

2024 Renewal of the Phase II (Small) MS4 General Permit, TXR040000

Preliminary Proposed Changes

The TCEQ is in the process of renewing the Phase II (Small) Municipal Separate Storm Sewer System (MS4) General Permit, TXR040000, which expires on January 24, 2024. This document describes the *preliminary* proposed changes TCEQ is considering. TCEQ is seeking input and feedback from stakeholders. Stakeholders may submit informal comments to TCEQ on the preliminary proposed changes by **October 12, 2022**. Comments may be submitted via email to SWGPA@TCEQ.Texas.gov with the **subject line, "2024 Phase II MS4 Renewal."**

These preliminary proposed changes will be discussed in detail at the September 27, 2022 Stormwater Stakeholders Group meeting for the 2024 renewal. The presentation slides and a recording of the meeting will be posted on the following webpage: https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html

Preliminary Proposed Changes List

- Revise the general permit to meet the *Comprehensive General Permit* option rather than the *Two-Step General Permit* option under the federal 2017 NPDES MS4 General Permit Remand Rule (*Federal Register, Vol. 81, No. 237, Friday, December 9, 2016*).
 - 2017 MS4 Remand Rule requires permitting authorities to implement either a:
 - *Comprehensive General Permit*
 - The general permit includes all requirements necessary to meet the MS4 permit standard to reduce pollutants to the maximum extent practicable (MEP)
 - *Two-Step General Permit*
 - The general permit includes some requirements for all MS4s and the individual MS4s establish specific requirements writing their own stormwater management program (SWMP)
 - TCEQ reviews and approves each individual SWMP
 - Change to a *Comprehensive General Permit*:
 - Remove public notice requirements for MS4 Operators,
 - Remove requirement for MS4s to submit SWMPs,
 - Reduce the Notice of Intent (NOI)/application review time to include only an administrative review, and
 - Streamline the annual report process
- Revise permit language to require all NOIs/applications and annual reports under the general permit to be submitted electronically through EPA's electronic applications/permits and reporting systems
 - Necessary to comply with the federal NPDES Electronic Reporting Rule which requires all general permit applications and reports to be submitted electronically by December 21, 2025 (40 CFR Part 127)

- Modify permit language to allow the general permit requirements to be established within EPA's electronic applications/permits and reporting systems
 - Revise the Minimum Control Measures (MCMs) numbering to match federal NPDES rules (see 40 CFR § 122.34(b)(1)-(6))
 - Split existing MCM 1: Public Education, Outreach, and Involvement into two MCMs:
 - MCM 1: Public Education and Outreach
 - MCM 2: Public Involvement/Participation
 - Renumber remaining five MCMs as MCMs 3-8
 - Revise Annual reporting year options to only allow for one reporting year schedule as required by the EPA electronic reporting system
 - Require all MS4s to follow the Calendar Year reporting schedule
 - The Calendar Year reporting schedule currently is used by the majority of permittees
 - Add permit language describing how MS4s should address the first reporting year when Fiscal Year or Permit Year schedules were followed in previous permit cycles
 - Add that applicants participating in a coalition must identify in the NOI the coalition member responsible for submitting the shared annual report
 - The other coalition members will be required to at a minimum sign and submit a certification statement
- Clarify what is considered a shared MS4 program and that shared programs are coalitions
- Clarify that MS4 operators must update their NOI and SWMP when TCEQ lowers a Total Maximum Daily Load (TMDL) waste load allocation (WLA) during the general permit term
- Clarify that MS4 levels for the 2024 general permit are determined based on the:
 - 2010 U.S. Census Urbanized Areas and
 - 2020 Decennial U.S. Census population data
- Modify MS4 levels to separate non-traditional MS4s from traditional MS4s within Level 2 to:
 - Level 2a - Traditional MS4s
 - Level 2b - Non-Traditional MS4s
- Miscellaneous and Editorial Changes
 - Clarify unclear language, make editorial changes, add or revise tables

Preliminary Proposed Permit Language for TXR040000 Part III.B.1-3

The following is preliminary proposed permit language demonstrating how TCEQ intends to modify the existing general permit to meet the “Comprehensive General Permit” standard in MCMs 1-3, the remaining MCMs 4-8 will be modified in a similar fashion.

