



Technical Package Cover Page

This file contains the following documents:

1. Summary of application (in plain language)
 - English
 - Alternative Language (Spanish)
 2. First notice (NORI-Notice of Receipt of Application and Intent to Obtain a Permit)
 - English
 - Alternative Language (Spanish)
 3. Second notice (NAPD-Notice of Preliminary Decision)
 - English
 - Alternative Language (Spanish)
 4. Application materials (**NOTE:** This application was declared Administratively Complete before June 1, 2024. Application materials are available for review at the Public Viewing Location provided in the NORI.)
 5. Draft permit
 6. Technical summary or fact sheet
-



Portada de Paquete Técnico

Este archivo contiene los siguientes documentos:

1. Resumen de la solicitud (en lenguaje sencillo)
 - Inglés
 - Idioma alternativo (español)
2. Primer aviso (NORI, Aviso de Recepción de Solicitud e Intención de Obtener un Permiso)
 - Inglés
 - Idioma alternativo (español)
3. Segundo aviso (NAPD, Aviso de Decisión Preliminar)
 - Inglés
 - Idioma alternativo (español)
4. Materiales de la solicitud (**NOTA:** Esta solicitud se declaró administrativamente completa antes del 1 de junio de 2024. Los materiales de la solicitud están disponibles para revisión en la ubicación de consulta pública que se indica en el NORI.)
5. Proyecto de permiso
6. Resumen técnico u hoja de datos

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDED NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN A MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT RENEWAL

PERMIT NO. WQ0004421000

APPLICATION. Port of Houston Authority, P.O. Box 2562, Houston, Texas 77252, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004421000 (EPA I.D. No. TXS001202) to authorize discharges from the municipal separate storm sewer system located within the boundary of the area served by, or otherwise contributing to discharges to the MS4 owned or operated by the permittee, except for any agricultural lands, in Harris County, Texas 77011, 77012, 77015, 77029, 77547, 77571, 77586. The discharge route is from the municipal separate storm sewer system to the surface water in the State. TCEQ received this application on August 13, 2021. The permit application is available for viewing and copying at Jacinto City Public Library/A.J. "Bert" Holder Library, 921 Akron Street, Houston, Texas.

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision**

and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: : your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <https://www14.tceq.texas.gov/epic/eComment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit

their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Port of Houston Authority at the address stated above or by calling Mr. Ryan Dixon at 713-670-2445.

Issuance Date December 23, 2021

Comisión de Calidad Ambiental del Estado de Texas



AVISO DE RECIBO DE LA SOLICITUD E INTENCION DE OBTENER UN PERMISO PARA EL SISTEMA SEPARADO MUNICIPAL DE AGUAS PLUVIALES (MS4) [NUEVO/MODIFICACION/RENOVACION]

PERMISO NO. _____

SOLICITUD. _____ [*Applicant's name and address*] ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ) _____ [*describe type of authorization sought, choose appropriate: para el propuesto (new), para renovar el (renewal), para modificar el (amendment)*] Permiso No. WQ _____ del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) (EPA I.D. No. TXS _____) para autorizar las descargas del sistema separado municipal de aguas pluviales ubicada dentro de _____ [*MS4 location – i.e. the corporate boundary of the City of Lubbock, except agricultural lands*] en el Condado de _____ [*County*], Texas. La ruta de descarga es del sistema separado municipal de aguas pluviales a las aguas superficiales del Estado. La TCEQ recibió esta solicitud el día _____ [*date application received by TCEQ*]. La solicitud para el permiso está disponible para leer y copiar en _____ [*street address of public place where application is available in the county*].

Include the following non-italicized sentence if the facility is located in the Coastal Management Program boundary and is an application for a new facility, a major amendment which will increase the pollutant loads to coastal waters or would result in relocation of an outfall to a critical area, or a renewal with such a major amendment. The Coastal Management Program boundary is the area along the Texas Coast of the Gulf of México as depicted on the map in 31 TAC §503.1 and includes part or all of the following counties: Cameron, Willacy, Kenedy, Kleberg, Nueces, San Patricio, Aransas, Refugio, Calhoun, Victoria, Jackson, Matagorda, Brazoria, Galveston, Harris, Chambers, Jefferson y Orange. If the application is for amendment that does not meet the above description or a renewal without such a major amendment, do not include the sentence: El Director Ejecutivo de la TCEQ ha revisado esta medida para ver si está de acuerdo con los objetivos y las regulaciones del Programa de Administración Costero de Texas (CMP) de acuerdo con las regulaciones del Consejo Coordinador de la Costa (CCC) y ha determinado que la acción es conforme con las metas y regulaciones pertinentes del CMP.

AVISO ADICIONAL. El Director Ejecutivo de la TCEQ ha determinado que la solicitud es administrativamente completa y conducirá una revisión técnica de la solicitud. Después de completar la revisión técnica, el Director Ejecutivo puede preparar un borrador del permiso y emitirá una Decisión Preliminar sobre la solicitud. **El aviso de la solicitud y la decisión**

preliminar serán publicados y enviado a los que están en la lista de correo de las personas a lo largo del condado que desean recibir los avisos y los que están en la lista de correo que desean recibir avisos de esta solicitud. El aviso dará la fecha límite para someter comentarios públicos.

