatic life use), Chocolate Bay, Segment No. 2432 (primary contact recreation, high aquatic life use, and oyster waters); Barbour's Cut, Segment No. 2436 (primary contact recreation, high aquatic life use); and Bayport Channel, Segment No. 2438 (non-contact recreation, high aquatic life use) of the Bays and Estuaries.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Houston TXDOT District Bays and Estuaries watershed: Upper Galveston Bay, Segment No. 2421, Clear Lake Channel, 2421A, West Bay, Segment No. 2424, Offats Bayou, 2424D, Taylor Lake, 2424A, Clear Lake, Segment No. 2425, Taylor Bayou, 2425D, Tabbs Bay, Segment No. 2426, Goose Creek Tidal, 2426C, San Jacinto Bay, Segment No. 2427, Black Duck Bay, Segment No. 2428, Scott Bay, Segment No. 2429, Burnet Bay, Segment No. 2430, Crystal Bay, 2430A, Moses Lake, Segment No. 2431, Moses Bayou, Segment No. 2431A, Chocolate Bay, Segment No. 2432, Barbour's Cut, Segment No. 2436, and Bayport Channel, Segment No. 2438 for PCB's and dioxin in edible tissue; Highland Bayou, 2424A for PCB's and dioxin in edible tissue, depressed dissolved oxygen, and bacteria; Marchand Bayou, 2424C for bacteria and depressed dissolved oxygen; and Jurbo Bayou, 2425B for PCB's and dioxin in edible tissue, and bacteria.

The piping plover, *Charadrius melodus* Ord, a threatened aquatic dependent species is found in the watershed of Segment Nos. 2421, 2424 and 2432. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Since this permit is for MS4 Stormwater facilities, the presence of the threatened piping plover in the watershed of the Houston TXDOT District, requires that the permit be sent to EPA and, if appropriate, consultation with USFWS.

Laredo District, Rio Grande Below Amistad Reservoir, Segment No. 2304, (primary contact recreation, high aquatic life use, and public water supply) of the Rio Grande Basin.

Rio Grande Below Amistad Reservoir in Segment No. 2304 is on the current 303-(d) list for bacteria.

A priority watershed of critical concern has been identified in Segment No. 2304 in Kinney and Val Verde Counties. The Devil's River minnow, *Dionda diaboli*, a threatened aquatic species, has been determined to occur in the watershed of Segment No. 2304. To make this determination for TPDES

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permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. Species distribution information for the Segment No. 2304 watershed is provided by the USFWS and documents the minnow's presence in Sycamore Creek, Pinto Creek, Pinto Spring, Las Moras Creek and Las Moras Spring in Kinney County and Devil's River, Dolan Creek, Finnegan Spring, Pecan Springs, and Phillips Creek in Val Verde County. The presence of the Devil's River Minnow in the watershed of the Laredo TXDOT District requires EPA review and, if appropriate, consultation with USFWS.

Lubbock District, Double Mountain Fork Brazos River, Segment No. 1241, (primary contact recreation, high aquatic life use) of the Brazos River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Brazos River Basin of the Laredo TXDOT District: Double Mountain Fork Brazos River, Segment No. 1241, and North Fork Double Mountain Fork Brazos River, 1241A for bacteria; and Lake Alan Henry, 1241B for mercury in edible tissue.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species in the Lubbock TXDOT District.

Odessa District, Colorado River Below Lake J.B. Thomas, Segment No. 1412, (primary contact recreation, high aquatic life use) of the Colorado River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Colorado River Basin of the Odessa TXDOT District: The Colorado River Below Lake J.B. Thomas, Segment No. 1412 for bacteria; and Beals Creek, 1412B for bacteria, and Selenium in water.

A priority watershed of critical concern has been identified in the Colorado River Basin (1400) including Segment No. 1412. Therefore, the Concho water snake, *Nerodia paucimaculata*, has been determined to occur in watersheds within the Odessa TXDOT District. To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of the Concho water snake in the watershed of the

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Odessa TXDOT District requires EPA review and, if appropriate, consultation with USFWS.

Paris District, Red River Below Lake Texoma, Segment No. 0202, (primary contact recreation, high aquatic life use, and public water supply); Lake Texoma, Segment No. 0203 (primary contact recreation, high aquatic life use, and public water supply) of the Red River Basin.

The following subwatersheds are on the current CWA 303(d) List of impaired waters in the Red River Basin of the Paris TXDOT District: Bois d'Arc Creek, 0202A, Choctaw Creek, 0202F, Smith Creek, 0202G, and Iron Ore Creek, 0202K for bacteria.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species in the Paris TXDOT District.

Pharr District, Arroyo Colorado Tidal, Segment No. 2201 (primary contact recreation, high aquatic life use); and the Arroyo Colorado Above Tidal, and Segment No. 2202 (primary contact recreation, intermediate aquatic life use) of the Nueces-Rio Grande Coastal Basin.

Rio Grande Tidal, Segment No. 2301 (primary contact recreation, and exceptional aquatic life use); and Rio Grande Below Falcon Reservoir, Segment No. 2302 (primary contact recreation, high aquatic life use, and public water supply) of the Rio Grande Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Rio Grande Basin of the Pharr TXDOT District; Rio Grande Below Falcon Reservoir, Segment No. 2302, and Arroyo Los Olmos, 2302A for bacteria.

Laguna Madre, Segment No. 2491 (primary contact recreation, exceptional aquatic life use, and oyster waters); South Bay, Segment No. 2493 (primary contact recreation, exceptional aquatic life use, and oyster waters); Brownsville Ship Channel, Segment No. 2494 (non- contact recreation, exceptional aquatic life use) of the Bays and Estuaries.

Gulf of Mexico, Segment No. 2501, (primary contact recreation, exceptional aquatic life use, and oyster waters) of the Gulf of Mexico.

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The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Nueces-Rio Grande Coastal Basin of the Pharr TXDOT District: Arroyo Colorado Tidal, Segment No. 2201 for mercury, DDE, PCB's and dioxin in edible tissue, bacteria, and depressed dissolved oxygen; unnamed drainage ditch tributary (B) in Cameron County Drainage District # 3, 2201B for bacteria; and Arroyo Colorado Above Tidal, Segment No. 2202 for PCB's and mercury in edible tissue, and bacteria; Rio Grande Below Falcon Reservoir, Segment No. 2302, and Arroyo Los Olmos, 2302A for bacteria; Laguna Madre, Segment No. 2491 for bacteria, and depressed dissolved oxygen; Laguna Madre (Oyster Waters), 2491OW for bacteria; Brownsville Ship Channel, Segment No. 2494, and Port Isabel Fishing Harbor, 2494A for bacteria; and the Gulf of Mexico, Segment No. 2501, for mercury in edible tissue, and bacteria.

A watershed of high priority has been identified in Segment Nos. 2491, 2493, 2494, and 2501. The piping plover, *Charadrius melodus* Ord, a threatened aquatic dependent species, is found in the watershed these Segment; however, the facility is not a petroleum facility and its discharge is not expected to have an effect on the piping plover. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

San Angelo District Concho River, Segment No. 1421, (primary contact recreation, high aquatic life use, and public water supply); Lake Nasworthy, Segment No. 1422 (primary contact recreation, high aquatic life use, and public water supply); and O.C. Fisher Lake, Segment No. 1425 (primary contact recreation, high aquatic life use, and public water supply) of the Colorado River Basin.

The Concho River in Segment No. 1421 is on the current CWA 303(d) List for bacteria, and depressed dissolved oxygen.

A priority watershed of critical concern has been identified in the Colorado River Basin (1400) including Segment No. 1421. Therefore, the Concho water snake, *Nerodia paucimaculata*, has been determined to occur in watersheds within the San Angelo TXDOT District. To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of the Concho water snake in the watershed of the San Angelo TXDOT District requires EPA review and, if appropriate, consultation with USFWS.

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San Antonio District Guadalupe River Below Comal River, Segment No. 1804 (primary contact recreation, high aquatic life use, public water supply, and aquifer protection); Comal River, Segment No. 1811 (primary contact recreation, high aquatic life use, public water supply, and aquifer protection); Guadalupe River Below Canyon Dam, Segment No. 1812 (primary contact recreation, exceptional aquatic life use, public water supply, and aquifer protection) of the Guadalupe River Basin.

Lower Cibolo Creek, Segment No. 1902 (primary contact recreation, and high aquatic life use); Medina River Below Medina Diversion Lake, Segment No. 1903 (primary contact recreation, high aquatic life use, public water supply, and aquifer protection); Lower Leon Creek, Segment No. 1906 (primary contact recreation, high aquatic life use, and public water supply); Upper Leon Creek, Segment No. 1907, (primary contact recreation, high aquatic life use, public water supply, and aquifer protection); Upper Cibolo Creek, Segment No. 1908 (primary contact recreation, high aquatic life use, public water supply, and aquifer protection); Salado Creek, Segment No. 1910, (primary contact recreation, high aquatic life use, public water supply, and aquifer protection); Upper San Antonio River, Segment No. 1911, (primary contact recreation, and high aquatic life use); Medio Creek, Segment No. 1912, (primary contact recreation, and intermediate aquatic life use); and Mid Cibolo Creek, Segment No. 1913 (primary contact recreation, and limited aquatic life use) of the San Antonio River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the San Antonio River Basin of the San Antonio TXDOT District: Dry Comal River Segment No. 1811A for bacteria. Lower Cibolo Creek, Segment No. 1902 for bacteria, and impaired fish community; Medina River Below Medina Diversion Lake, Segment No. 1903 for bacteria; Lower Leon Creek, Segment No. 1906 for PCB's in edible tissue, and depressed dissolved oxygen; Upper Cibolo Creek, Segment No. 1908 for bacteria and chloride; Upper San Antonio River, Segment No. 1911 for impaired fish community; Apache Creek, 1911B, Alazan Creek, 1911C, San Pedro Creek, 1911D, and Sixmile Creek, 1911D for bacteria; and Pico Creek, 1911H for depressed dissolved oxygen.