Section B. Minimum Control Measures

Operators of small MS4s seeking coverage under this general permit shall develop, implement, and maintain a SWMP that includes the following eight minimum control measures (MCMs), as applicable.

All program elements must be implemented according to the schedule mentioned in Part III.A. All six MCMs apply to all MS4s regardless of their level as described in Part II.A.5. The seventh MCM only applies to Level 4 MS4s and the eighth MCM is optional. Specific program elements under each MCM shall be implemented by all MS4 operators, unless it is specifically stated that particular program elements only are applicable for certain levels of small MS4s.

Existing permittees shall assess program elements that were described in their previous approved SWMP. Permittees must modify their SWMP as necessary to develop and implement new elements or revise existing BMPs to comply with the requirements in this general permit and continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. (See also Part III.A.1.(b).)

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not applicable as described in each MCM. For example, where an MS4 operator does not have on-site sewage facilities in their MS4 area, the requirement to inspect these facilities is not applicable to that MS4 operator.

1. Public Education and Outreach

- (a) The MS4 operator shall implement a comprehensive stormwater public education 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 education and outreach program shall at a minimum include the following:
 - a. *Traditional MS4s* and counties shall address the residents being served;
 - b. *Non-traditional MS4s* (excluding 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 staff and contractors.

- c. Additional audiences within the MS4 service area (such as but not limited to, those listed in Table 1 shall be addressed as listed below:
 - (i) Levels 1, 2a, and 2b: No requirement for additional audiences;
 - (ii) Level 3: A minimum of one (1) additional audience;
 - (iii) Level 4: A minimum of two (2) additional audiences;

Table 1: Target Audiences

Schools, educational organizations, or youth service and youth groups;
Businesses, including commercial facilities, home-base and mobile businesses;
Institutions or formal organizations such as churches, hospitals, and service organizations;
Developers, builders, or construction site operators;
Homeowner or neighborhood associations
Industrial facilities; and
Visitors/tourists;

- (2) MS4 Operators shall target specific pollutant(s) in the permittee’s education program (such as, but not limited to, those listed in Table 2. Each MS4 shall have a minimum of one (1) target pollutant for each target audience from Part III.B.1. of this permit. The target pollutant must be appropriate for the target audience. The same pollutant may be used for more than one target audience and the target pollutant(s) may change annually as needed.

Table 2: Pollutants and Sources

Grass clippings and leaf litter;
Fertilizer and pesticides;
Litter, trash containment, balloon releases;
Dumping of solid waste;
Illegal disposal of household hazardous waste;
Pet waste;
Failing septic systems;
Swimming pool discharge, including saltwater pools;
De-icing/rock salt usage/ storage;
Oil, grease, fluids from vehicles;
Sediment runoff from construction activities;
Unauthorized discharge or restaurant waste;
Vehicle washing; and
Washwater/grey water;

- (3) MS4 Operators must utilize appropriate educational resources to be used 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 cycle may be counted as one annual BMP. Permittees shall explain how each BMP relates to the target pollutant and target audience. 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 MS4. 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 IV.B.2. or a summary of the annual report on the permittee’s website. The SWMP must be posted no later than 30 days after the NOI or NOC approval date, and the annual report no later than 30 days after the due date.
 - b. Using Table 3, over the permit term MS4 operators shall implement a minimum of the following:
 - (i) Level 1: Each permit cycle, three (3) educational and outreach BMPs from Table 3;
 - (ii) Level 2a and 2b: Each permit cycle, four (4) education and outreach BMPs from Table 3;
 - (iii) Levels 3 and 4: Each permit cycle, five (5) education and outreach BMPs from Table 3;

Table 3: Required Education and Outreach BMPs

Activity/BMP	Measurable Goals
Information on the MS4 Operator’s website.	Maintain a webpage with up-to-date information and working links. <ul style="list-style-type: none"> • 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.
Social media posts, social media campaign.	Post a minimum of four (4) times each year on a minimum of one (1) social media platform. <ul style="list-style-type: none"> • 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 be continued for the full year.

