



Phase II Municipal Separate Storm Sewer System (MS4) General Permit (TXR040000) Implementation and Annual Reporting

2025 Water Quality / Stormwater Seminar

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TCEQ - Water Quality Division

Stormwater Permits Team

Outline

**Overview of the Phase II
MS4 Permit**



Implementation



Annual Reporting



Final Reminders

Phase II MS4 General Permit

TXR040000, also known as the *Small MS4 General Permit*

- Effective on August 15, 2024
- Expires on August 15, 2029
- Authorizes stormwater and certain non-stormwater discharges from small MS4s to surface water in the state.
- All authorizations approved under the 2019 – 2024 general permit term received administrative continuance until the issuance of the 2024 general permit.
- 180-day renewal period ended on February 11, 2025.

Texas Commission on Environmental Quality



GENERAL 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

This permit supersedes and replaces
TPDES General Permit No. TXR040000, issued January 24, 2019

Small (Phase II) Municipal Separate Storm-Sewer Systems located in the State of Texas may discharge directly to surface water in the state only according to requirements and conditions set forth in this Comprehensive General Permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this general 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 route. This includes property belonging to but not limited to any individual, partnership, corporation, or other entity. Neither does this general 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 route.

This general permit and the authorization contained herein shall expire at midnight, five years after the permit effective date.

EFFECTIVE DATE: August 15, 2024

ISSUED DATE: August 15, 2024


For the Commission

Federal 2017 MS4 General Permit Remand Rule

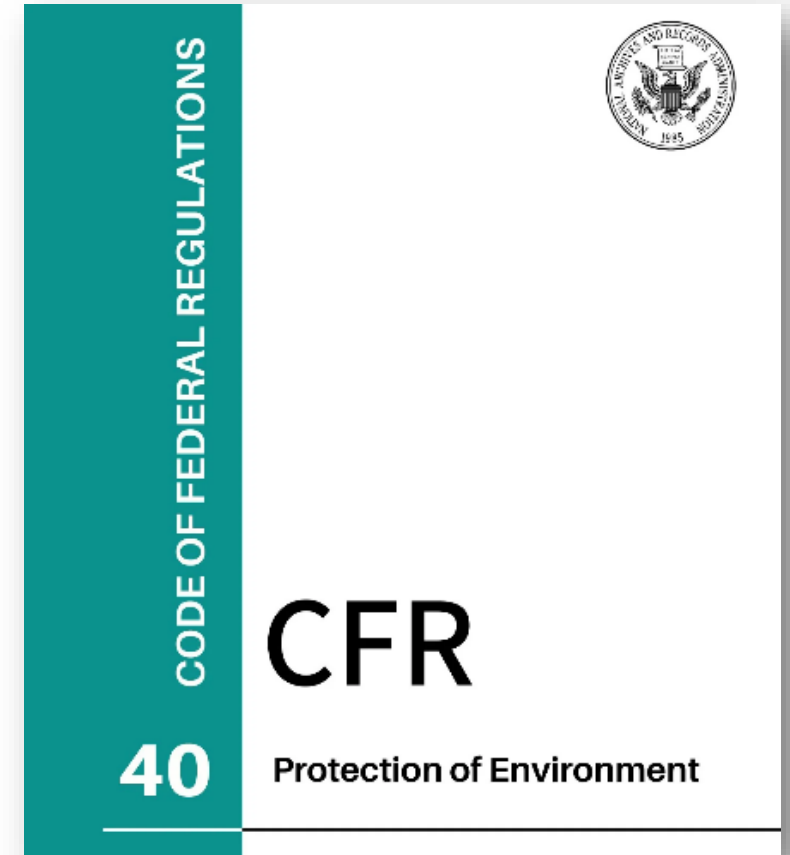
Includes options for states to administer their Phase II MS4 program, 40 CFR §122.28(d)

Option 1: Comprehensive General Permit Approach

- The general permit includes all “*clear, specific, and measurable*” requirements necessary to meet the MS4 permit standard “to reduce pollutants to the maximum extent practicable” (MEP)
- No additional requirements are established after permit issuance

Option 2: Two-Step General Permit (Procedural Approach)

- *First Step*: The general permit includes “*clear, specific, and measurable*” requirements for some program areas for all MS4s
- *Second Step*: The state establishes additional requirements and BMPs for individual MS4s (this is in the stormwater management programs, SWMPs)