A watershed of high priority has been identified in the Comal River, Segment No. 1811, Guadalupe River Below Canyon Dam, Segment No. 1812, Lower Leon Creek, Segment No. 1906, Upper Leon Creek, Segment No. 1907, and Salado Creek, Segment No. 1910. The Comal Springs dryopid beetle, *Stygoparnus comalensis*, San Marcos Salamander, *Eurycea nana*, and Pecks Cave amphipod, *Stygobromus pecki*, are all endangered aquatic dependent species found in the Southern Segment of the Edwards Aquifer Recharge and Contributing Zone. The Peck's Cave amphipod, *Stygoparnus pecki*, Comal Springs dryopid beetle, *Stygoparnus comalensis*, Comal Springs riffle beetle, *Heterelmis comalensis*, and fountain darter, *Etheostoma fonticola* are all associated with the Comal River, and the Peck's Cave amphipod is also associated with the Guadalupe River Below Comal River. This determination is based on the USFWS biological opinion on the State of Texas authorization of

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the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The presence of these endangered species in the watershed of the San Antonio TXDOT District requires that the permit be sent to EPA and, if appropriate, consultation with USFWS.

Tyler District Sabine River Above Toledo Bend Reservoir, Segment No. 0505 (primary contact recreation, high aquatic life use, and public water supply); and the Sabine River Below Lake Tawakoni, Segment No. 0506 (primary contact recreation, high aquatic life use, and public water supply) of the Sabine River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Sabine River Basin of the Tyler TXDOT District: Sabine River Above Toledo Bend Reservoir, Segment No. 0505 for bacteria; Grace Creek, 0505B for bacteria, and depressed dissolved oxygen; Wards Creek, 0505G for depressed dissolved oxygen; Hills Lake, 0505O for mercury in edible tissue; and Harris Creek, 0506A for depressed dissolved oxygen.

Lake Palestine, Segment No. 0605 (primary contact recreation, high aquatic life use, and public water supply); Neches River Above Lake Palestine, Segment No. 0606 (primary contact recreation, intermediate aquatic life use, and public water supply); Angelina River Above Sam Rayburn Reservoir, Segment No. 0611 (primary contact recreation, high aquatic life use, and public water supply); Lake Tyler/Lake Tyler East, and Segment No. 0613 (primary contact recreation, high aquatic life use, and public water supply) of the Neches River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Neches River Basin of the Tyler TXDOT District: Lake Palestine, Segment No. 0605 for pH; Kickapoo Creek in Henderson County, 0605A for bacteria and depressed dissolved oxygen; Neches River Above Lake Palestine, Segment No. 0606 for pH, depressed dissolved oxygen, and bacteria; Prairie Creek, 0606A for depressed dissolved oxygen; and Angelina River Above Sam Rayburn Reservoir, Segment No. 0611, East Fork Angelina River, 0611A, La Nana Bayou, 0611B, Mud Creek, 0611C, and West Mud Creek, 0611D for bacteria.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is

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subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Waco District Little River, Segment No. 1213 (primary contact recreation, high aquatic life use, and public water supply); Lampasas river Below Stillhouse Hollow Lake, Segment No. 1215 (primary contact recreation, high aquatic life use, and public water supply); Stillhouse Hollow Lake, Segment No. 1216 (primary contact recreation, exceptional aquatic life use, and public water supply); Lampasas River Above Stillhouse Hollow Lake, Segment No. 1217 (primary contact recreation, and high aquatic life use); Nolan Creek/South Nolan Creek, Segment No. 1218 (primary contact recreation, high aquatic life use); Leon River Below Belton Lake, Segment No. 1219 (primary contact recreation, high aquatic life use, and public water supply); Belton Lake, Segment No. 1220 (primary contact recreation, high aquatic life use, and public water supply); Waco Lake, Segment No. 1225 (primary contact recreation, high aquatic life use, and public water supply); Brazos River Above Navasota River, Segment No. 1242 (primary contact recreation, high aquatic life use, and public water supply); Middle Bosque/South Bosque River, Segment No. 1246 (primary contact recreation, high aquatic life use); and Brazos River/Lake Brazos, Segment No. 1256 (primary contact recreation, high aquatic life use, and public water supply) of the Brazos River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Brazos River Basin of the Waco TXDOT District: Little River, Segment No. 1213, Big Elm Creek, 1213A, and Trimmier Creek, 1216A for bacteria; Nolan Creek/South Nolan Creek, Segment No. 1218, and Little Nolan Creek, 1218C for bacteria; Cowhouse Creek, 1220A for bacteria; and Cottonwood Branch, 1242B, Still Creek, 1242C, Thompsons Creek, 1242D, Pond Creek, 1242F, Campbells Creek, 1242I, Deer Creek, 1242J, Pin Oak Creek, 1242L, Spring Creek, 1242M, Walnut Creek, 1242O, and Big Creek, 1242P for bacteria.

A watershed of high priority has been identified in the Brazos River Basin (1200). The Navasota ladies'-tresses, *Spiranthes parksii*, Bone Cave harvestman *Texella reyesi*, and the Coffin Cave mold beetle, *Batrisodes texanus*, are all endangered aquatic dependent species found in the Brazos River Basin. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. Since this permit is for an MS-4 Stormwater Permit, the presence of these endangered species in the watershed of the Waco TXDOT District requires that the permit be sent to EPA and, if appropriate, consultation with USFWS.

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Wichita Falls District Wichita River Below Diversion Lake, Segment No. 0214 (primary contact recreation, high aquatic life use); and Lake Wichita, Segment No. 0219 (primary contact recreation, high aquatic life use) of the Red River Basin.

The following segments and subwatersheds are on the current CWA 303(d) List of impaired waters in the Red River Basin of the Wichita Falls TXDOT District: Wichita River Below Diversion Lake, Segment No. 0214, Beaver Creek, 0214A, and Buffalo Creek, 0214B for bacteria.

The Whooping Crane (*Grus Americana*), an endangered aquatic dependent species has been determined to occur in Clay County in Segment No. 0214 of the Red River Basin. However, this is not a watershed of critical concern for the Whooping Crane. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998, October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only consider aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species.

Yoakum District Lavaca River Tidal, Segment No. 1601 (primary contact recreation, and high aquatic life use) of the Lavaca River Basin.

Guadalupe River Below San Marcos River, Segment No. 1803 (primary contact recreation, high aquatic life use, and public water supply) of the Guadalupe River Basin.

Lavaca Bay/Chocolate Bay, Segment No. 2453 (primary contact recreation, exceptional aquatic life use, and oyster waters) of the Bays and Estuaries.

The following subwatershed is on the current 303-(d) list of impaired waters in the watershed of the Yoakum TXDOT District: Garcitas Creek Tidal, 2453A Beaver Creek, for depressed dissolved oxygen.

The discharge from this permit action is not expected to have an effect on any federal endangered or threatened aquatic or aquatic dependent species or proposed species or their critical habitat in the Yoakum TXDOT District. This determination is based on the USFWS biological opinion on the State of Texas authorization of the TPDES (September 14, 1998; October 21, 1998 update). To make this determination for TPDES permits, TCEQ and EPA only considered aquatic or aquatic dependent species occurring in watersheds of critical concern or high priority as listed in Appendix A of the USFWS biological opinion. The determination is subject to reevaluation due to subsequent updates or amendments to the biological opinion. The permit does not require EPA review with respect to the presence of endangered or threatened species within the Yoakum TXDOT District.

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With the exception of those water bodies listed in Appendix D of the Texas Surface Water Quality Standards, unclassified water bodies that are intermittent shall be assigned the presumption of minimal aquatic life use with the associated dissolved oxygen criteria of 2.0 mg/L. Unclassified waterbodies that are intermittent with perennial pools shall be assigned the presumption of limited aquatic life use with the associated dissolved oxygen criteria of 3.0 mg/L. Unclassified water bodies that are perennial shall be assigned the presumption of high aquatic life use with the associated dissolved oxygen criteria of 5.0 mg/L.

As stated in 30 TAC §307.8(e), controls on the quality of permitted stormwater discharges are largely based on the implementation of best management practices and/or technology-based limits in combination with instream monitoring to assess standards attainment and to determine if additional controls on stormwater quality are needed. The evaluation of instream monitoring data for standards attainment shall include the effects of stormwater as described in 30 TAC §307.9. The procedures used are based on those described in the EPA's Interim Permitting Approach guidance (61 FR 43761, November 6, 1996). Implemented properly the requirements and/or effluent limitations contained within the permit would provide substantial compliance with the Texas Water Quality Standards as specified in 30 TAC §307.1-10.

In accordance with 30 TAC §307.5 and the TCEQ implementation procedures for the Texas Surface Water Quality Standards it has been preliminarily determined that where permit requirements, which may include best management practices and/or technology-based effluent limitations, are properly implemented no significant degradation is expected and existing uses will be maintained and protected.