Activity/BMP	Measurable Goals
Maintain or mark storm drains and inlets with, “No Dumping – Drains to Creek” or a similar message.	Placard, stencil, or paint a minimum of 10% of all known stormwater inlets in the MS4 area per year. Where all known stormwater inlets have been marked, inspect, and maintain the markers for a minimum of 15% of all known stormwater inlets in the MS4 per year.
Media/advertising campaign/public service announcements in areas of high visibility: Billboard/poster; Bus shelter/bench; radio/television/movie theatre; kiosks.	Develop topics that address activities or pollutants of concern. Advertisement must be active for a minimum of three (3) weeks per year; or must have an estimated exposure for the duration of the campaign that is twice the most recent U.S. Census Bureau decennial population value for the permit area.
Publish articles in local newspaper or newsletter, may be electronic.	Develop topics that are group specific and address activities or pollutants of concern at a seasonally appropriate time. A minimum of two (2) articles must be published or emailed to target audience groups per year.
Permanent stormwater related signage	Place signage in a location where the message is relevant, and highly visible to target audience. Signage will count as an annual BMP for the year it was put in place and for each subsequent year of this permit cycle as long as each of those years, the permittee inspects and maintains 100% of the signage once annually.
Promote, host, or develop educational meetings, seminar, or trainings.	Hold, host, or promote a minimum of two (2) events annually. <ul style="list-style-type: none"> • The events shall address ways attendees can minimize or avoid adverse impacts to stormwater or practices to improve the quality of stormwater runoff. • These events may address different pollutants and audiences.
Fact sheets/brochures/utility bill inserts/door hangers.	Develop topics that are group specific and address activities or pollutants of concern. The number of fact sheets, brochures, bill inserts, door hangers, or handouts distributed in one year shall at a minimum be enough to reach at least 75% of the intended audience.
Targeted education campaign via mail, email, or in person.	Minimum of one (1) annually or with a specific event to reach at least 75% of the intended audience. (Examples: Sediment control with small building permit; leaf litter email during street sweeping

Activity/BMP	Measurable Goals
	season, or education brochure to all businesses conducting certain activity)

- c. The MS4 Operator shall create or support the education and outreach BMP(s) in Part III.B.1.(a)(3). To be considered support given to the coordinating groups, the MS4 Operator shall at minimum conduct the following or similar:
 - (i) Plan, or assist with planning, the distribution, or materials;
 - (ii) Contribute supplies, materials, tools, or equipment;
 - (iii) Provide assistance from MS4 staff to distribute the materials; and
 - (iv) Provide financial support.
- d. All permittees shall annually review and update the SWMP and MCM implementation deadlines and procedures required by Part III.A.2., as necessary. Any changes must be reflected in an NOC and the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.
- e. The MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

2. Public Involvement/Participation

All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP, except that correctional facilities are not required to implement this MCM. The MS4 operator must create opportunities, or support activities that are coordinated by citizen groups, for residents and others to become involved with the SWMP. The activities or BMPs must have an effort to impact stormwater runoff by improving water quality.