COMENTARIO PUBLICO / REUNION PUBLICA. Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud. El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

OPORTUNIDAD DE UNA AUDIENCIA ADMINISTRATIVA DE LO CONTENCIOSO. Después del plazo para presentar comentarios públicos, el Director Ejecutivo considerará todos los comentarios apropiados y preparará una respuesta a todo los comentarios públicos esenciales, pertinentes, o significativos. **A menos que la solicitud haya sido referida directamente a una audiencia administrativa de lo contencioso, la respuesta a los comentarios y la decisión del Director Ejecutivo sobre la solicitud serán enviados por correo a todos los que presentaron un comentario público y a las personas que están en la lista para recibir avisos sobre esta solicitud. Si se reciben comentarios, el aviso también proveerá instrucciones para pedir una reconsideración de la decisión del Director Ejecutivo y para pedir una audiencia administrativa de lo contencioso.** Una audiencia administrativa de lo contencioso es un procedimiento legal similar a un procedimiento legal civil en un tribunal de distrito del estado.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS: su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y porqué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que

se hayan presentado durante el período de comentarios. *[For renewal applications that do not include a major amendment, include the following sentence:]* **Si ciertos criterios se cumplen, la TCEQ puede actuar sobre una solicitud para renovar un permiso sin proveer una oportunidad de una audiencia administrativa de lo contencioso.**

LISTA DE CORREO. Si somete comentarios públicos, un pedido para una audiencia administrativa de lo contencioso o una reconsideración de la decisión del Director Ejecutivo, la Oficina del Secretario Principal enviará por correo los avisos públicos en relación con la solicitud. Además, puede pedir que la TCEQ ponga su nombre en una o más de las listas de correos siguientes (1) la lista de correo permanente para recibir los avisos de el solicitante indicado por nombre y número del permiso específico y/o (2) la lista de correo de todas las solicitudes en un condado específico. Si desea que se agregue su nombre en una de las listas designe cual lista(s) y envía por correo su pedido a la Oficina del Secretario Principal de la TCEQ.

CONTACTOS E INFORMACIÓN A LA AGENCIA. Todos los comentarios públicos y solicitudes deben ser presentadas electrónicamente vía <https://www14.tceq.texas.gov/epic/eComment/o> por escrito dirigidos a la **Comisión de Texas de Calidad Ambiental, Oficial de la Secretaría (Office of Chief Clerk), MC-105, P.O. Box 13087, Austin, Texas 78711-3087.** Tenga en cuenta que cualquier información personal que usted proporcione, incluyendo su nombre, número de teléfono, dirección de correo electrónico y dirección física pasarán a formar parte del registro público de la Agencia. Para obtener más información acerca de esta solicitud de permiso o el proceso de permisos, llame al programa de educación pública de la TCEQ, gratis, al 1-800-687-4040. Si desea información en Español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del _____ *[name of applicant]* a la dirección indicada arriba o llamando a _____ *[name of applicant's representative]* al _____ *[applicant's telephone number]*.

Fecha de emisión _____ *[Date notice issued]*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



COMBINED NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN A WATER QUALITY PERMIT (NORI)

AND

NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR TPDES PERMIT FOR A MUNICIPAL SEPARATE STORM SEWER SYSTEM

RENEWAL

PERMIT NO. WQ0004421000

APPLICATION AND PRELIMINARY DECISION. Port of Houston Authority, P.O. Box 2562, Houston, Texas 77252-2562 which operates the Port of Houston Municipal Separate Storm Sewer System (MS4) has applied to the Texas Commission on Environmental Quality (TCEQ) for a Renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004421000 (EPA I.D. TXS001202) to authorize stormwater point source discharges to surface water in the state from the Port of Houston Authority MS4. TCEQ received this application on August 13, 2021.

The MS4 is located in the Cities of Houston, Galena Park, La Porte, Morgan's Point, Pasadena and Seabrook; in Harris County, Texas 77011, 77012, 77015, 77029, 77547, 77571, 77586. Discharge is via the MS4 to various ditches and tributaries that eventually reach the Houston Ship Channel/San Jacinto River Tidal; Houston Ship Channel Tidal; Houston Ship Channel/Buffalo Bayou Tidal; Upper Galveston Bay; Barbours Cut; Bayport Channel, Segment Nos. 1005, 1006, and 1007 of the San Jacinto River Basin and Segment Nos. 2421, 2436, 2438 of the Bays and Estuaries of the San Jacinto River Basin and Bays and Estuaries River Basin. The presumed aquatic life uses for the unclassified receiving waters are high aquatic life use for perennial streams, limited aquatic life use for intermittent streams with perennial pools, and minimal aquatic life use for intermittent streams. The designated uses for Segment Nos. 1005 and 2438 are non-contact recreation and high aquatic life use. The designated uses for Segment Nos. 1006 and 1007 are navigation and industrial water supply. The designated uses for Segment No. 2421 is primary contact recreation, high aquatic life use and oyster waters. The designated uses for Segment No. 2436 is primary contact recreation and high aquatic life use. No significant degradation of high quality receiving waters is anticipated.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Jacinto City Public Library, 921 Akron St., Houston, Texas 77049. The application is available for viewing and copying at the following webpage: <https://www.tceq.texas.gov/permitting/wastewater/pending-permits/tlap-applications>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ holds a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name; address, phone number; applicant's name and permit number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are germane to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; (2) the mailing list for a specific county; or (3) the permanent mailing list for a specific applicant name and permit number and the mailing list for a specific county. If you wish to be placed on the permanent or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www.tceq.texas.gov/goto/comment/> within 30 days from the date of newspaper publication of this notice.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at <https://www.tceq.texas.gov/goto/comment/>, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency records; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al 1-800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.texas.gov.

Further information may also be obtained from Port of Houston Authority at the address stated above or by calling Ms. Ilana Harris at 713-670-2809.