Changes for 2024 MS4 General Permit Renewal

Move from Two-Step to Comprehensive Permit Type

Removed requirement to submit a SWMP with the NOI

Removed TCEQ and EPA NOI/SWMP *technical* review requirements

Only require *administrative* review of NOIs

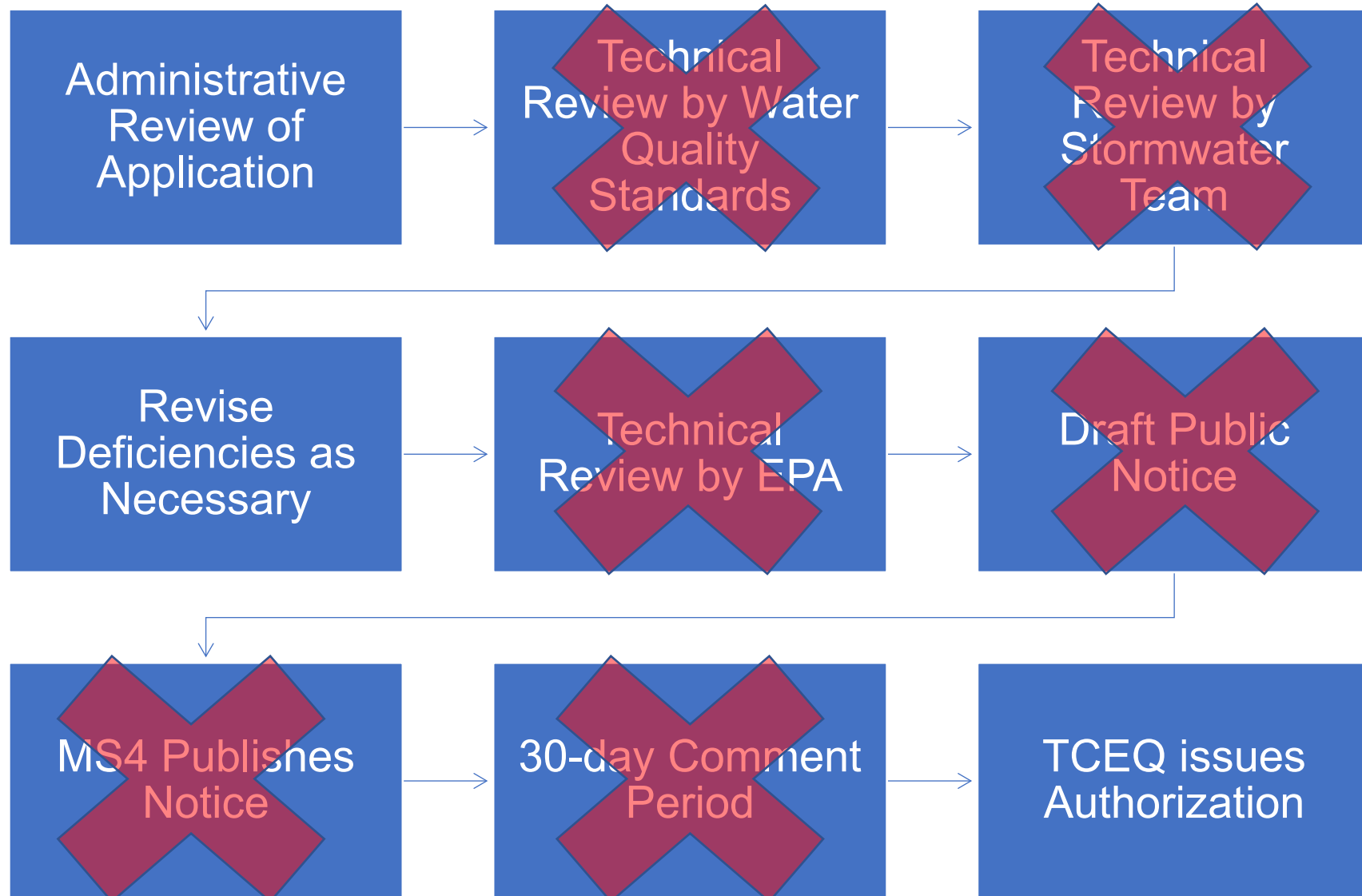
- MS4s will identify in the NOI which activities/BMPs listed in the permit they plan to implement based on their MS4 Level

Create streamlined Annual Reporting based on NOI submittal

- Annual Report will pull activities/BMPs information from the NOI for the MS4s to report

Phase II MS4 General Permit Application Review Process

Before and After



Application Process - TCEQ Review

- TCEQ will conduct an administrative review of applications for deficiencies and items requiring attention, including:
 - Compliance History
 - Delinquent or Outstanding Fees
 - Core Data Form (CDF)
 - Application Fee for NOIs
 - Discharge Information
 - Population
 - MS4 Level

Total Approved Applications	Total Denied Applications	Total Notices of Deficiency Sent
---	0	---

Application Process- TCEQ Review

Denial (as a Notice of Deficiency)

- If you receive notification from the NeT-MS4 system that your application was denied, you will need to address TCEQ's comments and resubmit your application.
- Will appear as new NOI submittal in NeT-MS4.
- For example, your application was deficient in information on the CDF.

Denial

- Incorrect application type
- Unsatisfactory Compliance History Rating
- Outstanding fees/unpaid delinquent fees
- For example, if waiver eligibility is not met for population criteria or MS4 discharges to water body with an approved TMDL with stormwater controls.

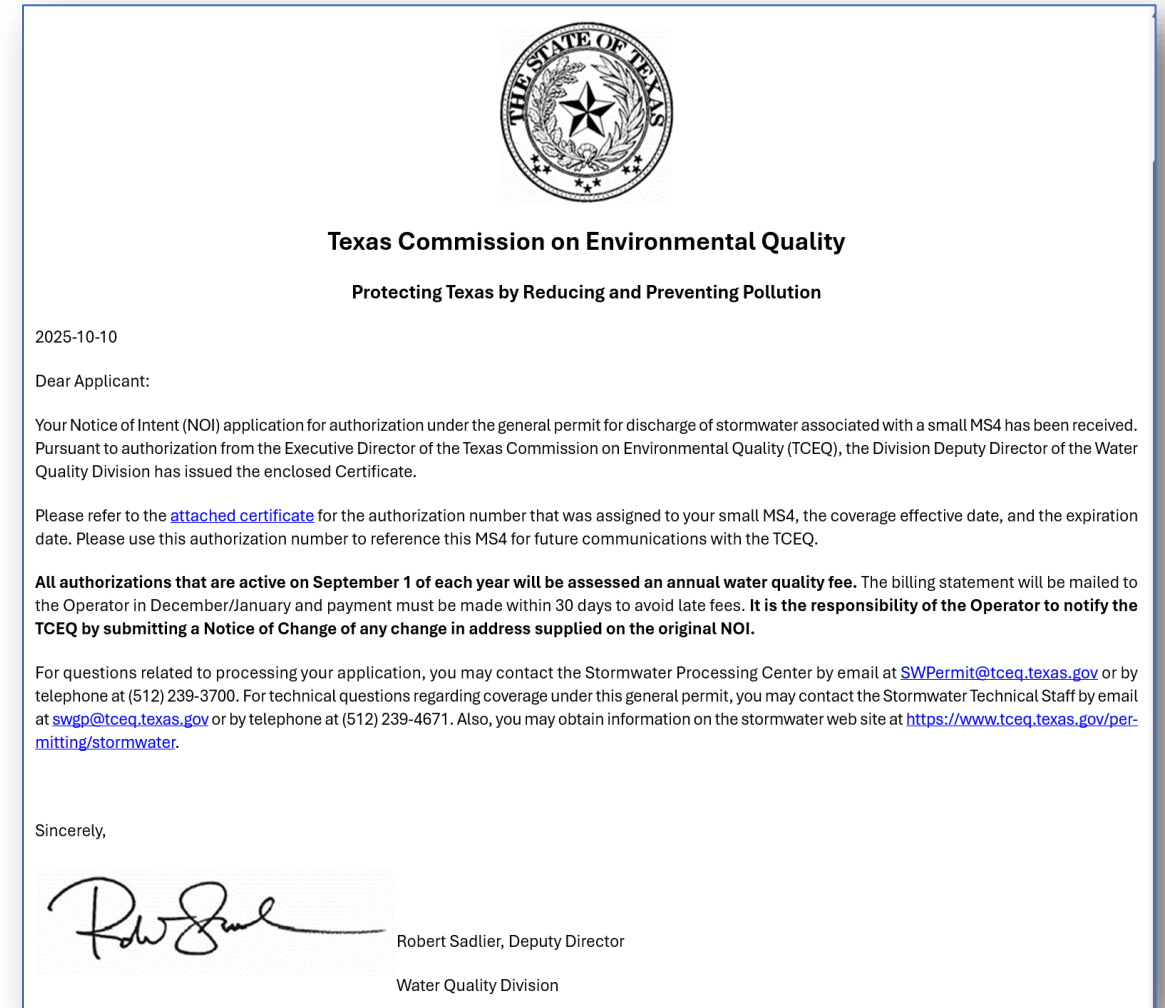


Application Process- TCEQ Review



Approval

- You will receive confirmation from the NeT-MS4 system that your application has been approved.
- The letter and certificate will be sent automatically as an email from the NeT-MS4 system.