(a) Using Table 4, permittees shall implement a minimum of the following public involvement/participation activities:

- (1) Level 1 MS4: each permit cycle; one (2) public involvement/participation BMPs from Table 4
- (2) Level 2a and 2b MS4: each permit cycle; two (3) public involvement/participation BMPs from Table 4
- (3) Levels 3 and 4 MS4: each permit cycle; three (4) public involvement/participation BMPs from Table 4

Table 4: Required Public Involvement/Participation BMPs

Activity/BMPs	Measurable Goals
Stream/lake or watershed clean-up events; litter/trash clean-up events such as Texas Stream Team, Adopt-A-Highway, Adopt-A-Spot, Adopt-A-Street, Adopt-A-Stream, etc.	Host at a minimum two (2) events annually. <ul style="list-style-type: none"> • To be considered an event, the land area cleaned must be a minimum of: <ul style="list-style-type: none"> ○ two (2) acres, or

Activity/BMPs	Measurable Goals
	<ul style="list-style-type: none"> ○ 400 yards of stream/streambank/watershed, or ○ two (2) miles of roadside ● These may be combined (such as one acre of land and 200 yards of stream)
<p>Habitat improvement; Tree planting; Invasive Vegetation removal; Stream restoration.</p>	<p>Host at a minimum two (2) events annually.</p> <ul style="list-style-type: none"> ● To be considered an event, the project must be a minimum of 0.5 acres or 25 yards. ● An event may take place in streams, parks, areas adjacent to public waterways, or other green space. ● An event may be a combination of locations and areas.
<p>Volunteer water quality monitoring</p>	<p>To be considered an event, the monitoring must be conducted at a minimum of once per year.</p>
<p>Hold events to train residents, or work a project for homeowner associations (HOAs), or other public groups.</p> <p>The event or training must cover stormwater topics such as: building rain barrels; Fertilizer application training; Rain garden/bio retention creation or maintenance; How to recognize illicit discharge activities and communicate observations to appropriate MS4 staff</p>	<p>Provide at a minimum one (1) project or training annually.</p>
<p>Educational display/booth at a school, public event, or similar event</p> <p>Provide information or displays that work to improve public understanding of issues related to water quality.</p>	<p>Provide one (1) booth or display at minimum annually.</p> <p>The booth or display must be staffed during the time the event is open to the public.</p>
<p>Stormwater related speaker series</p>	<p>Provide a minimum of two (2) sessions per year. These may be different speakers or audiences.</p>
<p>MS4 area wide stormwater survey for input on program implementation</p>	<p>Provide a minimum of one (1) public survey for input on the program implementation to be distributed to reach at least 75% of the intended audience.</p>

Activity/BMPs	Measurable Goals
Public meeting for input on the program implementation such as a city council meeting, board meeting, or stakeholder meeting.	Host a minimum of (1) meeting for input on the program implementation to be advertised to reach at least 75% of the intended audience.

- (b) The MS4 Operator shall create or support the involvement BMP(s) in Part III.B.2.(a). To be considered support given to the coordinating groups the MS4 Operator shall at minimum conduct the following or similar:
 - (1) Plan, or assist with planning, the event or activity;
 - (2) Contribute supplies, materials, tools, or equipment;
 - (3) Provide assistance from MS4 staff during the activity;
 - (4) Provide assistance with recruiting volunteers for events;
 - (5) Make a space available for projects, meetings, or events;
 - (6) Advertisement for the events;
 - (7) Provide or arrange disposal services;
 - (8) Arrange land or stream access for activities or events;
 - (9) Provide financial support; and
 - (10) Provide donations of goods and services such as food.
- (c) All permittees shall annually review and update the SWMP and MCM implementation deadlines and procedures required by Part III.A.2., as necessary. Any changes must be reflected in an NOC and the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.
- (d) The MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

3. *Illicit Discharge Detection and Elimination (IDDE)*

- (a) Program Development
 - (1) All permittees shall develop, implement, and enforce a program to detect, investigate, 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 MS4 system.

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

 - a. An up-to-date MS4 map (see Part III.B.3.(c)(1));
 - b. Methods for informing and training MS4 field staff (see Part III.B.3.(c)(2));
 - c. Procedures for tracing the source of an illicit discharge (see Part III. B.3.(c)(5));

- d. Procedures for removing the source of the illicit discharge (see Part III.B.3.(c)(5));
 - e. For Levels 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
 - f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (see Part III.B.3.(e)(1));
 - g. For Level 4 small MS4s, field screening to detect illicit discharges (see Part III.B.3.(e)(2)); and
 - h. For Level 4 small MS4s, procedures to reduce the discharge of floatables in the MS4. (see Part III.B.3.(e)(3).)
- (2) For non-traditional small MS4s, 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 small MS4, then the permittee shall follow the requirements specified in Part III.B.3.(c)(3).
 - (4) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or 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 small MS4.