Issuance Date: December 29, 2025

Comisión De Calidad Ambiental Del Estado De Texas



AVISO COMBINADO DE RECEPCIÓN DE LA SOLICITUD Y INTENCIÓN DE OBTENER UN PERMISO DE CALIDAD DE AGUA (NORI)

Y

AVISO DE LA SOLICITUD Y DECISIÓN PRELIMINAR PARA EL PERMISO TPDES DE UN SISTEMA MUNICIPAL DE DRENAJE PLUVIAL

RENOVACIÓN

PERMISO NO. WQ0004421000

SOLICITUD Y DECISIÓN PRELIMINAR. Autoridad del Puerto de Houston, Apartado Postal 2562, Houston, Texas 77252-2562, que opera el Sistema Municipal Separado de Drenaje Pluvial (MS4) de la Autoridad del Puerto de Houston, ha solicitado a la Comisión de Calidad Ambiental de Texas (TCEQ) la renovación del Permiso del Sistema de Eliminación de Descargas de Contaminantes de Texas (TPDES) No. WQ0004421000 (EPA I.D. TXS001202) para autorizar descargas puntuales de aguas pluviales a las aguas superficiales del estado desde el MS4 de la Autoridad del Puerto de Houston. La TCEQ recibió esta solicitud el 13 de agosto de 2021.

El MS4 está ubicado en las ciudades de Houston, Galena Park, La Porte, Morgan's Point, Pasadena y Seabrook; en el Condado de Harris, Texas, con códigos postales 77011, 77012, 77015, 77029, 77547, 77571 y 77586. La descarga es por vía del MS4 a varias zanjas y tributarios que eventualmente llegarán al Canal de Navegación de Houston / Río San Jacinto Mareal; Bahía Superior de Galveston; Barbours Cut; Canal Bayport, Segmentos Nos. 1005, 1006 y 1007 de la Cuenca del Río San Jacinto y Segmentos Nos. 2421, 2436 y 2438 de la Cuenca de Bahías y Estuarios del Río San Jacinto y la Cuenca de Bahías y Estuarios. Se presume que las aguas no clasificadas recibidas tienen un uso elevado en la vida acuática para las corrientes de agua permanentes, uso limitado de vida acuática para corrientes intermitentes con estanques permanentes, y sin uso significativo para la vida acuática para corrientes de agua intermitentes. Los usos designados para el Segmento No. 1005 y 2438 son recreación sin contacto y uso elevado para la vida acuática. Los usos designados para los Segmentos No. 2421 son recreación de contacto primario, uso elevado para la vida acuática y agua para ostras. El uso designado para el Segmento No. 2436 es recreación de contacto primario y uso elevado para la vida acuática. No se espera ninguna degradación significativa de la calidad elevada de las aguas receptoras.

El Director Ejecutivo del TCEQ ha concluido el examen técnico de la solicitud y ha preparado un bosquejo de permiso. El bosquejo de permiso, de ser aprobado, establecería las condiciones bajo las cuales la instalación debe operar. El Director Ejecutivo ha tomado la decisión preliminar de que este permiso, si se emite, cumple con todos los requisitos legales y reglamentarios. La solicitud de permiso, la decisión preliminar del Director Ejecutivo y el bosquejo del permiso están disponibles para su visualización y copia en la Biblioteca Pública de Jacinto City, 921 Akron St., Houston, Texas 77049.

COMENTARIO PUBLICO / REUNION PUBLICA. Usted puede presentar comentarios públicos o pedir una reunión pública sobre esta solicitud.

El propósito de una reunión pública es dar la oportunidad de presentar comentarios o hacer preguntas acerca de la solicitud. La TCEQ realiza una reunión pública si el Director Ejecutivo determina que hay un grado de interés público suficiente en la solicitud o si un legislador local lo pide. Una reunión pública no es una audiencia administrativa de lo contencioso.

OPORTUNIDAD PARA UNA AUDIENCIA DE CASO IMPUGNADO. Después de la fecha límite para presentar comentarios públicos, el Director Ejecutivo considerará los comentarios y preparará una respuesta a todos los comentarios públicos relevantes y materiales, o significativos. **A menos que la solicitud sea remitida directamente para una audiencia de caso impugnado, la respuesta a los comentarios se enviará por correo a todos los que enviaron comentarios públicos y a aquellas personas que estén en la lista de correo para esta solicitud. Si se reciben comentarios, el correo también proporcionará instrucciones para solicitar una audiencia de caso impugnado o reconsiderar la decisión del Director Ejecutivo.** Una audiencia de caso impugnado es un procedimiento legal similar a un juicio civil en un tribunal de distrito estatal.

PARA SOLICITAR UNA AUDIENCIA DE CASO IMPUGNADO, USTED DEBE INCLUIR EN SU SOLICITUD LOS SIGUIENTES DATOS: su nombre, dirección, y número de teléfono; el nombre del solicitante y número del permiso; la ubicación y distancia de su propiedad/actividad con respecto a la instalación; una descripción específica de la forma cómo usted sería afectado adversamente por el sitio de una manera no común al público en general; una lista de todas las cuestiones de hecho en disputa que usted presente durante el período de comentarios; y la declaración "[Yo/nosotros] solicito/solicitamos una audiencia de caso impugnado". Si presenta la petición para una audiencia de caso impugnado de parte de un grupo o asociación, debe identificar una persona que representa al grupo para recibir correspondencia en el futuro; identificar el nombre y la dirección de un miembro del grupo que sería afectado adversamente por la planta o la actividad propuesta; proveer la información indicada anteriormente con respecto a la ubicación del miembro afectado y su distancia de la planta o actividad propuesta; explicar cómo y por qué el miembro sería afectado; y explicar cómo los intereses que el grupo desea proteger son pertinentes al propósito del grupo.