Issuance of this permit should not have an adverse effect on the listed receiving waters, as this is a renewal permit that does not authorize the discharge of wastewater that could be a source of impairment. In addition, there is no direct discharge of listed pollutants via the permittee's outfalls into the previously listed waterbodies. The MS4 could, however, serve as a conduit for illicit sources of pollutants to the receiving waters. Additionally, the MS4 could be a conduit for waste from wild animals to reach water in the state that may contribute to water quality problems. The permit requires continuous improvement of stormwater discharges from the MS4 through the development and implementation of a SWMP. Elements of the SWMP that could result in the reduction or elimination of these sources include: (1) illicit discharge and improper disposal detection and elimination programs; (2) overflow and infiltration programs; (3) public education programs; (4) hazardous waste and used motor vehicle fluids programs; (5) pollution prevention/good housekeeping from municipal operations; (6) post construction stormwater controls; and (7) dry weather field screening. This permit may be amended to include requirements and conditions, specific to these discharges and to the

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pollutants of concern, consistent with an approved TMDL and the TMDL Implementation Plan (I-Plan).

3. Total Maximum Daily Load (TMDL)
 - a. Twenty-one (21) TMDL projects have been adopted for watersheds that would receive flow from the TxDOT MS4; these are as follows:
 - 1) Dallas and Tarrant Counties: A TMDL Project for Legacy Pollutants (*Nine TMDLs for Legacy Pollutants in Streams and a reservoir in Dallas and Tarrant Counties. Approved by EPA, June 27, 2001.*)
 - 2) Upper Trinity River: A TMDL Project for Bacteria (*Two Total Maximum Daily Loads for Indicator Bacteria in the Upper Trinity River, Dallas Texas. Approved by EPA, August 3, 2011.*)
 - 3) Fort Worth Area: A TMDL Project for Legacy Pollution (*Eleven Total Maximum Daily Loads for Legacy Pollutants in Streams and Reservoirs in Fort Worth. Approved by EPA, May 24, 2001.*)
 - 4) Cottonwood Branch and Grapevine Creek: A TMDL Project for Bacteria (*Two Total Maximum Daily Loads for Indicator Bacteria in Cottonwood Branch and Grapevine Creek. Approved by EPA, May 30, 2012.*)
 - 5) Houston Ship Channel: A TMDL Project for Nickel (*Fourteen Total Maximum Daily Loads for Nickel in the Houston Ship Channel System. Approved by EPA, May 9, 2003.*)
 - 6) Lake Houston Watersheds: A TMDL Project for Bacteria (*Fifteen Total Maximum Daily Loads for Bacteria in Watersheds upstream of Lake Houston. Approved by EPA, June 29, 2011; and Addendum: Six additional Total Maximum Daily Loads for Indicator Bacteria in Watersheds upstream of Lake Houston. Approved by EPA, February, 2014.*)
 - 7) Houston Metropolitan Area: A TMDL Project for Bacteria (*Five Total Maximum Daily Loads for Indicator Bacteria in Brays Bayou Above Tidal and Tributaries. Approved by EPA, September 27, 2010; TMDL Addendum: Three TMDL for Brays Bayou Watershed. Approved by EPA, August 28, 2013; Thirteen Total Maximum Daily Loads for Indicator Bacteria in Eastern Houston Watersheds. Approved by EPA, September 27, 2010; Addendum: One TMDL for Eastern Houston Watershed. Approved by EPA, August 28, 2013; Eight Total Maximum Daily Loads for Indicator Bacteria in Greens Bayou Above Tidal and Tributaries. Approved by EPA, August 12, 2010; Four Total Maximum Daily Loads for Indicator Bacteria in Halls Bayou and*

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Tributaries. Approved by EPA, September 27, 2010; Four Total Maximum Daily Loads for Indicator Bacteria in Sims Bayou above Tidal and Tributaries. Approved by EPA, September 27, 2010; Addendum: One TMDL for Sims Bayou Watershed. Approved by EPA, August 28, 2013).

- 8) Buffalo and Whiteoak Bayous: A TMDL Project for Bacteria (*Eighteen Total Maximum Daily Loads for Bacteria in Buffalo and Whiteoak Bayous and Tributaries. Approved by EPA, June 2009; Addendum: One TMDL for Bacteria in Vogel Creek. Approved by EPA, August 28, 2013).*
- 9) Clear Creek: A TMDL Project for Chlordane (*Two Total Maximum Daily Loads for Chlordane in Clear Creek. Approved by EPA, June 14, 2001).*
- 10) Clear Creek: A TMDL Project for Volatile Organic Compounds (*Four Total Maximum Daily Loads for two Volatile Organic Compounds in Clear Creek. Approved by EPA, May 2003).*
- 11) Clear Creek Above Tidal: A TMDL Project for Total Dissolved Solids and Chloride (*Two Total Maximum Daily Loads for Total Dissolved Solids and Chlorides in Clear Creek Above Tidal. Approved by EPA, June 26, 2006).*
- 12) Clear Creek: A TMDL Project for Bacteria (*Nine Total Maximum Daily Loads for Bacteria in Clear Creek and Tributaries. Approved by EPA, March 6, 2013; TMDL Addendum: Four TMDLs in Clear Creek Watershed. Approved by EPA, March 2013).*
- 13) Dickinson Bayou: A TMDL Project and Use Assessment for Bacteria (*Eight Total Maximum Daily Loads for Indicator Bacteria in Dickinson Bayou and Three Tidal Tributaries. Approved by EPA, June 6, 2012).*
- 14) Upper Oyster Creek: A TMDL Project for Bacteria and Dissolved Oxygen (*Two Maximum Daily Loads for Dissolved Oxygen in Upper Oyster Creek. Approved by EPA, September 21, 2010 and One Total Maximum Daily Loads for Bacteria in Upper Oyster Creek. Approved by EPA, September 28, 2007).*
- 15) Gilleland Creek: Implementing a TMDL for Bacteria (*One Total Maximum Daily Load for Bacteria in Gilleland Creek. Approved by EPA, April 21, 2009).*
- 16) Upper San Antonio River: A TMDL Project for Bacteria (*Three Total Maximum Daily Loads for Bacteria in the San Antonio Area. Approved by EPA, September 25, 2007).*

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- 17) Lower San Antonio River: A TMDL Project for Bacteria (*One Total Maximum Daily Load for Bacteria in the Lower San Antonio River. Approved by the EPA, October 20, 2008*).
- 18) Salado Creek: A TMDL Project for Dissolved Oxygen (*One Total Maximum Daily Load for Dissolved Oxygen in Salado Creek. Approved by EPA, August 8, 2003*).
- 19) Arroyo Colorado - Legacy pollutants and organics in fish tissue (*Twelve Total Maximum Daily Loads for Legacy Pollutants in the Arroyo Colorado Above Tidal and the Donna Reservoir and Channel System. Approved by EPA, May 13, 2004 and Four Total Maximum Daily Loads for Legacy Pollutants in the Arroyo Colorado Above Tidal and the Donna Reservoir and Channel System. Approved by EPA, June 14, 2001*).
- 20) Upper Texas Coast: A TMDL Project for Bacteria in Oyster Waters (*Six Total Maximum Daily Loads for Bacteria in Waters of the Upper Gulf Coast. Approved by EPA, February 4, 2009; Addendum: Two TMDLs for Bacteria in Drum Bay. Approved by EPA, April 2012; Two TMDL for Bacteria in Bastrop Bay/Oyster Lake and Christmas Bay. Approved by EPA, August 2012*).
- 21) Oso Bay and Oso Creek: A TMDL Project for Bacteria (*One Total Maximum Daily Load for Bacteria in Oso Bay. Approved by EPA, June 6, 2008*).

TxDOT has not been identified as a contributor of the identified pollutants listed above. TxDOT does however participate on applicable watershed initiatives, such as adopted TMDL Implementation Plans, relating to its operations and maintenance procedures on a case by case basis and after approval by TxDOT Engineers and Environmental Staff.

- b. The TCEQ TMDL team reviewed the TxDOT application for a state-wide MS4 discharge permit.

The TMDL team requested no changes to the TxDOT permit application.

There are numerous TMDL either completed or under development in the watersheds covered by this permit because it covers TxDOT's operations statewide as defined by the regulated area. Details on the TMDLs in these watersheds are available on the TCEQ web site.

Additional requirements for TMDL watersheds may be implemented, at a minimum, within that portion of the regulated MS4 which is located within the watershed of a water body with an approved TMDL and Implementation Plan where stormwater sources have been identified as contributing to the impairment of water quality.

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Proceeding with the activities listed in the permit at this time supports the statutory and regulatory requirements for MS4 permits to (1) reduce the discharge of pollutants to the maximum extent practicable, (2) effectively prohibit the discharge of non-stormwater into the MS4, (3) ensure discharges do not cause or contribute to violations of water quality standards and, in the future as they are completed, (4) comply with the wasteload allocations and assumptions of any applicable TMDL. Consistent with EPA policy regarding water quality and TMDL controls in MS4 permits, BMPs are still expected be the primary control mechanism in the permit.

Additional requirements for TMDL watersheds may be described in an Implementation Plan and incorporated into the Stormwater Management Plan (SWMP) as deemed appropriate.

C. TECHNOLOGY-BASED DISCHARGE LIMITATIONS/CONDITIONS**1. General Comments:**

Permits issued to MS4s are specifically required by the CWA §402(p)(3)(B) to "...include a requirement to effectively prohibit non-stormwater discharges into the storm sewers..." The regulation (*See* 40 CFR §122.26(d)(2)(iv)(B)(1)) allows the permittee to accept certain non-stormwater discharges where they have not been identified as significant sources of pollutants. Any discharge subject to its own NPDES or TPDES permit is not subject to the prohibition on non-stormwater, and may be accepted to the MS4 areas and subsequently discharged.

TCEQ has determined that the requirements of this permit will meet the MEP standard required in the CWA while being consistent with the Federal Phase I MS4 regulations at 40 CFR §122.26 and incorporating provisions of the Federal Phase II MS4 regulations at 40 CFR §122.34.

2. Specific Recommendations:

No numeric effluent limits are included in the draft permit. As discussed in Part VII of this fact sheet, the permit includes a series of BMPs, in the form of a comprehensive SWMP, in lieu of numeric limitations.