Outline

Overview of the MS4 Phase
II Permit

Implementation

Annual Reporting

Final Reminders

What does it mean to be approved?

- Begin implementation of renewed/new authorization and SWMP
 - The MS4 needs to begin to implement their 2024 SWMP and the associated Best Management Practices (BMPs).
- **Note:** *Changes to information in the NOI or Waiver after receiving approval can be made by submitting a **Notice of Change (NOC)** through the NeT-MS4 system.*

Tiered Permitting Approach

Level 1

- Up to 10,000*

Level 2

- **Level 2a:** Includes traditional MS4s, 10,000 to 40,000*
- **Level 2b:** Includes non-traditional MS4s
- Additional Requirement in MCM 3 for both

Level 3

- 40,000 to less than 100,000*
- Additional Requirements in MCMs 3, 4, and 6

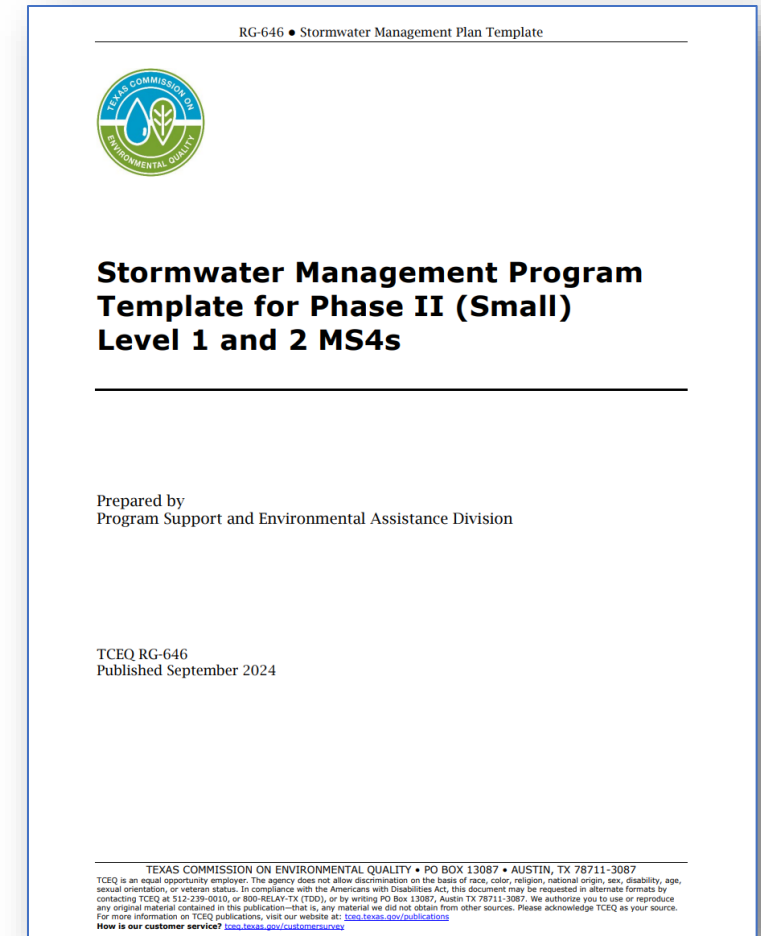
Level 4

- 100,000 or more*
- Additional Requirements in MCMs 3, 4, 5, and 6
- Required to implement MCM 7

* MS4's population in Urban Area based on most recent Decennial Census
- Waiver options available for certain Level 1 MS4s

Overview of SWMP

- The Stormwater Management Program (SWMP) contains seven Minimum Control Measures (MCMs) and an 8th optional MCM.
 - 7th MCM is only required for **Level 4** MS4s
 - 8th MCM is *optional* for any Phase II MS4
- The MCMs explain how the MS4 plans to achieve these control measures to the MEP by identifying and implementing BMPs for each.
- Under the 2024 General Permit, the SWMP is required to be drafted and implemented, but is not required to be submitted to the TCEQ along with the NOI Application.



TCEQ developed *RG-646, SWMP Template for Phase II Level 1 and 2 MS4s*.
<https://www.tceq.texas.gov/downloads/assistance/publications/rg-646.pdf>

Sharing SWMP Responsibilities: Coalitions

- Multiple MS4s that share efforts in meeting one or all SWMP requirements
- Shared SWMPs must include
 - the names and authorization numbers (TXR04####) of each coalition member, and
 - clear descriptions of each members' responsibilities for specific MCMs or other SWMP elements.



Tenney, Fred, and Kevin Hilbert. 2009. *Large Letter Postcards: The Definitive Guide 1930s to 1950s*. Atglen, Pennsylvania: Schiffer Publishing, Ltd. 176 p.