Después del cierre de todos los períodos de comentarios y de petición que aplican, el Director Ejecutivo enviará la solicitud y cualquier petición para reconsideración o para una audiencia de caso impugnado a los Comisionados de la TCEQ para su consideración durante una reunión programada de la Comisión. La Comisión sólo puede conceder una solicitud de una audiencia de caso impugnado sobre los temas que el solicitante haya presentado en sus comentarios oportunos que no fueron retirados posteriormente. **Si se concede una audiencia, el tema de la audiencia estará limitado a cuestiones de hecho en disputa o cuestiones mixtas de hecho y de derecho relacionadas a intereses pertinentes y materiales de calidad del agua que se hayan presentado durante el período de comentarios.**

ACCIÓN DEL DIRECTOR EJECUTIVO. El Director Ejecutivo puede emitir una aprobación final de la solicitud a menos que exista un pedido antes del plazo de vencimiento de una audiencia administrativa de lo contencioso o se ha presentado un pedido de reconsideración. Si un pedido ha llegado antes del plazo de vencimiento de la audiencia o el pedido de reconsideración ha sido presentado, el Director Ejecutivo no emitirá una aprobación final sobre el permiso y enviará la solicitud y el pedido a los Comisionados de la TECQ para consideración en una reunión programada de la Comisión.

LISTA DE CORREO. Si envía comentarios públicos, una solicitud de una audiencia de caso impugnado o una reconsideración de la decisión del Director Ejecutivo, se le agregará a la lista de correo de esta solicitud específica para recibir futuros avisos públicos enviados por correo por la Oficina del Secretario Oficial. Además, puede solicitar ser colocado en: (1) la lista de correo permanente para un nombre de solicitante específico y número de permiso; (2) la lista de correo para un condado específico; o (3) la lista de correo permanente para un nombre y número de permiso de solicitante específico y la lista de correo para un condado específico. Si desea ser colocado en la lista de correo permanente o del condado, especifique claramente qué lista (s) y envíe su solicitud a la Oficina del Secretario Oficial de la TCEQ a la dirección a continuación.

Todos los comentarios públicos escritos y las solicitudes de reunión pública deben enviarse a Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 o electrónicamente a <https://www14.tceq.texas.gov/epic/eComment/> dentro de los 30 días a partir de la fecha de publicación de este aviso en el periódico.

INFORMACIÓN DISPONIBLE EN LÍNEA. Para obtener detalles sobre el estado de la solicitud, visite la Base de Datos Integrada de los Comisionados en <https://www14.tceq.texas.gov/epic/eCID/>. Busque en la base de datos utilizando el número de permiso para esta solicitud, que se proporciona en la parte superior de este aviso.

CONTACTOS E INFORMACIÓN DE LA AGENCIA. Los comentarios y solicitudes públicas deben enviarse electrónicamente a www14.tceq.texas.gov/epic/eComment/, o por escrito a Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Cualquier información personal que envíe a la TCEQ pasará a formar parte del registro de la agencia; esto incluye las direcciones de correo electrónico. Para obtener más información sobre esta solicitud de permiso o el proceso de permisos, llame al Programa de Educación Pública de TCEQ, línea gratuita, al 1-800-687-4040 o visite su sitio web en www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al 1-800-687-4040.

También se puede obtener información adicional del Autoridad del Puerto de Houston a la dirección indicada arriba o llamando a Sra. Ilana Harris al 713-670-2809.

Fecha de Emisión: 29 de diciembre de 2025



TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY
P. O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO.
WQ0004421000
*[For TCEQ office use only – EPA
I.D. No. TXS001202]*

This is a renewal of TPDES
Permit No. WQ0004421000,
issued on February 14, 2017.

PERMIT TO DISCHARGE UNDER THE TEXAS
POLLUTANT DISCHARGE ELIMINATION SYSTEM
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

PART I: AUTHORIZATION

Port of Houston Authority
P.O. Box 2562
Houston, TX 77252-2562

is authorized to discharge from Port of Houston Authority Municipal Separate Storm Sewer System (MS4) (SIC 4491)

including all areas, except for any agricultural lands, located within the boundary of the area served by, or otherwise contributing to discharges to the MS4 owned or operated by the permittee, located in Harris County, Texas

from the MS4 directly to Houston Ship Channel/San Jacinto River Tidal, in Segment No. 1005 of the San Jacinto River Basin; Houston Ship Channel Tidal, in Segment No. 1006 of the San Jacinto River Basin; Houston Ship Channel/Buffalo Bayou Tidal, in Segment No. 1007 of the San Jacinto River Basin; Upper Galveston Bay, in Segment No. 2421 of the Bays and Estuaries; Barbours Cut in Segment No. 2436 of the Bays and Estuaries; and Bayport Channel, in Segment No. 2438 of the Bays and Estuaries

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 route 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 route.

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

ISSUED DATE:

For the Commission

PART II: DISCHARGES AUTHORIZED BY THIS PERMIT IMPAIRED WATER BODIES, AND TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

A. Authorized Discharges.

1. This permit authorizes existing or new stormwater point source discharges to surface water in the state from those portions of the Municipal Separate Storm Sewer System (MS4) owned or operated by the permittee.
2. The following discharges, whether discharged separately or commingled with municipal stormwater, are not authorized by this permit:
 - a. discharges of non-stormwater;
 - b. stormwater discharges associated with industrial activity;
 - c. stormwater discharges that must be authorized by a separate Texas Pollutant Discharge Elimination System (TPDES) permit; and
 - d. discharges of materials resulting from a spill, except when necessary to prevent loss of life, personal injury, or severe property damage.
3. This permit does not negate any person's ability to assert the *force majeure* (Act of God, war, strike, riot, or other catastrophe) defenses found in 30 Texas Administrative Code (TAC) § 70.7.
4. This permit does not transfer liability for discharging without, or in violation of, a National Pollutant Discharge Elimination System (NPDES) or TPDES permit from the responsible party of the discharge to the permittee.
5. The requirements in this permit must provide compliance with the Texas Surface Water Quality Standards (TSWQS) as specified in 30 TAC §§ 307.1-307.10.