The draft permit requires that the SWMP meet the MEP standard. The Executive Director has determined that if a permittee implements the SWMP as detailed in the application and implements the revisions called for in the draft permit, it will meet the MEP standard. Since the application of the MEP standard is iterative, the permit contains provisions that allow the permittee or the TCEQ to update the SWMP as necessary to meet the MEP standard.

The draft permit also requires that the permittee perform monitoring listed in Part VI.D.2. of this fact sheet and in Part III Section B.2 and Part IV.A of the draft permit. The monitoring requirements are technology-based and are

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

consistent with federal rules related to discharges from MS4s. Two types of monitoring are required by the permit, completion of the Alternate Monitoring Program listed in Part VI, Section B of this fact sheet and in Part III, Section B.2 of the draft permit, and Dry Weather/Third-Party Inspections and floatables monitoring. TxDOT will focus on the identification and reporting of all illicit dischargers caused by the third party connections and/or by the adjacent MS4s. TxDOT will trace the potential source to the extent practicable and report the result to TCEQ or the adjacent MS4. Due to the fact that a majority of potential pollutants that may discharge from the TxDOT MS4 originate from adjacent MS4s, TxDOT will utilize monitoring from the two largest metropolitan areas in Texas and from areas where TxDOT performed outfall monitoring or participated in watershed monitoring under the previous Phase I MS4 permits in-lieu of performing monitoring at in-stream or fixed location wet weather monitoring stations in previously permitted Phase I areas. TxDOT will include the in-lieu monitoring data described in the permit in the Year 4 annual report. In addition, TxDOT will focus its resources on identifying third-party (adjacent MS4) discharges into the TxDOT MS4 through its IDDE program. Utilization of the IDDE program will allow TxDOT to more effectively address water quality improvement through early detection and mitigation of illicit discharges onto the TxDOT MS4.

In addition to utilizing the available resources listed above, TxDOT will perform Site-Specific Monitoring when conditions warrant. Site-Specific Monitoring will occur through increased IDDE inspections and will follow specific TxDOT protocols.

Discharge monitoring requirements (See Part VII, Section B.1.a and Part VIII, Section D.2.e of this fact sheet) are required for the permittee to:

- a. characterize the quality of the discharges from the MS4;
- b. monitor the MS4 to provide the data necessary to assess the effectiveness and adequacy of SWMP control measures;
- c. identify and prioritize portions of the MS4 requiring additional controls; and
- d. identify water quality improvements, or degradations, and progress toward any measurable goals or measured reductions in pollutants.

The permit requires that the permittee conducts any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the MS4.

This data will be used in future permitting decisions and as evidence of pollutant reductions. If monitoring during the proposed permit term proves insufficient to show evidence of pollutant reductions, numeric effluent limitations may be required in the future.

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As discussed in Part VI, Sections B of this fact sheet, the permittee developed and implemented the required SWMP, and continues to revise the statewide SWMP as necessary.

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS**1. General Comments:**

The Texas Surface Water Quality Standards (TSWQS) found at 30 TAC Chapter 307 states that "surface waters will not be toxic to man from ingestion of water, consumption of aquatic organisms, or contact with the skin, or to terrestrial or aquatic life." The methodology outlined in the "Procedures to Implement the Texas Surface Water Quality Standards" is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health.

TPDES permits contain technology-based discharge limits or controls reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based discharge limitations or conditions may be incorporated in future permit actions. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity databases to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

In general, TPDES stormwater permits do not contain water quality-based effluent limits (WQBELs); rather, they emphasize requirements that permittees must prevent or effectively reduce exposure of stormwater to pollution. As stated in 30 TAC §307.8(e), controls on the quality of permitted stormwater discharges are largely based on implementing BMPs or technology-based limits in combination with instream monitoring to assess standards attainment and to determine whether additional controls on stormwater are needed. The evaluation of instream monitoring data for standards attainment shall include the effects of stormwater as described in 30 TAC §307.9. The procedures used are based on those described in the EPA's Interim Permitting Approach guidance document titled "Interim Permitting Approach for Water Quality-Based Effluent Limitations in Stormwater Permits." Implemented properly, the requirements in this permit will provide substantial compliance with the TSWQS as specified in 30 TAC §§307.1.-307.10.

In accordance with 30 TAC§307.5 and the TCEQ implementation procedures for the Texas Surface Water Quality Standards, it has been preliminarily determined that where permit requirements, which may include best management practices and technology-based effluent limitations, are properly

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implemented no significant degradation is expected and existing uses will be maintained and protected.

2. Specific Recommendations:

As stated above, no numeric effluent limitations are proposed at this time. The following narrative provisions are required as part of the permit to comply with 30 TAC Chapter 307.

a. Develop and implement a SWMP with the following MCMs and ancillary requirements:

1. Public Education, Outreach, Participation, and Involvement
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Site Stormwater Runoff Control
4. Post-Construction Stormwater Management in Areas of New Development and Redevelopment
5. Pollution Prevention and Good Housekeeping for Transportation Operations

Ancillary Requirements

1. Impaired Water Bodies and Total Maximum Daily Load Requirements
2. Edwards Aquifer Rules Requirements
3. Expenditures

b. Include measurable goals for each MCM.

c. Describe how the BMPs will address the discharges into impaired waterbodies.

d. Area-Specific Requirements: None.

e. Alternate Monitoring Program Requirements:

Per TPDES permit requirements, TxDOT must develop, implement, and continue ongoing efforts to detect the presence of illicit connections and improper discharges (typically third-party connections and discharges from adjacent MS4s) to the TxDOT MS4. All areas or representative areas that were previously permitted as a Phase I MS4 of the TxDOT Statewide MS4, if approved, must be screened at least once during the permit term when the weather meets the dry weather condition. TxDOT may select dry weather screening points with emphasis on the areas that may potentially be contributing high levels of pollutants to the TxDOT MS4 based on previous screening results, complaints, physical evidence, or other factors. Screening methodologies may be modified based on experience gained during the actual field screening activities.

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TxDOT has previously performed the dry weather screening of all outfalls in TxDOT's Regulated Area concurrently with the mapping requirement. TxDOT's AOTS application is designed to perform both requirements. As part of the alternate dry weather screening program, TxDOT will emphasize the areas that may potentially be the sources of pollutants such as the illegal third party connections.

To be in compliance with the Wet Weather Screening Program, which includes the Storm Event Discharge Monitoring requirements (40 CFR §122.26(d)(1)(iv)(B), TxDOT proposes to perform the following activities in lieu of monitoring fixed wet weather monitoring stations or in lieu of participation in the Regional Wet Characterization Monitoring Program:

1. Perform visual observation inspections and site-specific monitoring for potential illicit discharge outfalls identified within TxDOT's regulated area annually, and submit the results with the annual reports.
2. In previous Phase I permitted areas, where TxDOT was responsible for outfall monitoring or watershed monitoring under the Wet Weather Characterization Program, evaluate the watershed by using existing stormwater characterization data collected by the National Stormwater Quality Database, the NCTCOG RWWCP, the TCEQ Clean Rivers Program database, and the Houston Area Wet Weather Characterization program. The analysis and interpretation of this data will be submitted to TCEQ in the Year 4 annual report.

The normal inspection and maintenance activities performed by TxDOT in accordance with TxDOT's IDDE program will include screening for potential environmental problems within the storm drainage systems. This screening will include visual inspections for dry weather discharges or other indications of potential undesirable environmental impacts.

TxDOT has in-place an AOTS which tracks the outfall locations, screening data (both physical observation and chemical result), and classification of each MS4 outfall. There are four (4) types of TxDOT's outfall classifications: Unlikely Illicit Discharge, Potential Illicit Discharge, Suspect Illicit Discharge, and Obvious Illicit Discharge. A dry weather screening point will be chosen based on the AOTS as well as the area served and the discharge route.

TxDOT will focus on the identification and reporting of all illicit dischargers caused by the third party connections and/or by the adjacent MS4s. TxDOT will trace the potential source to the extent practicable and report the result to TCEQ or the adjacent MS4s.

Due to the fact that a majority of potential pollutants that may discharge from the TxDOT MS4 originate from adjacent MS4s, TxDOT will utilize monitoring from the two largest metropolitan areas in Texas and evaluate existing water quality data, in previous Phase I permitted areas, where TxDOT shared responsibility for the wet weather characterization program with its

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copermittees, in-lieu of performing monitoring at in-stream or fixed location wet weather monitoring stations in previously permitted Phase I areas. TxDOT will include the in-lieu monitoring data described in the permit in the Year 4 year annual report. In addition, TxDOT will focus its resources on identifying third-party (adjacent MS4) discharges into the TxDOT MS4 through its IDDE program. Utilization of the IDDE program will allow TxDOT to more effectively address water quality improvement through early detection and mitigation of illicit discharges onto the TxDOT MS4s.

In addition to utilizing the available resources listed above, TxDOT will perform Site-Specific Monitoring when conditions warrant. Site-Specific Monitoring will occur through increased IDDE inspections and will follow specific TxDOT protocols.