Discharges to Impaired Waterbodies

- SWMPs and Annual Reports must address impaired waterbody requirements
- **Impaired:** Identified as not meeting Texas Surface Water Quality Standards on the latest **TCEQ & EPA-approved Texas Integrated Report Index of Water Quality Impairment**
 - Impaired with and without Total Maximum Daily Loads (TMDLs)
- MS4s must annually evaluate status of receiving waterbodies
 - Include findings in annual reports

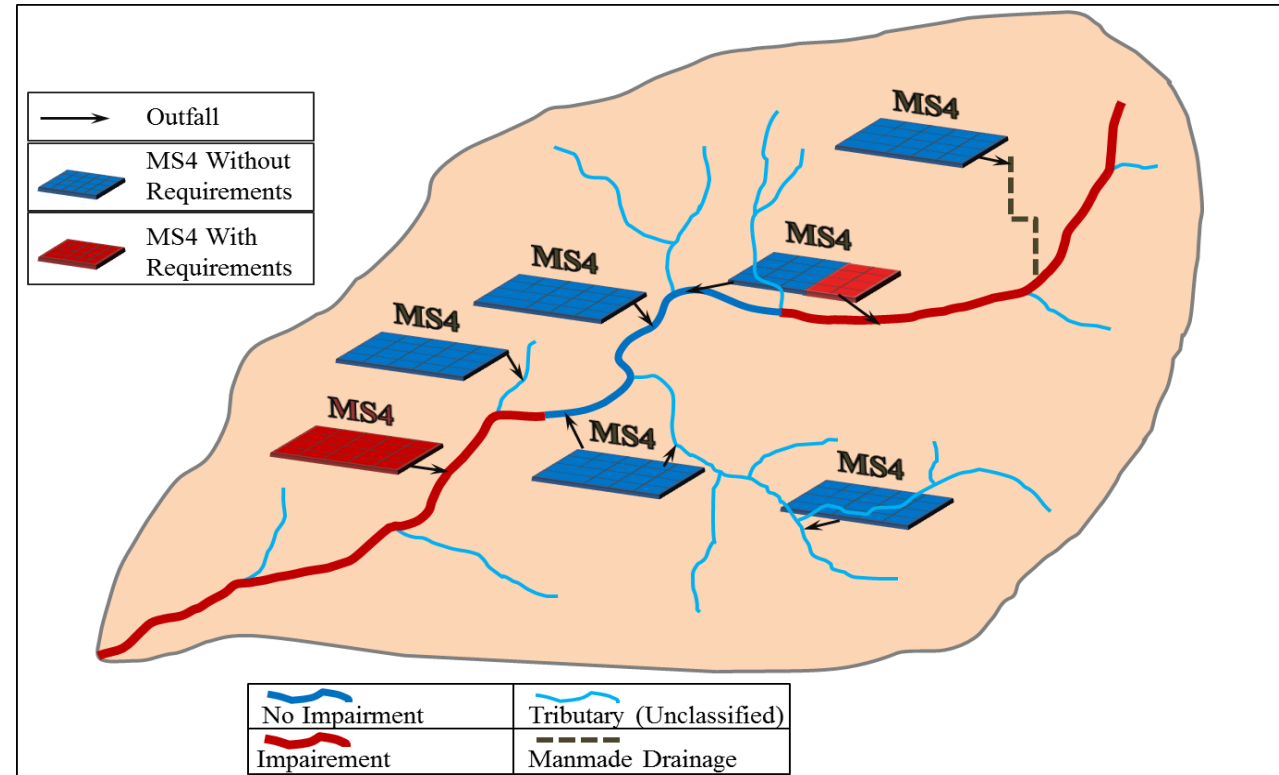


Source: – https://commons.wikimedia.org/wiki/File:Guadalupe_river_Hunt_TX.jpg

Additional requirements for:
Category 5 - CWA 303(d) for stream segment, no TMDL
Category 4 - Not on CWA 303(d), with watershed TMDL

Direct Discharges to Impaired Waterbodies Without a TMDL

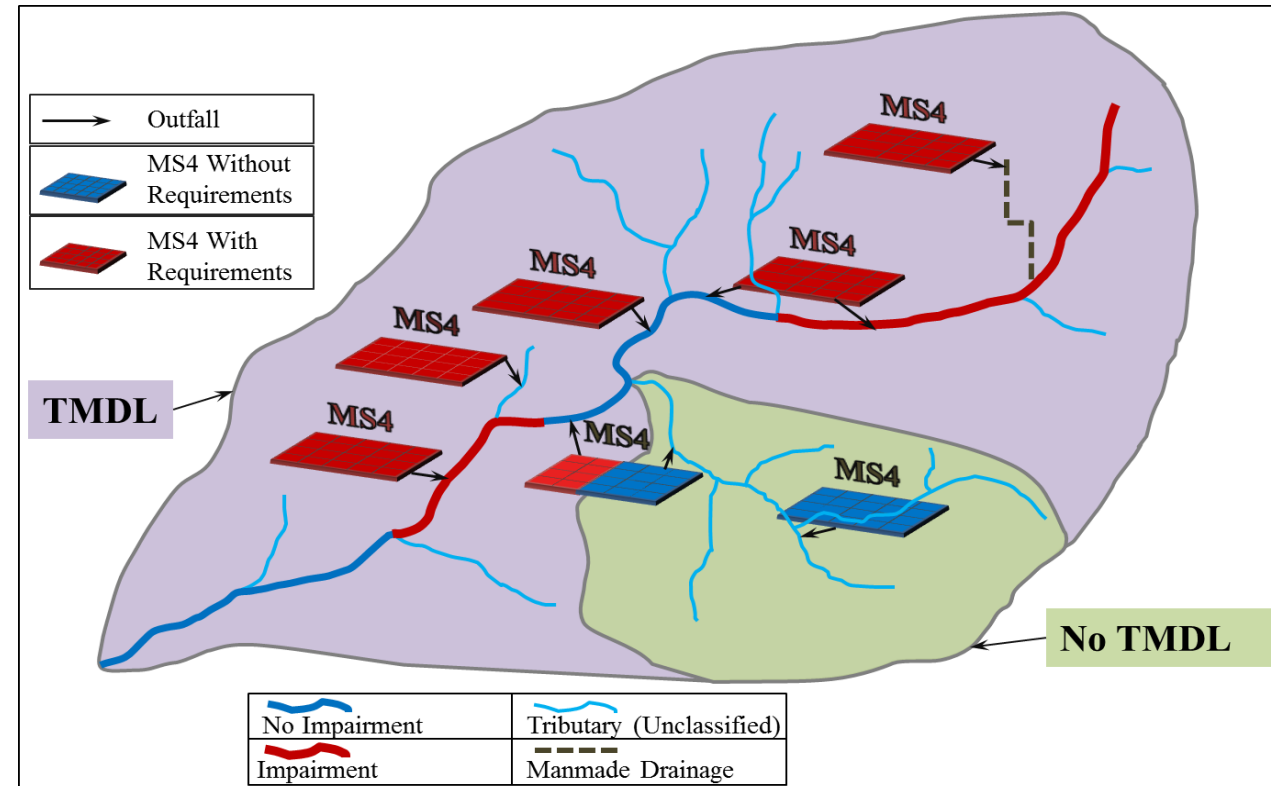
- Discharges **directly** into Impaired Water Bodies **without** an Approved TMDL
 - Determine if MS4 is source of the Pollutant of Concern (POC)
 - Describe focused BMPs in SWMP
 - Each BMP to include a measurable goal
- If POC is bacteria
 - Identify potential sources and implement BMPs
- Report progress in annual report