B. Incidental Non-Stormwater Discharges

The following non-storm water sources may be discharged from the MS4 and are not required to be addressed in the permittee's Illicit Discharge Detection and Elimination Program, or other minimum control measures, provided that they are determined by the permittee to not be substantial sources of pollutants to the MS4, and provided that the TCEQ has not developed separate permits or regulations addressing these discharges:

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. diverted stream flows;
4. rising ground waters and springs;
5. uncontaminated ground water infiltration;
6. uncontaminated pumped ground water;

7. discharges from potable water sources;
8. foundation and footing drains;
9. air conditioning condensation;
10. water from crawl space pumps;
11. street wash water;
12. wash waters using only potable water, which are similar in quality and character to street wash water or individual residential vehicle washing but without detergents or surfactants;
13. flows from riparian habitats and wetlands;
14. dechlorinated swimming pool discharges;
15. other similar occasional incidental non-storm water discharges, unless TCEQ develops permits or regulations addressing those discharges; and
16. non-stormwater discharges that are specifically listed in the TPDES Multi-Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP).

Program descriptions must address discharges or flows from firefighting activities only where such discharges or flows are identified as significant sources of pollutants to surface waters. Firefighting activities do not include washing of trucks, runoff water from training activities, test water from fire suppression systems, and similar activities.

C. Responsibilities of the permittee.

The permittee is responsible for:

1. compliance with permit conditions relating to discharges from the MS4;
2. development and implementation of the Stormwater Management Program (SWMP) document;
3. compliance with annual reporting requirements; and
4. collection of monitoring data.

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

If applicable, the permittee shall control the discharges of pollutant(s) of concern to impaired water bodies and waters with approved TMDL as described in Part II.C.2.a. and b. below.

1. Discharges of the pollutant(s) of concern to impaired water bodies where 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 the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies, as not meeting Texas Surface Water Quality Standards.

2. The permittee shall control the discharges of pollutant(s) of concern to impaired water bodies and waters with approved TMDLs as provided in section(s) 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, and because stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the pollutant(s) of concern 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 pollutant(s) of concern as described below:

- i. 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 pollutant(s) of concern in the impaired water bodies.

- ii. 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.

- iii. Identification of Benchmarks

The SWMP must identify a benchmark for the pollutant(s) of concern. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutant(s) of concern in stormwater discharge(s) from the MS4 to the maximum extent practicable (MEP). The BMPs addressing the pollutant of concern 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 are 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 by 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.C.2.a.vi.

- 1) When TCEQ revises a TMDL WLA identified by the MS4 to decrease the load, permittee must revise the SWMP and identify the revised WLA within 90 days of TCEQ publishing the change.
- 2) When TCEQ revises a TMDL WLA identified by the MS4 to increase the load, the permittee is not required to update the SWMP to identify the revised WLA until the next permit term.

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 value for the pollutant(s) of concern (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark value would cumulatively support the aggregate WLA. Where an aggregate benchmark is broken into sub-benchmark values for individual MS4s, each permittee is only responsible for progress in meeting its sub-benchmark value.

iv. Annual Report

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

v. Impairment for Bacteria

If the pollutant of concern is bacteria, the permittee shall include focused BMPs addressing the areas noted below, as applicable, in the SWMP and implement as appropriate. If a TMDL Implementation Plan (I-Plan) is available, the permittee must do one of the following: (1) refer to the I-Plan for appropriate BMPs, or (2) implement appropriate alternative equivalent BMPs. The SWMP and annual report must include the selected BMPs. Permittees may not exclude BMPs associated with the minimum control measures (MCMs) required under 40 CFR §122.34 from their list of BMPs.

The BMPs shall, as appropriate, address the following:

A) Sanitary Sewer Systems

- 1) Make improvements to sanitary sewers to reduce overflows;
- 2) Address lift station inadequacies;
- 3) Improve reporting of overflows; and
- 4) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.

B) On-Site Sewage Facilities (for entities with appropriate jurisdiction)

- 1) Identify and address failing systems; and

- 2) Address inadequate maintenance of On-Site Sewage Facilities (OSSFs) (*i.e.*, septic systems).
 - C) Illicit Discharges and Dumping
Put in place additional effort to reduce waste sources of bacteria; for example, from OSSFs, grease traps, grit traps, or other sources.
 - D) Animal Sources
Expand existing management programs to identify and target animal sources such as zoos, pet waste, and horse stables.
 - E) Residential Education - Educate residents on the following:
 - 1) Bacteria discharging from a residential site either during rainfall runoff events or directly;
 - 2) Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
 - 3) Maintenance and operation of decorative ponds; and
 - 4) Proper disposal of pet waste.
- vi. 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 used to assess progress.

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

- 1) 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) number of educational opportunities conducted; (5) reductions in sanitary sewer overflows (SSOs); or, (6) increase in illegal discharge detection through dry screening, etc.

- 2) 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, 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, 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.

vii. Observing No Progress towards the Benchmark

If, by the end of the third year from the effective date of the permit, the permittee observe no progress toward the benchmark either from SWMP implementation or water quality assessments as described in Part II.C.2.a.vi, 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 pollutant(s) of concern and shall develop alternative focused BMPs for those sources (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 value 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 value for the pollutant(s) of concern for their respective MS4s, as described in Part II.C.2.a.iii.B) above. The permittee must document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption of alternative sub-benchmark values for the pollutant(s) of concern 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 been approved by TCEQ and EPA. If the MS4 discharge 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:

i. 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 pollutant(s) of concern by referring to the CWA §303(d) List and then determine if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.
- B) If the permittee determine that the MS4 may discharge the pollutant(s) of concern 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 pollutant(s) of concern that contribute to the impairment of the water body.

ii. Impairment for 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 shall, at a minimum, address the bacteria sources listed in Part II.C.2.a.v. of this permit or implement alternative equivalent BMPs as appropriate.

- iii. The annual report must include information on compliance with the Discharges Directly to Water Quality Impaired Water Bodies Without an Approved TMDL section, including results of any sampling conducted by the permittee.