E. INVESTIGATIONS AND AUDITS CONDUCTED

During the previous permit term, TCEQ and EPA inspected or audited the following TxDOT Districts:

1. Austin District – March 31st, 2010, performed by Mr. Robert Perales, TCEQ.
2. El Paso District - April 5-6, 2011, performed by Mr. David Will, TCEQ
3. El Paso District - April 5, 2013, performed by Mr. David Will, TCEQ.
4. San Antonio District - June 5, July 16, 17, 19, and 24, 2013 performed by Mr. Jack Higginbotham and Ms. Chelsea Swatsell, TCEQ.
5. Yoakum District - June 18, 2012, performed by Ms. Barbara Beyron, TCEQ.
6. Atlanta District - March 21, 2012, performed by Ms. Cara C. Fisher, TCEQ.
7. Waco District - August 7, 2014, performed by Ms. Laura Fanestiel, TCEQ.
8. Bryan District - June 10 2014, performed by Ms. Laura Fanestiel, TCEQ.
9. Houston District - September 27 through October 20, 2011, performed by Ms. Michelle Ruckstuhl.
10. City of Laredo and TxDOT Laredo District as copermittee – June 10-13, 2013 inspection/ audit by EPA.
11. Dallas District E-Assessment Pilot – September 9, 2014 conducted by Ms. Thea Lomax, EPA, Mr. Everett Spencer, EPA, and Ms. Linda Smith, EPA.

IX. PROCEDURES FOR FINAL DECISION

When an application is declared administratively complete, the Chief Clerk sends a letter to the applicant advising the applicant to publish the Notice of Receipt of Application and Intent to Obtain Permit in the newspaper. In addition, the Chief Clerk instructs the applicant to place a copy of the application in a public place for review and copying in the county where the facility is or will be located. This application will be in a public place throughout the comment period. The Chief Clerk also mails this notice to any interested

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persons and, if required, to landowners identified in the permit application. This notice informs the public about the application, and provides that an interested person may file comments on the application or request a contested case hearing or a public meeting.

Once a draft permit is completed, it is sent, along with the Executive Director's preliminary decision, as contained in the technical summary or fact sheet, to the Chief Clerk. At that time, Notice of Application and Preliminary Decision will be mailed to the same people and published in the same newspaper as the prior notice. This notice must also be posted in a public place. This notice sets a deadline for making public comments. The applicant must place a copy of the Executive Director's preliminary decision and draft permit in the public place with the application. This notice sets a deadline for public comment.

Any interested person may request a public meeting on the application until the deadline for filing public comments. A public meeting is intended for the taking of public comment, and is not a contested case proceeding.

After the public comment deadline, the Executive Director prepares a response to all significant public comments on the application or the draft permit, raised during the public comment period. The Chief Clerk then mails the Executive Director's Response to Comments and Final Decision to people who have filed comments, requested a contested case hearing, or requested to be on the mailing list. This notice provides that if a person is not satisfied with the Executive Director's response and decision, they can request a contested case hearing or file a request to reconsider the Executive Director's decision within 30 days after the notice is mailed.

The Executive Director will issue the permit unless a written hearing request or request for reconsideration is filed within 30 days after the Executive Director's Response to Comments and Final Decision is mailed. If a hearing request or request for reconsideration is filed, the Executive Director will not issue the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If the Executive Director calls a public meeting or the Commission grants a contested case hearing as described above, the Commission will give notice of the date, time, and place of the meeting or hearing. If a hearing request or request for reconsideration is made, the Commission will consider all public comments in making its decision and shall either adopt the Executive Director's response to public comments or prepare its own response.

For additional information about this application contact Hanne Lehman Nielsen at (512) 239-6524.

X. ADMINISTRATIVE RECORD

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

A. PERMITS

TPDES Permit No. WQ0004521000 (TXS000702) issued and effective on April 27,

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2012 with an expiration date of April 26, 2017.

TPDES Permit No. WQ0004350000 (TXS000901) issued and effective on July 29, 2011 with an expiration date of July 28, 2016.

TPDES Permit No. WQ0004592000 (TXS001401) issued and effective on November 21, 2011 with an expiration date of November 20, 2016.

TPDES Permit No. WQ0004635000 (TXS000301) issued and effective on April 26, 2012 with an expiration date of April 25, 2017.

TPDES Permit No. WQ0004527000 (TXS000801) issued and effective on September 13, 2011 with an expiration date of September 12, 2016.

TPDES Permit No. WQ0004692000 (TXS000101) issued and effective on August 15, 2011 with an expiration date of August 14, 2016.

TPDES Permit No. WQ0004645000 (TXS000402) issued and effective on October 7, 2008 with an expiration date of October 7, 2013.

TPDES Permit No. WQ0004284000 (TXS001901) issued and effective on April 11, 2011 with an expiration date of April 10, 2016, 2012.

TPDES Permit No. WQ0004678000 (TXS000201) issued and effective on May 31, 2006 with an expiration date of May 31, 2011. Renewal issued on April 29, 2014

TPDES Permit No. WQ0004644000 (TXS000502) issued and effective on with an expiration date of August 14, 2016.

TPDES Permit No. WQ0004774000 (TXS002001) issued and effective on August 1, 2008 with an expiration date of July 31, 2013.

TPDES Permit No. WQ0004773000 (TXS001501) issued and effective on June 6, 2011 with an expiration date of June 6, 2013.

TPDES Permit No. WQ0004200000 (TXS000601) issued and effective on December 1, 2009 with an expiration date of August 11, 2013.

TPDES Permit No. WQ0004685000 (TXS001201) issued and effective on 2011 with an expiration date of February 24, 2014.

TPDES Permit No. WQ0004520000 (TXS001702) issued and effective on July 29, 2009 with an expiration date of July 28, 2014.

TPDES Small (Phase II) MS4 General Permit TXR040000 issued and effective on December 13, 2013 with an expiration date of December 12, 2018.

B. APPLICATION

“TPDES Application for Permit - Small Municipal Separate Storm Sewer Systems,”

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Form 20066, received March 18, 2013, and revised information received on January 29, 2014.

"TPDES Notice of Intent for 22 new Phase II MS4 areas" Form No. TCEQ 20368, received June 6, 2014.

C. 40 CFR CITATIONS

40 CFR Parts 122 and 124

D. LETTERS/MEMORANDA/RECORDS OF COMMUNICATION

Letter dated March 14, 2013 to Applications Review and Processing Team, TCEQ from Russell Zapalac, TxDOT. Letter dated March 28, 2013 to Rodney Concienne, TxDOT from Cindy Cavazos, TCEQ. Letter dated March 28, 2013 to David Galindo, TCEQ from Carlos Swonke, TxDOT. Letter dated April 11, 2013 to Applications Review and Processing Team, TCEQ from Rodney Concienne, TxDOT. Letter dated April 11, 2013 to Cindy Cavazoa, TCEQ from Rodney Concienne, TxDOT. Letter dated April 18, 2013 to Rodney Concienne, TxDOT from Deirdre Sheppard, TCEQ. Letter dated July 31, 2015 from EPA to TCEQ. Letter from TCEQ to EPA dated November 20, 2015. Letter dated March 10, 2015 from John Hart, TxDOT to Hanne Nielsen, TCEQ. Letter dated January 12, 2015 from Carlos Swonke, TxDOT to Hanne Nielsen, TCEQ. Letter dated December 4, 2015 from Hanne Nielsen TCEQ to Rodney Concienne, TxDOT. Letter dated June 19, 2015 from Rebecca Villalba, TCEQ to Evelyn Rosborough, EPA.

E-mails dated March 25 and 26, 2013 to Deidre Sheppard, TCEQ from Jaya-Zyman-Ponebshek, TCEQ. Email dated March 26 to Cindy Cavazos, TCEQ from Deirdre Sheppard, TCEQ. Email dated March 27, 2013 to John Hart, TxDOT from Jaya Zyman-Ponebshek, TCEQ. Email dated March 28, 2013 to Jaya Zyman-Ponebshek, TCEQ from Rodney Concienne, TxDOT. Emails dated April 1, 15, and 18, 2013 to Rodney Concienne, TxDOT from Cindy Cavezos, TCEQ. Email to Brenda Loggins, TCEQ from Rodney Concienne, TCEQ. Email to Rodney Concienne, TxDOT from Brenda Loggins, TCEQ. Email dated March 26, 2013 to Jaya-Zyman Ponebshek, TCEQ from John Hart, TxDOT. Emails dated April 1 and 16, 2013 to Cindy Cavazos, TCEQ from Rodney Concienne, TxDOT. Email dated April 01, 2013 to John Hart, TxDOT from Cindy Zavazos, TCEQ. Email dated April 29, 2013 to Tara Drissell, TCEQ from Jaya Zyman-Ponebshek, TCEQ. Email dated April 30, 2013 to Rebecca Villalba, TCEQ from Jaya Zyman-Ponebshek, TCEQ. Emails dated January 03, 11, 16 and 29, February 19, 20, March 5, and 17, May 2, 5, 8 and 12, June 4 and 6, November 18, December 4, 2014, and January 15, February 26, March 4, December 11, 2015 to John Hart, TxDOT from Hanne Nielsen, TCEQ. Emails dated November 22, December 30, 2013, January 6, 11, 16, 17, and 29, February 19, 20, March 5, 10, and 18, May 2, 5, 12, June 4 and 6, November 17 and 21, 2014, January 14 and 15, March 10, December 10, 2015 to Hanne Nielsen, TCEQ from John Hart, TxDOT. Email December 18, 2012 to Supalak Rogers from Hanne Nielsen, TCEQ. Email dated January 6, 2014 to Jim Crisp, TxDOT from Hanne Nielsen, TCEQ. Emails dated January 6, 9, 2014 to Hanne Nielsen, TCEQ from Jim Crisp, TxDOT. Email dated December 9, 2014, February 11 and January 14, 2015 from Hanne Nielsen,

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TCEQ to Rodney Concienne, TxDOT. Email dated December 9, 2014, February 11 and June 14, 2015 from Rodney Concienne, TxDOT to Hanne Nielsen, TCEQ. Emails dated November 15, 18, 2013 to Rebecca Villalba, TCEQ from Jim Crisp, TxDOT. Emails dated November 14, 15, 2013 to Jim Crisp, TxDOT from Rebecca Villalba, TCEQ. Email dated October 30, 2013 to Jim Crisp, TxDOT from Jaya Zyman-Pronebshek, TCEQ. Email dated October 30, 2013 to Jaya Zyman-Ponebshek, TCEQ from Jim Crisp, TxDOT. Emails dated August 27 and 28, September 9 and 24, November 6 and 17, December 3 and 10, 2015, January 19, February 1 and 25 2016 from Hanne Nielsen, TCEQ to Adrienne Boer, TxDOT. Emails dated August 3, 10, 11, 27, and 28, September 2, 11, 17, 25, November 9, 18, 19, and 23, December 7, 2015 and January 28, February 5, and 25, 2016 from Adrienne Boer, TxDOT to Hanne Nielsen, TCEQ. Email dated August 3, 2015 from Rebecca Villalba, TCEQ to Adrienne Boer, TxDOT. Email dated August 3, 2015 from Adrienne Boer, TxDOT to Rebecca Villalba, TCEQ. Emails dated January 8 and 29, February 9, 2016 from Nelly Smith, EPA to Rebecca Villalba, TCEQ. Emails dated January 7, 28, and February 9, 2016 from Rebecca Villalba to Nelly Smith, EPA

TCEQ Interoffice Memorandums dated July 25, 2014 and March 31, 2015 from the TCEQ's Water Quality Standards Implementation Team to the Stormwater and Pretreatment Team.