Determining requirements for **direct** discharges into Impaired Water Bodies **without** an Approved TMDL

Discharges to Impaired Waterbodies With a TMDL

- Discharges into Impaired Water Bodies **with** an Approved TMDL
 - Determine if MS4 is source of the POC
 - Identify a Benchmark = TMDL's Waste Load Allocation
 - Implement targeted controls (BMPs) with measurable goals
 - If POC is bacteria refer to I-Plan or use alternative BMPs
- Assess progress towards benchmark
 - If no progress, select alternative BMPs



Determining requirements for **direct or indirect** discharges into Impaired Water Bodies **with** an Approved TMDL

Minimum Control Measures (MCMs)

MCM 1: Public Education and Outreach

MCM 2: Public Involvement/Participation

MCM 3: Illicit Discharge Detection and Elimination (IDDE)

MCM 4: Construction Site Stormwater Runoff Control

MCM 5: Post Construction Stormwater Management in New and Redevelopment

MCM 6: Pollution Prevention and Good Housekeeping for Municipal Operations

MCM 7: Industrial Stormwater Sources (Level 4 MS4s)

MCM 8 (*optional*): Authorization for Construction Activities Where MS4 is Site Operator

MCM 1: Public Education and Outreach

❖ What is required?

- Over the permit term, small MS4 operators shall implement a minimum number of public education and outreach BMPs, as follows:
 - Level 1: three BMPs
 - Levels 2a and 2b: four BMPs
 - Levels 3 and 4: five BMPs.
- Examples of BMPs:
 - Educate public employees, businesses, and the general public
 - Distribute educational material
 - Social media posts/campaigns
 - Post SWMP on website (if MS4 has one)
 - Post annual report on website (if MS4 has one)



Source: EPA's Stormwater Phase II Final Rule Fact Sheet Series (<https://www.epa.gov/npdes/stormwater-phase-ii-final-rule-fact-sheet-series>)

MCM 1: Public Education and Outreach

(a) – General description of the MCM

(1) - Requirements for MCM 1

- Target audiences
- Additional Target Audiences for Levels 3 and 4:
 - Schools, businesses, industrial facilities, visitors (Table 2*)

(2) – Targeted Pollutant Sources

- Listed in Table 3*

1. Public Education and Outreach

- (a) The small MS4 operator shall implement a public education and outreach program to distribute educational materials to the community and conduct equivalent outreach about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.
- (1) The public education and outreach program shall at a minimum include the following target audiences, as applicable:
 - a. *Traditional MS4s* and counties shall address the residents being served;
 - b. *Non-traditional MS4s* (other than counties) shall address the community served by the MS4 as listed below:
 - (i) Universities shall target the faculty, other staff, and students;
 - (ii) Military bases shall target military personnel (and dependents), and employees (including contractors);
 - (iii) Prison complexes or other multi-building complexes shall target staff and contractors;
 - (iv) Municipal Utility Districts and other special districts shall target residents served, staff, and contractors; and
 - (v) Transportation authorities shall address staff, contractors, and users.
 - c. Small MS4 operators shall address additional target audiences within the small MS4 service area (such as but not limited to, those listed in Table 2) as listed below:
 - (i) Levels 1, 2a, and 2b: No requirement for additional audiences;
 - (ii) Level 3: A minimum of one additional audience; or
 - (iii) Level 4: A minimum of two additional audiences.

MCM 1: Public Education and Outreach

(3) – Best Management Practice description

- Describes the intention for BMPs

(a) – Posting of SWMP and Annual Report

- Required for all MS4s with a public website

(b) – Additional BMPs required dependent on MS4 Level

- Listed on Table 4

(3) Small MS4 operators must use appropriate educational resources as BMPs (materials, events, activities, etc.) in conjunction with the selected pollutants for the selected audiences. The message delivered by these BMPs must be applicable to the target audience and relate to the target pollutant (such as a newsletter article about updated illegal dumping and discharge ordinances distributed to auto mechanic businesses or a hazardous household waste disposal flyer when applying for trash or recycling services). BMPs which are ongoing throughout the year or permit term may be counted as one annual BMP. Permittees shall explain how each BMP relates to the target pollutant and target audience. Small MS4 operators may change BMPs during the permit cycle if determined appropriate through annual reviews and a different BMP may be more effective for the small MS4's target pollutant or target audience. Any changes shall be reflected in the SWMP and explained in the annual report.

a. If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part V.B.2 or a summary of the annual report on the permittee's website.

- (i) The SWMP must be posted no later than 30 days after the NOI or NOC approval date; and
- (ii) The annual report no later than 30 days after the due date.

b. Over the permit term, small MS4 operators shall implement a minimum number of public education and outreach BMPs from Table 4, as follows:

- (i) Level 1: three BMPs;
- (ii) Levels 2a and 2b: four BMPs; or
- (iii) Levels 3 and 4: five BMPs.

MCM 1: Public Education and Outreach (Example)

Table 4: Required Public Education and Outreach BMPs

Activity/BMP	Measurable Goals
Information on the MS4 operator's website.	Maintain a webpage with current and accurate information and working links. • All links shall be checked, and the page shall be updated as necessary at a minimum of once annually. • Must be maintained for the full year, each year.
Social media posts, social media campaign.	Post a minimum of four times each year on a minimum of one social media platform. • The message shall address ways attendees can minimize or avoid adverse stormwater impacts or practices to improve the quality of stormwater runoff. • The messages shall be seasonally appropriate. • Must make a minimum of one post per quarter and all quarterly posts must be visible by attendees for the full year, each year.

Activity

Implementation Schedule

Activity Requirements

MCM 3: Illicit Discharge Detection and Elimination (IDDE)



❖ What is required?