(c) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.3(c)(1)-(6) and Table 5.

(1) MS4 Mapping

All permittees shall maintain an up-to-date MS4 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:

- a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S.;
- b. The location and name of all surface waters receiving discharges from the small MS4 outfalls; and
- c. Priority areas identified under Part III.B.3.(e)(1), if applicable.

(2) Education and Training

All 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 small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on site and made available for review by the TCEQ.

(3) Public Reporting of Illicit Discharges and Spills

All permittees shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example, by including a telephone number for complaints and spill reporting.

(4) All permittees shall develop and maintain on-site procedures for responding to illicit discharges and spills.

(5) Source Investigation and Elimination

a. Minimum Investigation Requirements - Upon becoming aware of an illicit discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.

(i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.

(ii) All permittees 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.

(iii) All permittees 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.

b. Identification and Investigation of the Source of the Illicit Discharge -All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or the appropriate TCEQ Regional Office according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

If and when the source of the illicit discharge has been determined, all permittees shall immediately notify the responsible party of the problem and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.

(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.

Table 5: Required IDDE BMPs

Activity/BMP	Measurable Goals
Maintain an up-to-date MS4 map as described in Part III.3(c)(1).	Review and update at least one (1) time annually to include features which have been added, removed, or changed.
<p>Conduct training for all the permittee’s field staff as described in Part III.3(c)(2).</p> <p>Training may be conducted in person or using self-paced training materials such as videos or reading materials.</p>	Conduct a minimum of one (1) training annually for 100% of MS4 field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection to the small MS4 as part of their normal job responsibilities
Maintain and publicize a public reporting method for the public to report illicit discharges or water quality impacts associated with discharges into or from the small MS4 such as a reporting hotline, online form, or other similar mechanism as described in Part III.3(c)(3).	<p>Maintain a minimum of one (1) public reporting mechanism 100% of the time during the permit term.</p> <p>Publicize the public reporting mechanism a minimum of two (2) times annually in a method designed to reach at least 75% of the intended audience.</p>
Maintain procedures for responding to illicit discharges and spills as described in Part III.3(c)(4).	Review and update at least one (1) time annually to address changes and make improvements to the established procedures where applicable.
Source investigation and elimination of illicit discharges and illegal dumping as described in Part III.3(c)(5).	<p>Respond to 100% of known illicit discharges and illegal dumping incidents to investigate sources (or for some Level 2b MS4s, refer to the appropriate agency with the authority to act).</p> <p>Respond to 100% of high priority discharges, such as sanitary sewer discharges within 24 hours (or for some Level 2b MS4s, refer to the appropriate agency with the authority to act).</p> <p>For 100% of known illicit discharges or illegal dumping incidents where the MS4 does not have jurisdiction, notify the adjacent MS4 operator or the applicable TCEQ regional office.</p> <p>Notify TCEQ immediately of 100% of any illicit flows believed to be an immediate threat to human health or the environment.</p>

Activity/BMP	Measurable Goals
Corrective action to eliminate illicit discharges as described in Part III.3(c)(5).	<p>For 100% of illicit discharges where a source has been determined, immediately (within 24 hours) notify the responsible party of the problem.</p> <p>Require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.</p>
Inspection Procedures as described in Part III.3(c)(6).	Review and update at least one (1) time annually to address changes and make improvements to the established procedures where applicable.
Inspections in response to complaints as described in Part III.3(c)(6)	<p>Conduct inspections in response to 100% of complaints according to the established procedures (or for some Level 2b MS4s, refer to the appropriate agency with the authority to act).</p> <p>Conduct follow up inspections in 100% of cases where necessary as described in the established procedures (or for some Level 2b MS4s, refer to the appropriate agency with the authority to act).</p>

(d) Additional Requirements for Levels 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.3(c)(1)-(6) and Table 5 above, permittees who operate Levels 3 and 4 small MS4s shall meet the following requirements, including those described in Table 6.