TCEQ Interoffice Memorandum dated April 2, 2015 from the Total Maximum Daily Load Team to the Stormwater and Pretreatment Team.

Phone conversation on February 5, 10, March 17, 2014 from Hanne Nielsen, TCEQ to John Hart, TxDOT.

Meeting between TxDOT and TCEQ on April 9th, 2015.

E. MISCELLANEOUS

Quality Criteria for Water (1986), EPA 440/5-86-001, 5/1/86.

The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Commission on Environmental Quality, December 1996.

Texas Surface Water Quality Standards, 30 TAC Chapter §§307.1 – 307.10 (effective July 22, 2010, as approved by EPA Region 6).

Texas Surface Water Quality Standards – 30 TAC §§307.1-307.10, effective August 17, 2000, and Appendix E, effective February 27, 2002, for portions of the 2010 Standards not approved by EPA Region 6.

"Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003, for portions of the 2010 IP not approved by EPA Region 6.

"Procedures to Implement the Texas Surface Water Quality Standards," Texas Commission on Environmental Quality, January 2003.

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"MS4 Permit Improvement Guide," U.S. EPA, Office of Water, Office of Wastewater Management, Water Permits Division, EPA 833-R-10-001 (April 2010).

2012 Texas 303(d) List," Texas Commission on Environmental Quality, February 21, 2013 (approved by EPA on May 9, 2013).

"Interim Permitting Approach for Water Quality-Based Effluent Limitations in Stormwater Permits," EPA-833-D-96-001 (September 1996)

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Compliance Histories for TxDOT Regulated Entities

Compliance Histories for Individual Permits

Permit Number/Authorization	Name
WQ0005011000	Statewide
WQ0004692000	City of Abilene
WQ0004678000	City of Amarillo
WQ0004645000	City of Austin
WQ0004644000	City of Beaumont
WQ0004200000	City of Corpus Christi (new permit was issued without TxDOT)
WQ0004521000	City of Dallas
WQ0004527000	City of El Paso
WQ0004635000	City of Arlington
WQ0004350000	City of Fort Worth
WQ0004685000	City of Houston
WQ0004520000	Houston District
WQ0004592000	City of Laredo
WQ0004773000	City of Lubbock
WQ0004284000	City of San Antonio
WQ0004774000	City of Waco

Compliance Histories for Phase II Authorizations

Permit Number/Authorization	County
TXR040158	Taylor
TXR040163	Ector
TXR040166	Grayson
TXR040169	Lubbock
TXR040170	Smith
TXR040171	Cameron, Hidalgo
TXR040176	Randall, Potter
TXR040179	Harrison, Bowie
TXR040180	Jefferson
TXR040181	Brazos

TXR040182	San Patricio, Nueces
TXR040183	El Paso
TXR040184	Tarrant
TXR040191	Brazoria, Fort Bend, Galveston, Harris
TXR040195	Tom Green
TXR040198	Comal, Guadalupe, Bexar
TXR040199	McLennan, Lampasas, Coryell, Bell
TXR040209	Wichita
TXR040212	DeWitt

Compliance Histories for Newly Regulated Areas

Permit Number/Authorization	County
TXR040576	Webb
TXR040575	Travis
TXR040574	Dallas

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Compliance History Report

Compliance History Report for CN600803456, RN106645369, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN600803456, Texas Department of Transportation
Classification: SATISFACTORY **Rating:** 1.27

Regulated Entity: RN106645369, TXDOT STATEWIDE MS4 PERMIT
Classification: UNCLASSIFIED **Rating:** -----

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: STATE-WIDE PERMIT IN MULTIPLE COUNTIES TRAVIS, TX, TRAVIS COUNTY

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

WASTEWATER EPA ID TXS002101

STORMWATER EPA ID TXS002101

STORMWATER PERMIT WQ0005011000

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 12, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN104023627, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification:	SATISFACTORY	Rating:	1.27
Regulated Entity:	RN104023627, CITY OF ABILENE MS4	Classification:	UNCLASSIFIED	Rating:	-----
Complexity Points:	9	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	CORPORATE BOUNDARIES OF CITY OF ABILENE TAYLOR, TX, TAYLOR COUNTY				
TCEQ Region:	REGION 03 - ABILENE				
ID Number(s):					
STORMWATER PERMIT	WQ0004692000	STORMWATER EPA ID	TXS000101		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year:	2016	Rating Date:	09/01/2016
Date Compliance History Report Prepared:	October 13, 2016				
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
Component Period Selected:	September 01, 2011 to August 31, 2016				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member			Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 13, 2012	(993460)
Item 2	June 11, 2012	(1019292)
Item 3	September 20, 2012	(1031238)
Item 4	July 02, 2013	(1109569)
Item 5	August 05, 2013	(1120094)
Item 6	September 24, 2014	(1227042)
Item 7	February 06, 2015	(1238998)
Item 8	May 12, 2015	(1258558)
Item 9	January 26, 2016	(1319141)
Item 10	July 25, 2016	(1364056)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN104009774, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN104009774, CITY OF AMARILLO MUNICIPAL SEPARATE STORM SEWER SYSTEM MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	11	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	THE CITY OF AMARILLO MS4 INCLUDES ALL AREAS WITHIN THE CORPORATE BOUNDARY OF THE CITY EXCEPT AGRICULTURAL LANDS SERVED BY THE MUNICIPAL SEPARATE STORM SEWERS OWNED AND OPERATED BY THE PER POTTER, TX, POTTER COUNTY		
TCEQ Region:	REGION 01 - AMARILLO		

ID Number(s):

STORMWATER PERMIT WQ0004678000

STORMWATER EPA ID TXS000201

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CEDS Inv. Track. No.):

Item 1	February 24, 2012	(1000836)
Item 2	February 21, 2013	(1092184)
Item 3	February 24, 2014	(1156117)
Item 4	April 01, 2015	(1258559)
Item 5	March 17, 2016	(1334825)

E. Written notices of violations (NOV) (CEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN103219069, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification:	SATISFACTORY	Rating:	1.27
Regulated Entity:	RN103219069, AUSTIN DISTRICT	Classification:	SATISFACTORY	Rating:	0.36
Complexity Points:	11	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	THIS PERMIT COVERS ALL PORTIONS OF THE CITY OF THE PERMITTEES MUNICIPAL SEPARATESTORM SEWER SYSTEM (MS4) OWNED OR OPERATED BY THE PERMITTEE LISTED ABOVE TO THEWATERS OF THE UNITED STATES TRAVIS, TX, TRAVIS COUNTY				
TCEQ Region:	REGION 11 - AUSTIN				
ID Number(s):					
STORMWATER PERMIT	WQ0004645000	STORMWATER EPA ID	TXS000402		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year:	2016	Rating Date:	09/01/2016
Date Compliance History Report Prepared:	October 13, 2016				
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
Component Period Selected:	September 01, 2011 to August 31, 2016				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member			Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 28, 2012	(1034363)
Item 2	August 28, 2013	(1138119)
Item 3	September 03, 2014	(1202380)
Item 4	August 28, 2015	(1304994)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	08/26/2016	(1344143)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4) WQ0004645000, Part III, Section B.12.e. PERMIT			

Description: Failure to identify in the Stormwater Management Program (SWMP) a list all municipal operations subject to the municipal operation, maintenance, and training programs listed under this program element and all municipally owned and operated industrial activities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Part III, Section I PERMIT

Description: Failure to retain the SWMP.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN103184867, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification:	SATISFACTORY	Rating:	1.27
Regulated Entity:	RN103184867, BEAUMONT DISTRICT	Classification:	HIGH	Rating:	0.00
Complexity Points:	10	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	JEFFERSON, TX, JEFFERSON COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				
ID Number(s):					
STORMWATER PERMIT	WQ0004644000	STORMWATER EPA ID	TXS000502		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year:	2016	Rating Date:	09/01/2016
Date Compliance History Report Prepared:	October 13, 2016				
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
Component Period Selected:	September 01, 2011 to August 31, 2016				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member			Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 08, 2011	(974127)
Item 2	August 02, 2012	(1034367)
Item 3	January 24, 2013	(1092195)
Item 4	January 31, 2013	(1092193)
Item 5	January 29, 2014	(1156122)
Item 6	January 29, 2015	(1227046)
Item 7	January 27, 2016	(1334908)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600131858, RN103138285, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN600131858, City of Corpus Christi **Classification:** SATISFACTORY **Rating:** 0.18