- All permittees shall develop, implement, and enforce a program to investigate, detect, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the small MS4.
 - MS4 Mapping
 - Education and Training
 - Public Reporting of Illicit Discharges and Spills
 - All permittees shall develop and maintain onsite procedures for responding to illicit discharges, illegal dumping, and spills.
 - Source Investigation and Elimination
 - Inspections
- Additional requirements for Levels 3 and 4 Phase II MS4s

Source: EPA's NPS Outreach Toolbox
(<https://cfpub.epa.gov/npstbx/index.cfm>)

MCM 3: Illicit Discharge Detection and Elimination (IDDE) (*Example*)

Activity/BMP	Measurable Goals
Inspections in response to complaints as described in Part IV.D.3.(c)(6).	Conduct inspections in response to 100% of complaints each year according to the established procedures (or some Level 2b MS4s must notify the appropriate agency with the authority to act). Conduct follow up inspections in 100% of cases each year where necessary as described in the established procedures (except for some Level 2b MS4s without the appropriate authority to act).

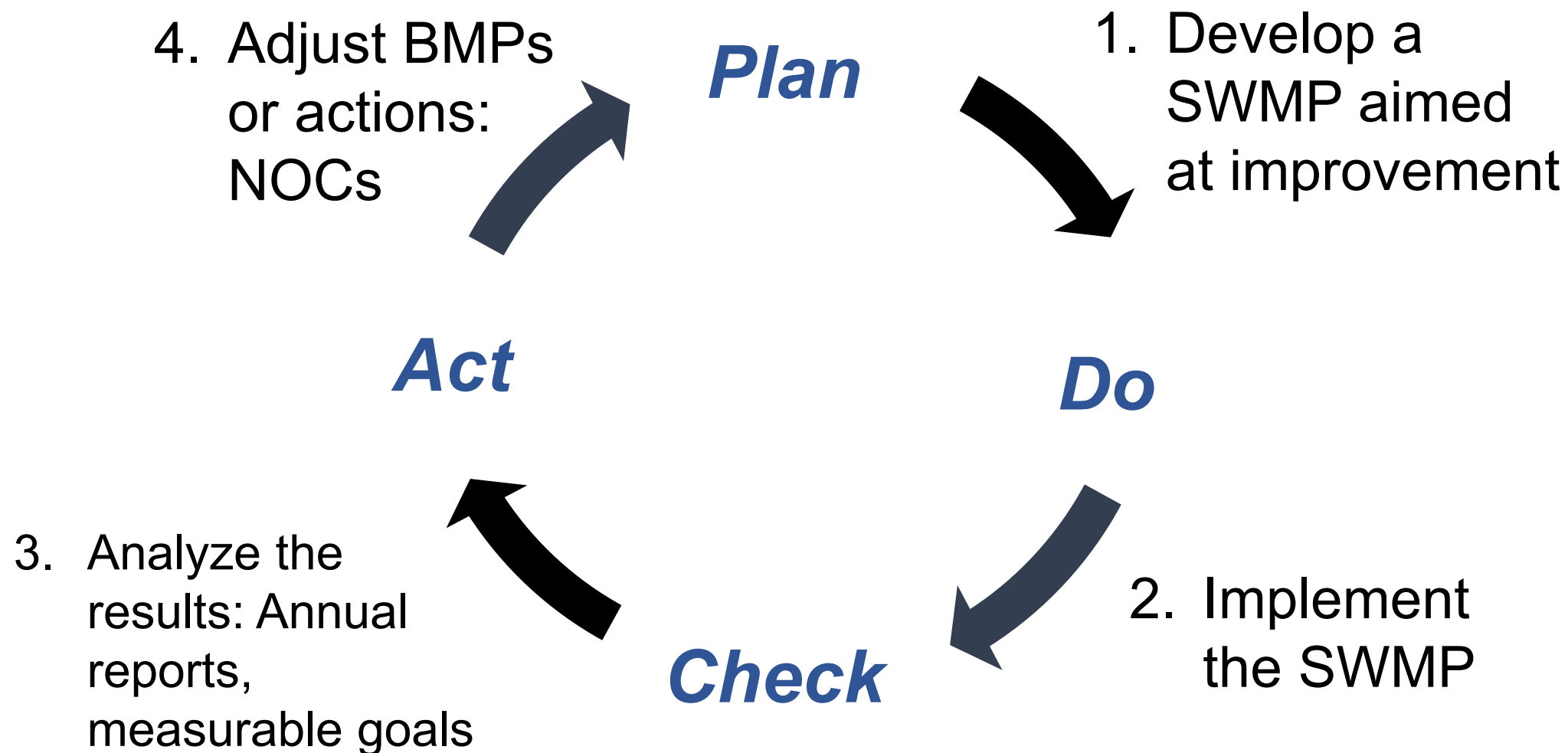
MCM 3: IDDE

(Example)

(6) Inspections – The permittee shall conduct inspections, in response to complaints, and shall conduct follow-up inspections to ensure that corrective measures have been implemented by the responsible party.

The permittee shall develop written procedures describing the basis for conducting inspections in response to complaints and conducting follow-up inspections.

Management Programs and Continuous Improvements



Outline

Overview of the MS4 Phase
II Permit



Implementation



Annual Reporting



Final Reminders

What does it mean to be approved?

- Annual reports
 - The MS4 needs to begin tracking and measuring Activities/BMPs to submit with annual report.
 - The approval date for your authorization will be:
 - the last day of the 2019 annual reporting permit term
 - the first day of the 2024 annual reporting permit term
- **Note:** *Changes to information in the NOI after receiving approval can be made by submitting an **NOC** through the NeT-MS4 system.*

What is an Annual Report?

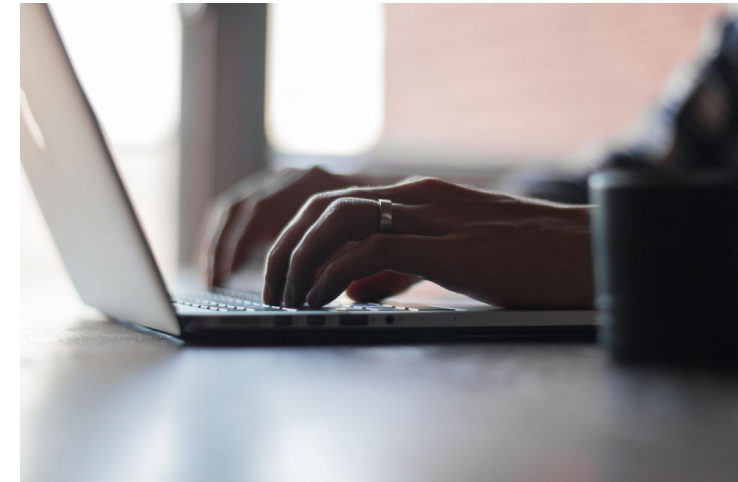
- A concise report of progress made towards implementing MCMs within the SWMP, it includes:
 - Information on BMPs
 - Progress towards achieving measurable goals to the MEP
 - Information on impaired waterbody monitoring and management
 - Other topics relevant to the SWMP and annual progress made.