PART III: STORMWATER MANAGEMENT PROGRAM

A. Overview.

The permittee shall continue to develop, implement and revise as necessary a comprehensive Stormwater Management Program (SWMP) for eligible discharges that reach waters of the U.S. The SWMP must include pollution prevention measures, treatment or pollutant removal techniques, stormwater monitoring, use of available legal authority, and other appropriate means to control the quality of stormwater discharged from the MS4.

Implementation of the SWMP may be achieved through participation with other TPDES permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part III of this permit, in lieu of creating duplicate program elements for other TPDES permittees. The SWMP, as a whole, must include controls necessary to effectively prohibit the discharge of non-stormwater into the MS4 (except as described in Part II.B and III.B.3.(b) of

this permit), and shall reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP).

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 CWA Section 402, Texas Water Code (TWC) Chapter 26, applicable EPA and TCEQ regulations, and the requirements of this TPDES permit. Any modifications to the SWMP must be made in accordance with Part III.F.2. of this permit. Compliance with the SWMP is defined as compliance with Part III of this permit. The SWMP, and all approved updates are incorporated by reference.

B. SWMP Components.

The SWMP must, at a minimum, contain the following elements:

1. Public Education and Outreach on Stormwater Impacts

- (a) A public education program to distribute educational information to the community or conduct equivalent outreach activities that will be used to inform the public. The permittee shall consider the following groups, and the SWMP must provide justification for any listed group that is not included in the program:
 - (1) visitors;
 - (2) public service employees;
 - (3) businesses;
 - (4) commercial and industrial facilities; and
 - (5) construction site personnel.

The outreach must provide information to the community about the impacts that stormwater run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps they can take to reduce pollutants in stormwater runoff.

- (b) The permittee shall continue to ensure that a reasonable attempt was made to reach the community within the MS4 area to meet this measure and must document these efforts.

2. Public Involvement and Participation

- (a) Continue to implement a public involvement and participation program. This must include provisions to allow opportunities for all tenants within the Port of Houston Authority MS4 area to participate in the SWMP development/revision and implementation.
- (b) The permittee shall, via documented efforts, continue to ensure that sufficient opportunities were allotted to involve the community interested in participating in the program process to meet this measure.
- (c) The permittee shall, at a minimum, comply with any applicable State and local public notice requirements when implementing this program.

3. Illicit Discharge Detection and Elimination

(a) Illicit Discharges

A section within the SWMP must be developed to establish a program to detect and eliminate illicit discharges to the MS4. The SWMP must include the manner and process to be used to effectively prohibit illicit discharges. To the extent allowable under state and local law, a legal authority mechanism such as a statute, ordinance, permit, contract, lease, or tariff, must be utilized to prohibit and eliminate illicit discharges. Elements must include:

(1) Detection

The SWMP must list the techniques used for detecting illicit discharges.

(2) Elimination

The SWMP must include appropriate actions and enforcement procedures for removing the source of an illicit discharge.

(b) Non-Stormwater Discharges

A section within the SWMP must be developed to establish a program to detect and address non-stormwater discharges and illegal dumping to the MS4. All non-stormwater flows, including those listed in Part II.B. of this permit, must be evaluated by the permittee to determine if the flows are a significant contributor of pollutants to the MS4. All non-stormwater discharges that significantly contribute pollutants to the MS4 must be effectively prohibited or authorized under a separate TPDES permit. To the extent allowable under state and local law, the prohibition must be done through a legal authority mechanism such as a statute, ordinance, permit, contract, lease, or tariff. The program must include appropriate procedures and actions to halt these discharges.

(c) Incidental Non-Stormwater Discharges

A list of occasional incidental non-stormwater discharges that will not be addressed as illicit discharges, including those listed in Part II.B. of this permit, may also be developed. If developed, the listed discharges must not be reasonably expected to be significant sources of pollutants, because of either the nature of the discharge or the conditions that have been established for allowing these discharges to the MS4. Any local controls or conditions placed on these discharges must be documented in the SWMP. The SWMP must also include a provision prohibiting any individual non-stormwater discharge that is determined to be contributing significant amounts of pollutants to the MS4.

(d) Storm Sewer Map

(1) The permittee shall continue to develop and revise as necessary a map of the storm sewer system. The map must include the following:

- (i) the location of storm sewer pipes, ditches, and other conveyances owned by the permittee, or at a minimum, the drainage area for each outfall;
 - (ii) the location of all outfalls; and
 - (iii) the names and locations of all waters of the U.S. that receive discharges from the outfalls.
 - (2) The SWMP must identify the source of information used to develop the storm sewer map, including how the outfalls were verified and how the map will be regularly updated.
4. Pollution Prevention/Good Housekeeping for Port of Houston Authority Operations

The permittee shall continue to develop and establish an operation and maintenance program that has the ultimate goal of preventing or reducing pollutant runoff from the permittee's operations.

- (a) Good Housekeeping and Best Management Practices (BMPs)

Housekeeping measures and BMPs (which may include new or existing structural or non-structural controls) must be identified and either continued or implemented with the goal of preventing or reducing pollutant runoff from municipal operations.

- (b) Training

The permittee shall continue to develop and implement a training program for all employees responsible for Port of Houston Authority operations that are subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing stormwater pollution from these operations. Examples or descriptions of training materials must be included in the SWMP.

- (c) 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. The SWMP must list all of the following:

- (1) maintenance activities;
- (2) maintenance schedules; and
- (3) long-term inspection procedures for controls used to reduce floatables and other pollutants.

- (d) Disposal of Waste

Waste removed from the MS4 and waste that is collected as a result of maintenance of stormwater structural controls must be properly disposed. The permittee shall continue to develop a section within the SWMP to include procedures for the proper disposal of waste, including:

- (1) spoil from maintaining earthen ditches and swales;
- (2) accumulated sediments; and
- (3) floatables.