Regulated Entity: RN103138285, CITY OF CORPUS CHRISTI **Classification:** HIGH **Rating:** 0.00

Complexity Points: 11 **Repeat Violator:** NO

CH Group: 14 - Other

Location: THIS PERMIT COVERS ALL AREAS WITHIN THE CORP BOUNDARY OF THE CITY OF CORPUS CHRISTI SERVED BY MUNICIPAL SEPARATE STORM SEWERS OWNED OR OPERATED BY THE PERMITTEES THIS PERMIT HAS MANY SIC CODES SINCE THEY CAN NOT ALL BE LISTED AT ONE TIME THEY ARE LISTED B NUECES, TX, NUECES COUNTY

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
STORMWATER PERMIT WQ0004200000 STORMWATER EPA ID TXS000601

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 20, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: TCEQ Staff Member **Phone:** (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 24, 2012	(993466)
Item 2	February 25, 2013	(1092196)
Item 3	March 03, 2014	(1183429)
Item 4	February 25, 2015	(1304998)
Item 5	March 01, 2016	(1334911)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN102806270, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification:	SATISFACTORY	Rating:	1.27
Regulated Entity:	RN102806270, DALLAS DISTRICT	Classification:	UNCLASSIFIED	Rating:	-----
Complexity Points:	10	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	DALLAS, TX, DALLAS COUNTY				
TCEQ Region:	REGION 04 - DFW METROPLEX				
ID Number(s):					
STORMWATER PERMIT	WQ0004521000	STORMWATER EPA ID	TXS000702		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year:	2016	Rating Date:	09/01/2016
Date Compliance History Report Prepared:	October 13, 2016				
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
Component Period Selected:	September 01, 2011 to August 31, 2016				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member			Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN103014213, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN103014213, TXDOT ELPASO DISTRICT	Classification: HIGH	Rating: 0.00
Complexity Points:	12	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	EL PASO CITY LIMITS EL PASO, TX, EL PASO COUNTY		
TCEQ Region:	REGION 06 - EL PASO		
ID Number(s):			
STORMWATER PERMIT WQ0004527000	STORMWATER EPA ID TXS000801		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	TCEQ Staff Member	Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 30, 2012	(1000838)
Item 2	April 09, 2013	(1098619)
Item 3	November 19, 2013	(1128822)
Item 4	March 27, 2014	(1183431)
Item 5	March 31, 2015	(1258565)
Item 6	March 31, 2016	(1334913)
Item 7	August 22, 2016	(1351396)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN103767273, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN103767273, ARLINGTON MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	10	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	ENTIRE MS4 WITH THE CITY LIMITS OF ARLINGTON TARRANT, TX, TARRANT COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):			
STORMWATER PERMIT WQ0004635000	STORMWATER EPA ID TXS000301		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Field Ops - The Use of Announced Investigations		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: TCEQ Staff Member	Phone: (512) 239-1000		

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 August 28, 2015 (1267557)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN103138038, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification:	SATISFACTORY	Rating:	1.27
Regulated Entity:	RN103138038, FORT WORTH SITE	Classification:	UNCLASSIFIED	Rating:	-----
Complexity Points:	12	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	THIS PERMIT COVERS ALL AREAS WITHIN THE CORPORATE BOUNDARY OF THE CITY OF FORT WORTH SERVED BY MUNICIPAL SEPARATE STORM SEWERS OWNED OR OPERATED BY ANY PERMITTEE LISTED. TARRANT, TX, TARRANT COUNTY				
TCEQ Region:	REGION 04 - DFW METROPLEX				
ID Number(s):					
STORMWATER PERMIT	WQ0004350000	STORMWATER EPA ID	TXS000901		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year:	2016	Rating Date:	09/01/2016
Date Compliance History Report Prepared:	October 13, 2016				
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
Component Period Selected:	September 01, 2011 to August 31, 2016				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member			Phone:	(512) 239-1000

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN103970059, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification:	SATISFACTORY	Rating:	1.27
Regulated Entity:	RN103970059, CITY OF HOUSTON MS4	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	THIS PERMIT COVERS ALL PORTIONS OF THE HOUSTON-HARRIS CNTY MUNICIPAL SEPARATE STORM SEWER SYSTEM MS4 OWNED OR OPERATED BY ANY PERMITTEE - CITY OF HOUSTON HARRIS COUNTY TX DEPT OF TRANS -HOUSTON DISTRICT HARRIS CFCD TO THE WATERS OF THEUNITED STATES HARRIS, TX, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				
ID Number(s):	STORMWATER PERMIT WQ0004685000 STORMWATER EPA ID TXS001201				
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year:	2016	Rating Date:	09/01/2016
Date Compliance History Report Prepared:	October 13, 2016				
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
Component Period Selected:	September 01, 2011 to August 31, 2016				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member		Phone:	(512) 239-1000	

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	November 01, 2011	(974132)
Item 2	December 01, 2011	(968609)
Item 3	November 01, 2012	(1049422)
Item 4	October 31, 2013	(1138123)
Item 5	October 30, 2014	(1208550)
Item 6	October 27, 2015	(1305000)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN100704006, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN100704006, TEXAS DEPARTMENT OF TRANSPORTATION HOUSTON DISTRICT	Classification: HIGH	Rating: 0.00
Complexity Points:	16	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	7721 WASHINGTON AVE HOUSTON, TX 77007-1037, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 8722
STORMWATER PERMIT WQ0004520000
TIRES REGISTRATION 3261

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 75502
STORMWATER EPA ID TXS001702
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 71768

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Field Ops - The Use of Announced Investigations

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 29, 2011	(968544)
Item 2	March 02, 2012	(1000839)
Item 3	August 02, 2013	(1120095)
Item 4	March 03, 2014	(1183432)
Item 5	February 26, 2015	(1258566)
Item 6	February 29, 2016	(1334922)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN103014353, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification:	SATISFACTORY	Rating:	1.27
Regulated Entity:	RN103014353, LAREDO MS4 FACILITY	Classification:	UNCLASSIFIED	Rating:	-----
Complexity Points:	11	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	NO ADDRESS LAREDO, TX 78403, WEBB COUNTY				
TCEQ Region:	REGION 16 - LAREDO				
ID Number(s):					
STORMWATER PERMIT	WQ0004592000	STORMWATER EPA ID	TXS001401		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year:	2016	Rating Date:	09/01/2016
Date Compliance History Report Prepared:	October 13, 2016				
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.				
Component Period Selected:	September 01, 2011 to August 31, 2016				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member			Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 12, 2012	(1113113)
Item 2	September 17, 2013	(1127890)
Item 3	November 04, 2013	(1138125)
Item 4	December 30, 2013	(1149998)
Item 5	November 26, 2014	(1227049)
Item 6	August 28, 2015	(1274139)
Item 7	April 14, 2016	(1334914)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

Notice of Intent Date: 03/15/2016 (1322102)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600803456, RN104672894, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN104672894, CITY OF LUBBOCK MS 4	Classification: HIGH	Rating: 0.00
Complexity Points:	11	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF LUBBOCK LUBBOCK, TX, LUBBOCK COUNTY		
TCEQ Region:	REGION 02 - LUBBOCK		
ID Number(s):			
STORMWATER PERMIT WQ0004773000	STORMWATER EPA ID TXS001501		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	TCEQ Staff Member	Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 30, 2012	(1040921)
Item 2	August 28, 2013	(1127892)
Item 3	September 02, 2014	(1202385)
Item 4	September 01, 2015	(1334917)
Item 5	July 27, 2016	(1364058)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A



Compliance History Report

Compliance History Report for CN600803456, RN102336062, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN102336062, CITY OF SAN ANTONIO	Classification: HIGH	Rating: 0.00
Complexity Points:	11	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	BEXAR, TX, BEXAR COUNTY		
TCEQ Region:	REGION 13 - SAN ANTONIO		
ID Number(s):	STORMWATER PERMIT WQ0004284000	STORMWATER EPA ID TXS001901	
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Field Ops - The Use of Announced Investigations		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	TCEQ Staff Member	Phone:	(512) 239-1000

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	March 02, 2012	(1000842)
Item 2	February 20, 2013	(1092198)
Item 3	September 19, 2013	(1102695)
Item 4	February 19, 2014	(1156129)
Item 5	February 11, 2015	(1238999)
Item 6	February 16, 2016	(1334926)
Item 7	February 18, 2016	(1364060)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



Compliance History Report

Compliance History Report for CN600803456, RN104673306, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN104673306, CITY OF WACO MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	11	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF WACO MCLENNAN, TX, MCLENNAN COUNTY		
TCEQ Region:	REGION 09 - WACO		
ID Number(s):	STORMWATER PERMIT WQ0004774000 STORMWATER EPA ID TXS002001		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	TCEQ Staff Member	Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	September 13, 2011	(1019293)
Item 2	October 20, 2011	(968186)
Item 3	May 22, 2013	(1109570)
Item 4	June 06, 2014	(1227055)
Item 5	February 09, 2015	(1239003)
Item 6	June 10, 2015	(1265357)
Item 7	June 23, 2016	(1364061)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105526453, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105526453, TEXAS DEPARTMENT OF TRANSPORTATION ABILENE DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator: NO	
CH Group:	09 - Construction		
Location:	FACILITIES LOCATED WITHIN THE CITY OF TYE URBANIZED AREA TAYLOR, TX, TAYLOR COUNTY		
TCEQ Region:	REGION 03 - ABILENE		

ID Number(s):

STORMWATER PERMIT TXR040158

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105535256, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105535256, TEXAS DEPARTMENT OF TRANSPORTATION ODESSA DISTRICT MS4	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	3901 E BUSINESS 20 ODESSA, TX 79761-3522, ECTOR COUNTY		
TCEQ Region:	REGION 07 - MIDLAND		