Source Investigation and Elimination.

Permittees who operate Levels 3 and 4 small MS4s shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. Follow-up investigations shall be completed within five (5) business days, on average. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C, no further action is required.

Table 6: Additional Required IDDE BMPs for Level 3 and 4 MS4s

Activity/BMP	Measurable Goals
Conduct follow up investigations or field screenings when notified that a discharge has been eliminated	<p>Conduct follow-up investigations or field screening in response to 100% of notifications.</p> <p>Complete the follow up investigations within five (5) business days, on average.</p>

(e) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.3(c)-(d) above, permittees who operate Level 4 small MS4s shall meet the following requirements described in Part III.B.3.(e)(1)-(3) and Table 7:

(1) Identification of Priority Areas

Permittees who operate Level 4 small MS4s 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 area list must be maintained in the MS4 SWMP and available for review by the TCEQ.

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate Level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) field screening according to item (2)c. below.

If dry weather field screening is necessary, at a minimum, the permittee shall:

- a. Conduct dry weather field screening in priority areas as identified by the permittee in Part III.B.3(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened.
- b. Field observation requirements - The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures must include the basis used to determine which outfalls will be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits, or stains.
- c. Field screening requirements - The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants. The basis for selecting the indicator pollutants must be described in the written procedures. Screening methodology may be modified based on experience gained during

the actual field screening activities. The permittee shall document the method used.

(3) Reduction of Floatables

The permittee shall implement a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the MS4. The MS4 shall include source controls at a minimum and structural controls and other appropriate controls where necessary.

The permittee shall maintain two (2) locations where floatable material can be removed before the stormwater is discharged to or from the MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the annual report.

Table 7: Additional Required IDDE BMPs for Level 4 MS4s

Activity/BMP	Measurable Goals
Identification of priority areas as described in Part III.B.3.(e)(1)	<p>Develop and maintain a list of 100% of the priority areas identified by the MS4. At a minimum, MS4s must consider the following in developing the priority areas:</p> <ul style="list-style-type: none"> • Sanitary sewer lines • Industrial areas • Commercial areas • Areas with history of past illicit discharges or illegal dumping <p>Review and update the list at least one (1) time annually to include new, removed, or changed areas based on the criteria established by the MS4 for identifying priority areas.</p>
Dry weather field screening as described in Part III.B.3.(e)(2)	<p>Develop and implement written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee’s trained field staff.</p> <p>Review and update the procedures at least one (1) time annually to address changes and make improvements to the established procedures where applicable.</p> <ul style="list-style-type: none"> • New Level 4 MS4s shall develop the procedures within on (1) year. <p>Develop and implement written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather.</p> <p>Review and update the procedures at least one (1) time annually to address changes and make</p>

Activity/BMP	Measurable Goals
	<p>improvements to the established procedures where applicable.</p> <ul style="list-style-type: none"> • New Level 4 MS4s shall develop the procedures within on (1) year. <p>Conduct dry weather field screening in 20% of the priority areas as identified by the permittee in Part III.B.2(e)(1) each year so that 100% of the areas are screened by the end of the permit term.</p>
<p>Floatable Reduction as described in Part III.B.3.(e)(3)</p>	<p>Develop and implement at least two (2) source controls to address floatables such as, but not limited to, establishing and maintaining waste collection sites, clean-up events, and anti-littering campaigns.</p> <p>Develop and implement at least two (2) structural controls such as, but not limited to, inlet protections, boom sites, hazardous materials traps, trash racks, outfall netting, and catch basins.</p> <p>Maintain at least two (2) locations where floatable material can be removed before the stormwater is discharged to or from the MS4.</p> <p>Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than two (2) times per year.</p>