(e) Port of Houston Authority Operations and Industrial Activities

The SWMP must include a list of all:

- (1) Port of Houston Authority operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and
- (2) Port of Houston Authority-owned or operated industrial activities that are subject to TPDES industrial stormwater regulations.

The SWMP shall continue to include an individual permit number, general permit authorization number or authorization certificate, or a copy of a signed NOI form or no exposure certification (NEC) form for TPDES MSGP (TXR050000) for each industrial activity operated by the Port of Houston Authority and subject to TPDES stormwater regulations.

(f) Evaluation of Flood Control Projects

The permittee shall assess the impacts of the receiving water(s) for all flood control projects. New flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented to the maximum extent practicable.

5. Construction Site Stormwater Runoff Control

The permittee shall utilize a legal authority mechanism such as a statute, ordinance, permit, contract, lease, or tariff to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre and for construction activities that are part of a larger common plan of development or sale that would disturb one acre or more. The permittee is not required to develop, implement, and/or enforce a program to reduce pollutants in discharges from construction sites where the construction site operator has obtained a waiver from permitting requirements under NPDES or TPDES construction permitting requirements.

For the purposes of this provision, “enforcement” may include referring violations to the TCEQ or other appropriate regulatory agency.

- (a) The program must require erosion and sediment controls and must establish sanctions to enforce compliance (to the extent allowable under state and local law).
- (b) The program must require construction site contractors to, at a minimum:
 - (1) implement and maintain appropriate erosion and sediment control best management practices to reduce pollutants discharged to the MS4 from construction sites; and
 - (2) to address the control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- (c) The permittee shall continue to develop and implement procedures for:
 - (1) site plan review that incorporates consideration of potential water quality impacts;
 - (2) receipt and consideration of information submitted by the public; and
 - (3) site inspections, frequency for follow-up from inspections, and enforcement of control measures.
- (d) The program must include a description of a program to implement and maintain structural and non-structural BMPs to reduce pollutants in stormwater runoff from construction sites to the MS4, which must include a description of the following:
 - (1) procedures for site planning which incorporate consideration of potential water quality impacts;
 - (2) requirements for nonstructural and structural best management practices;
 - (3) procedures for identifying priorities for inspecting sites and enforcing control measures that consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and
 - (4) appropriate educational and training measures for construction site operators.

Lists of Sites. The permittee shall maintain a current list of construction sites that discharge directly to the MS4 and that have been issued an NPDES or 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 discharge permit for construction activities (if known).

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

The permittee 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, 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 program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee shall:

- (a) Develop and implement strategies that include a combination of structural and non-structural BMPs appropriate for the community;
- (b) Use an appropriate regulatory mechanism to address post-construction runoff from new development and redevelopment projects; and
- (c) Ensure adequate long-term operation and maintenance of BMPs.

The SWMP must describe a program or plan of compliance with Impaired Water Bodies and TMDL requirements, as provided in Part II, Section C. 2 of the permit and any applicable TMDL I-Plans.

C. Deadlines for SWMP Compliance: The permittee shall continue with existing programs, updating, when necessary, to comply with the requirements of this permit. Full implementation of the SWMP is required upon permit issuance, except for the new requirements of the permit that include a specific compliance period.

1. The permittee shall demonstrate that they have fully implemented the new SWMP program elements and control measures *within one year from the date of permit issuance*, as described below and in Part III, Section B. of this permit:
2. Compliance with any new SWMP requirements that do not include a compliance schedule in the permit is required *within one year from the date of permit issuance*.
3. Compliance Schedules: During each permit year, the permittee shall demonstrate, at a minimum, partial compliance with each new requirement.

D. Legal Authority. The permittee shall ensure it has the legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, lease, tariff, order, or inter-jurisdictional agreements with municipal entities with existing legal authority to:

1. Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity;
2. Prohibit illicit discharges to the MS4;
3. Control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g., industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes) into the MS4;
4. Require compliance with conditions in ordinances, permits, contracts, leases, tariffs, or orders; and

5. Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance with permit conditions.

E. SWMP Resources. The permittee shall provide adequate finances, staff, equipment, and support capabilities to implement its activities required by the SWMP.

F. SWMP Review and Updates.

1. SWMP Review: The permittee shall conduct an annual review of the current SWMP in conjunction with the preparation of the annual report required under this permit.

2. SWMP Updates: The SWMP must not be revised by the permittee without the prior written approval of the TCEQ, except as follows:

- a. Adding components, controls, or requirements to the SWMP may be made by the permittee at any time upon written notification to the TCEQ.
- b. Changes replacing less effective or infeasible BMPs specifically identified in the SWMP with an alternate BMP may be requested at any time. Unless denied in writing by the TCEQ, the change must be considered approved and may be implemented by the permittee 60 days from submittal of the request. Such requests must include the following:
 - i. an explanation of why the BMP was eliminated;
 - ii. an explanation on the effectiveness of the replacement BMP; and
 - iii. an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.
- c. If the permittee determines that a component, control, or requirement is not effective in reducing or eliminating the impacts of pollutants on water quality, then the permittee may remove this BMP without replacement only after receiving written confirmation from the TCEQ's Stormwater Team. The permittee shall submit this request in writing to the TCEQ Stormwater Team (MC-148), and shall include an explanation as to why the BMP is considered ineffective, and what method of review was utilized to determine its ineffectiveness.
- d. Changes resulting from any compliance schedules contained in this permit may be requested following completion of an interim task or final deadline. Unless denied in writing by the TCEQ, proposed changes meeting the criteria contained in the applicable schedule must be considered approved and may be implemented by the permittee 60 days from submittal date.
- e. Change requests or notifications must be made in writing to the TCEQ Stormwater Team (MC-148), and signed in accordance with Part V.B.8. of this permit.

3. SWMP Updates Required by the TCEQ: The TCEQ may require changes to the SWMP as needed to:

- a. address impacts on receiving water quality either caused or contributed to by discharges from the MS4;

- b. include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements; or
- c. include such other conditions deemed necessary to comply with the goals and requirements of the Texas Water Code.