ID Number(s):
STORMWATER PERMIT TXR040163

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105535371, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105535371, TEXAS DEPARTMENT OF TRANSPORTATION PARIS DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	6	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	1365 N MAIN ST PARIS, TX 75460-2650, GRAYSON COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):			
STORMWATER PERMIT TXR040166	STORMWATER PERMIT TXR150012864		
STORMWATER PERMIT TXR150014252			
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: TCEQ Staff Member	Phone: (512) 239-1000		

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 August 30, 2013 (1116200)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105535876, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105535876, TEXAS DEPARTMENT OF TRANSPORTATION LUBBOCK DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	FACILITIES LOCATED WITHIN THE LUBBOCK URBANIZED AREA EXCLUDING PHASE I AREA LUBBOCK, TX, LUBBOCK COUNTY		
TCEQ Region:	REGION 02 - LUBBOCK		

ID Number(s):
STORMWATER PERMIT TXR040169

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 August 26, 2014 (1172208)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105535884, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105535884, TEXAS DEPARTMENT OF TRANSPORTATION TYLER DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	2709 W FRONT ST TYLER, TX 75702-7712, SMITH COUNTY		
TCEQ Region:	REGION 05 - TYLER		
ID Number(s):	STORMWATER PERMIT TXR040170		

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member **Phone:** (512) 239-1000

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 April 27, 2012 (1000967)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A



Compliance History Report

Compliance History Report for CN600803456, RN105536098, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105536098, TEXAS DEPARTMENT OF TRANSPORTATION PHARR DISTRICT MS4	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	FACILITIES LOCATED WITHIN THE MCALLEN HARLINGEN AND BROWNSVILLE URBANIZED AREAS AND PORTIONS OF CAMERON COUNTY HIDALGO, TX, HIDALGO COUNTY		
TCEQ Region:	REGION 15 - HARLINGEN		

ID Number(s):
STORMWATER PERMIT TXR040171

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105546675, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105546675, TEXAS DEPARTMENT OF TRANSPORTATION ATLANTA DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	FACILITIES LOCATED WITHIN THE TEXARKANA URBANIZED AREA AND WITHIN THE HARRISON COUNTY PORTION OF THE LONGVIEW URBANIZED AREA ALSO LOCATED IN HARRISON COUNTY BOWIE, TX, BOWIE COUNTY		
TCEQ Region:	REGION 05 - TYLER		
ID Number(s):	STORMWATER PERMIT TXR040179		

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 April 27, 2012 (1000876)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

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Compliance History Report

Compliance History Report for CN600803456, RN105546758, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105546758, TEXAS DEPARTMENT OF TRANSPORTATION BEAUMONT DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	5	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	8350 EASTEX FWY BEAUMONT, TX 77708-1701, JEFFERSON COUNTY		
TCEQ Region:	REGION 10 - BEAUMONT		
ID Number(s):	STORMWATER PERMIT TXR040180		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	TCEQ Staff Member	Phone:	(512) 239-1000

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 August 03, 2012 (1021722)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:
N/A

I. Participation in a voluntary pollution reduction program:
N/A

J. Early compliance:
N/A

Sites Outside of Texas:
N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105546857, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105546857, TEXAS DEPARTMENT OF TRANSPORTATION BRYAN DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	FACILITIES LOCATED WITHIN THE BRYAN AND COLLEGE STATION URBANIZED AREAS BRAZOS, TX, BRAZOS COUNTY		
TCEQ Region:	REGION 09 - WACO		
ID Number(s):	STORMWATER PERMIT TXR040181		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name: TCEQ Staff Member	Phone: (512) 239-1000		

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CEDS Inv. Track. No.):**
Item 1 June 16, 2014 (1173859)
- E. Written notices of violations (NOV) (CEDS Inv. Track. No.):**
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A
- F. Environmental audits:**
N/A
- G. Type of environmental management systems (EMSs):**
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105548168, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105548168, TEXAS DEPARTMENT OF TRANSPORTATION CORPUS CHRISTI MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	FACILITIES LOCATED IN THE CORPUS CHRISTI URBANIZED AREA AND IN SAN PATRICIO COUNTY NUECES, TX, NUECES COUNTY		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		
ID Number(s):	STORMWATER PERMIT TXR040182		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	TCEQ Staff Member	Phone:	(512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 June 15, 2012 (1007618)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105548572, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105548572, TEXAS DEPARTMENT OF TRANSPORTATION EL PASO DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	5	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	FACILITIES LOCATED WITHIN THE EL PASO URBANIZED AREA EL PASO, TX, EL PASO COUNTY		
TCEQ Region:	REGION 06 - EL PASO		

ID Number(s):

STORMWATER PERMIT TXR040183

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 April 17, 2013 (1078347)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105548804, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105548804, TEXAS DEPARTMENT OF TRANSPORTATION FORT WORTH DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	5	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	PO BOX 6868 FORT WORTH, TX 76115-0868, TARRANT COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):	STORMWATER PERMIT TXR040184		

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 August 30, 2013 (1116180)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105549869, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105549869, TEXAS DEPARTMENT OF TRANSPORTATION HOUSTON DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	5	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	LOCATED WITHIN THE HOUSTON GALVESTON ANGLETON LAKE JACKSON TEXAS CITY AND THE WOODLANDS URBANIZED AREAS AND PORTIONS OF BRAZORIA FORT BEND AND GALVESTON COUNTIES HARRIS, TX, HARRIS COUNTY		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	STORMWATER PERMIT TXR040191		
Compliance History Period:	September 01, 2011 to August 31, 2016	Rating Year: 2016	Rating Date: 09/01/2016
Date Compliance History Report Prepared:	October 13, 2016		
Agency Decision Requiring Compliance History:	Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.		
Component Period Selected:	September 01, 2011 to August 31, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	TCEQ Staff Member	Phone:	(512) 239-1000

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 November 14, 2012 (1043801)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105550156, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105550156, TEXAS DEPARTMENT OF TRANSPORTATION SAN ANGELO DISTRICT MS4	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	FACILITIES LOCATED WITHIN THE SAN ANGELO URBANIZED AREA TOM GREEN, TX, TOM GREEN COUNTY		
TCEQ Region:	REGION 08 - SAN ANGELO		

ID Number(s):
STORMWATER PERMIT TXR040195

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member **Phone:** (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105550420, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105550420, TEXAS DEPARTMENT OF TRANSPORTATION SAN ANTONIO MS4	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	FACILITIES LOCATED WITHIN THE SAN ANTONIO UA EXCLUDING THOSE FACILITIES LOCATED WITHIN THE CITY OF SAN ANTONIO AND ALSO LOCATED IN PORTIONS OF COMAL AND GUADALUPE COUNTIES BEXAR, TX, BEXAR COUNTY		
TCEQ Region:	REGION 13 - SAN ANTONIO		

ID Number(s):
STORMWATER PERMIT TXR040198

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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Compliance History Report

Compliance History Report for CN600803456, RN105550560, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105550560, TEXAS DEPARTMENT OF TRANSPORTATION WACO DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	FACILITIES LOCATED WITHIN THE URBANIZED AREAS OF KILLEEN COPPERAS COVE MORGANS POINT BELTON TEMPLE LACY LAKEVIEW BELLMEAD ROBINSON HEWITT WOODWAY AND BEVERLY HILLS AND ALSO LOCATED IN PORTIONS OF MCLENNAN LAMPASAS AND CORYELL COUNTIES. BELL, TX, BELL COUNTY		
TCEQ Region:	REGION 09 - WACO		

ID Number(s):
STORMWATER PERMIT TXR040199

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 August 14, 2014 (1186985)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



Compliance History Report

Compliance History Report for CN600803456, RN105552384, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN105552384, TEXAS DEPARTMENT OF TRANSPORTATION WICHITA FALLS DISTRICT MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	1601 SOUTHWEST PKWY WICHITA FALLS, TX 76302-4906, WICHITA COUNTY		
TCEQ Region:	REGION 03 - ABILENE		

ID Number(s):
STORMWATER PERMIT TXR040209

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 October 01, 2015 (1280931)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600803456, RN107740581, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN107740581, TEXAS DEPARTMENT OF TRANSPORTATION LAREDO DISTRICT MS4	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	4	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	TXDOT RIGHT OF WAY WEBB, TX, WEBB COUNTY		
TCEQ Region:	REGION 16 - LAREDO		

ID Number(s):

STORMWATER PERMIT TXR040576

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600803456, RN107740557, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN107740557, TEXAS DEPARTMENT OF TRANSPORTATION AUSTIN DISTRICT MS4	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	4	Repeat Violator:	NO
CH Group:	14 - Other		
Location:	TXDOT RIGHT OF WAY TRAVIS, TX, TRAVIS COUNTY		
TCEQ Region:	REGION 11 - AUSTIN		

ID Number(s):
STORMWATER PERMIT TXR040575

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600803456, RN107740532, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator:	CN600803456, Texas Department of Transportation	Classification: SATISFACTORY	Rating: 1.27
Regulated Entity:	RN107740532, TEXAS DEPARTMENT OF TRANSPORTATION DALLAS DISTRICT MS4	Classification: UNCLASSIFIED	Rating: -----
Complexity Points:	5	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	TXDOT RIGHT OF WAY DALLAS, TX, DALLAS COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		

ID Number(s):

STORMWATER PERMIT TXR040574

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: October 13, 2016

Agency Decision Requiring Compliance History: Permit - Issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit.

Component Period Selected: September 01, 2011 to August 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: TCEQ Staff Member

Phone: (512) 239-1000

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A