Source: TCEQ Public Domain Image Archive (Internal)

Annual Reporting Timeframe

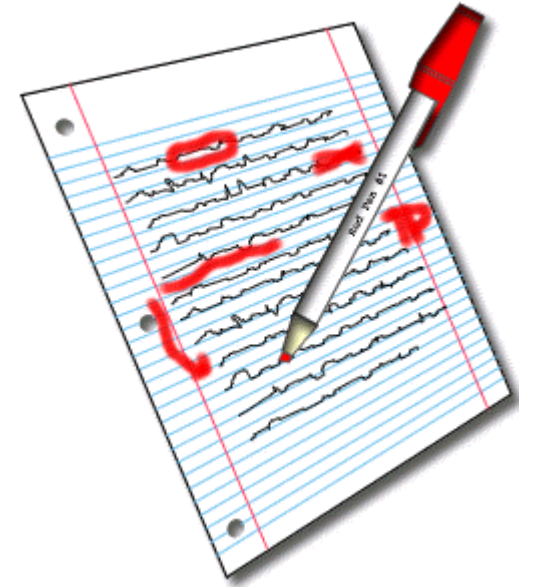
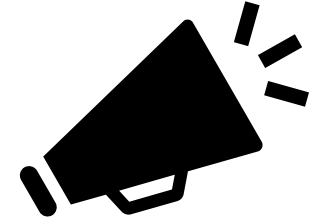
- Year 1 Annual Report begins upon ***approval of authorization***
- All MS4s will transition to **Calendar Year** once approved under the 2024 permit term
- **Reporting Year:** January 1 – December 31
- Annual reports must be submitted within 90 days of the last day of the reporting year



Source: TCEQ Public Domain Image Archive (Internal)

Annual Reporting Announcement

- Due to delays in the development of the NeT-MS4 annual reporting module, annual reports under the 2024 permit term **will not be submitted electronically** until further notice is provided by TCEQ.
- A hard copy (paper) annual report must be submitted to the Stormwater Permitting Team and TCEQ Regional Office.
- Use the appropriate paper annual report form (TCEQ – 20561) for the 2024 general permit



Annual Report Example (2019 Cycle)



Phase II (Small) MS4 Annual Report Requirements and Template 2019 TPDES General Permit Number TXR040000

Within 90 days of the end of each reporting year, operators of regulated Phase II Municipal Separate Storm Sewer Systems must submit an annual report to the Texas Commission on Environmental Quality. The reporting year may be the 12 months concurrent with the permit effective date, the permittee's fiscal year, or the calendar year. The reporting year selected must be identified in the original permit application submitted and remain consistent throughout the entire 5-year permit term. The annual report must describe activities conducted during the previous reporting year. If two or more MS4s share a common Stormwater Management Program (SWMP), all permittees must contribute to a system-wide annual report. Each permittee must sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports).

Report Content

Refer to Part IV.B.2 of the MS4 General Permit TXR040000 for annual report requirements.

Submit the annual report with a cover letter to ensure that the report reaches the Stormwater Team. See cover letter template (Example 5) of the instructions. The annual report must be submitted to the following address:

Texas Commission on Environmental Quality
Stormwater Team Leader (MC-148)

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

Note: An annual report must be submitted even if the SWMP has not yet been approved by the TCEQ. A copy of the annual report must also be submitted to the appropriate TCEQ regional office.

In addition, if the permittee has a public website, the SWMP and annual report, or a summary of the annual report, must be posted on the permittee's website. The SWMP

TCEQ-20561 Instructions (Rev July 2019)

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Phase II (Small) MS4 Annual Report Form

TPDES General Permit Number TXR040000

A. General Information

Authorization Number: TXR040{XXX}

Reporting Year (year will be either 1, 2, 3, 4, or 5): _____

Annual Reporting Year Option Selected by MS4:

Calendar Year: _____

Permit Year: _____

Fiscal Year: _____ Last day of fiscal year: (_____) _____

Reporting period beginning date: (month/date/year) _____

Reporting period end date: (month/date/year) _____

MS4 Operator Level: _____ Name of MS4: _____

Contact Name: _____ Telephone Number: _____

Mailing Address: _____

E-mail Address: _____

A copy of the annual report was submitted to the TCEQ Region: YES _____

~~NO~~ Region the annual report was submitted to: TCEQ Region _____

B. Status of Compliance with the MS4 GP and SWMP

1. Provide information on the status of complying with permit conditions:
(TXR040000 Part IV.B.2)

	Yes	No	Explain
Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.			
Permittee is currently in compliance with recordkeeping and reporting requirements.			

TCEQ-20561 (Rev July 2019)

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Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.).			
Permittee conducted an annual review of its SWMP in conjunction with preparation of the annual report			

2. Provide a general assessment of the appropriateness of the selected BMPs. You may use the table below to meet this requirement (see Example 1 in instructions):

MCM(s)	BMP	BMP is appropriate for reducing the discharge of pollutants in stormwater (Answer Yes or No and explain)

3. Describe progress towards achieving the goal of reducing the discharge of pollutants to the MEP. If no progress was made or the BMP did not result in a reduction in pollutants, provide an explanation. Use the table below to meet this requirement (see Example 2 in instructions):

TCEQ-20561 (Rev July 2019)

Page 2



Pending 2024 MS4 Applications

- The annual report should include what has been done during the previous reporting year
- While an NOI application is pending approval, annual reports may include:
 - Reporting of “old” activities continued from last permit cycle’s SWMP only
 - Reporting of both “old” and “new” activities from last permit cycle and the draft SWMP



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Annual Reporting Timeframes

For MS4s previously reporting for:

Permit Year

Fiscal Year

Calendar Year

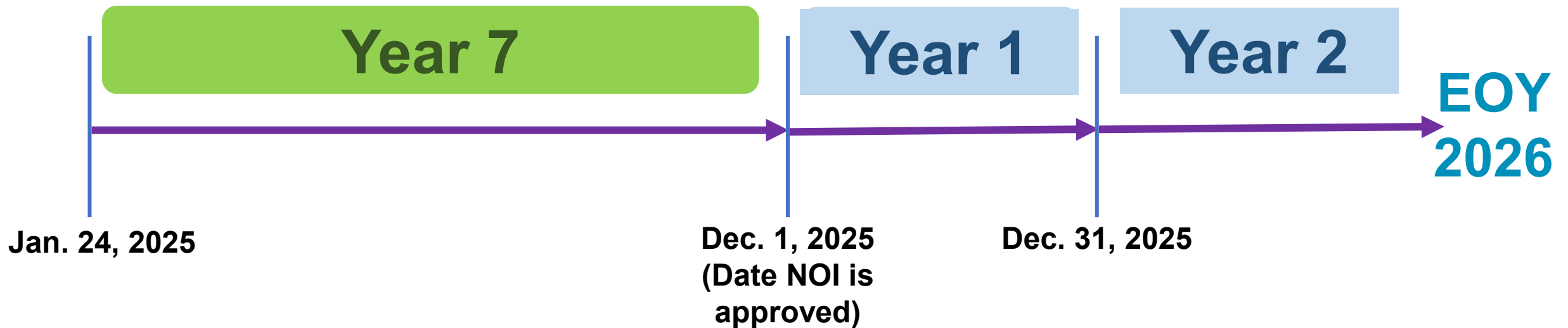


Transitioning to Calendar Year: Permit Year

Scenario: Permittee reports based on permit year for 2019 permit cycle and obtains permit coverage on December 1st, 2025.

2019 Permit Cycle

2024 Permit Cycle

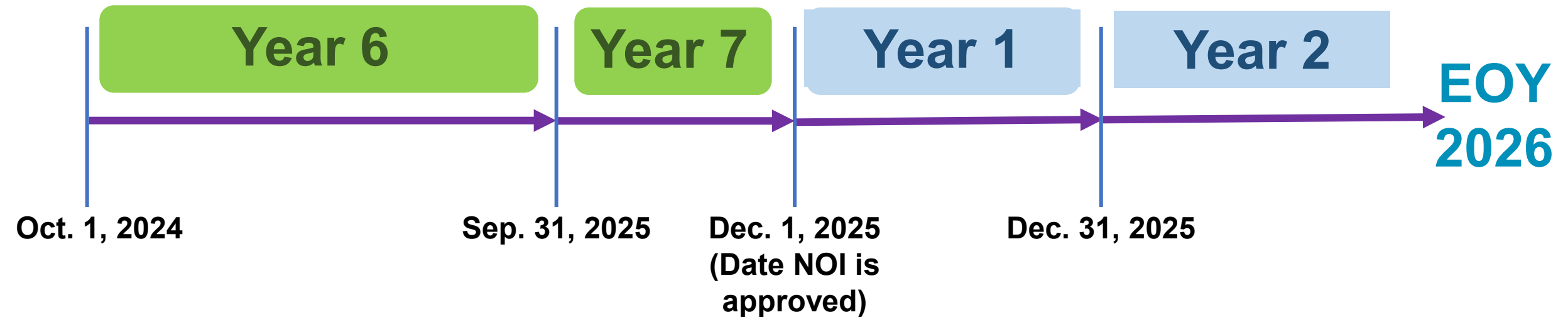


Transitioning to Calendar Year: Fiscal Year

Scenario: Permittee reports based on fiscal year for 2019 permit cycle and obtains permit coverage on December 1st.

2019 Permit Cycle

2024 Permit Cycle



Staying in Calendar Year

Scenario: Permittee reports based on permit year for 2019 permit cycle and obtains permit coverage on December 1st.

2019 Permit Cycle

2024 Permit Cycle



Additional Annual Report Requirements



Impaired Water Bodies

The annual report will require that MS4s discharging a pollutant of concern, or bacteria, onto an impaired water body to address the following:

- any activities taken to address the discharge to impaired water bodies;
- a summary of BMPs used to address the POC and;
- sampling results, if collected.



Total Maximum Daily Loads (TMDL)

- For discharges onto water bodies with an approved TMDL or Implementation Plan (I-Plan) the MS4 will address:
 - A description and schedule for implementation of additional activities/BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and I-Plans.
- For water bodies that are listed as impaired after coverage is approved:
 - MS4s must annually list newly identified water bodies and the pollutant(s) causing the impairment, and
 - a summary of controls implemented to comply with the approved TMDL.

Total Maximum Daily Loads (TMDL)

- The SWMP and annual report will identify a *benchmark* for the POCs.
 - Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the POCs.
- Progress towards the benchmarks will be re-evaluated annually, documented within the annual report, and modified as necessary

Additional Notes

Coalitions

- MS4s with a shared SWMP/responsibilities will *each* be required to *submit* an annual report
 - MS4s may delegate the responsibility of reporting certain activities/BMPs
 - Other members may state: “Done by MS4 TXR04####”
- Members will be listed in the annual report submission

Outline

Overview of the MS4 Phase II Permit



Implementation



Annual Reporting



Final Reminders

Final Reminders

- All Annual Reports must be submitted hard copy (paper) using the appropriate form
- Submitted to the following locations:
 - **Original** – TCEQ Austin Headquarters Office Stormwater Team (MC-148), and
 - **Copy** – The TCEQ Regional Office that serves the area of the regulated small MS4
- If the permittee has a public website
 - The annual report or a summary of the annual report must be on the permittee's website
 - Must be posted online no later than 30 days after the due date

Final Reminders

Duly Authorized Representatives (DAR) may be designated in Net-MS4

- Must meet the requirements of 30 TAC § 305.128

Signatories to Report

- Delegated to sign annual reports

Additional BMPs are encouraged but will not be listed with the NOI application.

- These BMPs will be included in the SWMP and reported in the annual report.

Stormwater Team Contacts

Stormwater Team



512-239-4671



SWGP@tceq.texas.gov

Stormwater Processing Center



512-239-3700



SWPermit@tceq.texas.gov

Rebecca L. Villalba- Team Leader

- Benjamin Dixon
- Amrita Gabu
- Jesse Gress-Alamilla
- Sofia Martinez
- Hannah Mendez
- Leland Moore
- Mariana Rivas-Varela
- Mary Huseman, SWPC
- Jeneane Toliver, SWPC
- Carol Lee Trucksess, SWPC



Questions?