If the TCEQ requires changes to the SWMP, the TCEQ will notify the permittee in writing of the required changes; will set forth the time schedule for the permittee to develop these changes; and will allow the permittee an opportunity to propose alternative program changes to meet the objective of the request. The TCEQ will make changes through a permit amendment, which will be conducted in accordance with 30 TAC §305.62.

- 4. **Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation:** The permittee shall implement the SWMP on all new areas added to their portion of the MS4 (or for which they become responsible for implementation of stormwater quality controls) as expeditiously as practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the Port of Houston Authority shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation.

- G. Retention of SWMP Records:** The permittee shall retain the SWMP for at least three (3) years after coverage under this permit terminates.

PART IV. MONITORING AND REPORTING REQUIREMENTS

A. Annual Report

The permittee shall prepare an annual system-wide report to be submitted by no later than March 31 of each year. The report must cover the previous year from January 1 through December 31 and must include the following separate sections:

- 1. The status of implementing the SWMP (status of compliance with the permit conditions and any schedules established under this permit);
- 2. An assessment of the appropriateness of the identified BMPs, the measurable goals of each of the required program components, and an evaluation of the success of the implementation of the measurable goals;
- 3. Any proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- 4. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application;

5. A summary and analysis of the data collected as a condition of the permit or as a component of the SWMP, including monitoring data, that is accumulated throughout the reporting year;
6. A summary describing the number and nature of enforcement actions, inspections, and public education programs;
7. Identification of water quality improvements or degradation, and the success of the SWMP at reducing the discharge of pollutants to the MEP; and
8. Progress toward reducing the discharge of the pollutant of concern to impaired waterbodies and all reporting requirements listed in Part II.D.

B. Discharge Characterization: The permittee shall conduct analytical sampling and evaluation of representative discharges in order to determine appropriate controls to reduce the discharge of pollutants. At a minimum, the permittee shall provide information characterizing the quality and quantity of discharges authorized under this permit as follows:

1. Quantitative data from representative outfalls discharging from the PHA MS4. The outfalls must be selected by the permittee, and must be representative of the discharges from the entire MS4. The permittee must select a minimum of two outfalls or field screening points as representative of the land use activities (containerized loading and non-containerized loading) of the drainage areas contributing to the system. The permittee shall provide a description of the locations to be sampled, justification regarding why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment.
2. Samples must be analyzed for the following pollutants, at a minimum, and the results must be presented in units of milligrams per liter (mg/L) unless otherwise specified:

- a. Biochemical Oxygen Demand, 5-day
Chemical Oxygen Demand
Oil and Grease
Total Suspended Solids
Total Cadmium
Total Chromium
Total Copper
Total Cyanide
Total Lead
Total Mercury
Total Nickel
Total Zinc
E. Coli (cfu /100 mL)
Enterococci (cfu /100 mL)
 - b. Any pollutant required to be sampled by an industrial facility located in the drainage area of the outfalls chosen;
 - c. Any pollutant from 40 CFR Part 122, Appendix D, Tables II and III known or expected to be present in the discharge from a representative outfall; and
 - d. Any additional pollutants that are known or are suspected to be present which may adversely affect receiving water quality.
3. For each representative outfall, samples must be collected from rain events during Year 1 and Year 2 of the permit. For each sampling event, the permittee shall provide a narrative description of the date and duration of the storm event(s) sampled, rainfall estimates of the storm event which generated the sampled discharge and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.
 4. During Years 3 and 4 of the permit, the permittee shall evaluate the data and shall identify and implement any BMPs found to be necessary to minimize the discharge of pollutants detected in the outfalls during the testing in Year 1 and Year 2.
 5. During Year 5 of the permit, the permittee shall determine what BMPs are necessary to add or continue using in order to minimize the discharge of pollutants.
 6. This permit may be modified during the next permit action following the results of this sampling.

C. Certification and Signature of Reports

All reports required by the permit and other information requested by the TCEQ must be signed and certified in accordance with Part V.B.8. of this permit.

D. Reporting, Where and When to Submit

1. Representative monitoring results obtained during each reporting year of the monitoring required by Part IV.B. above must be online submitted as part of the Annual Report required by Part IV.A. through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Permittees that are issued an electronic reporting waiver shall submit analytical results to the TCEQ Enforcement Division (MC-224) on an approved DMR form (EPA No. 3320-1). Effluent sampling shall be conducted in accordance with the monitoring frequencies specified in this permit. Monitoring results must be signed and certified as required by Part IV, Section D. along with the Annual Report required by Part IV, Section C. of this permit.

Effective December 21, 2025, annual reports must be submitted using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

2. A signed copy of the Annual Report, with a waiver from electronic reporting, required by Part IV.A. must be submitted to TCEQ's Wastewater Permitting Section, Stormwater Team (MC-148) and the TCEQ Region 12 Office.

PART V: DEFINITIONS AND STANDARD PERMIT CONDITIONS**A. Definitions:**

As required by 30 TAC Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§ 305.121 - 305.129, Subchapter F, "Permit Characteristics and Conditions" as promulgated under the Texas Water Code §§ 5.103 and 5.105, and the Texas Health and Safety Code §§ 361.017 and 361.024(a), establish the characteristics and standards for discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit.

All definitions contained in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

1. **Best Management Practices (BMPs)** - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution in discharges that reach waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. **CWA** - the Clean Water 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. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.).
3. **Co-permittee** - one of several entities authorized under a single individual permit that is only responsible for permit conditions relating to the discharge for which it is the operator.

4. **Core Municipality** - the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).
5. **Daily average concentration** - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements. When four samples are not available in a calendar month, the arithmetic average of the four most recent measurements or the arithmetic average (weighted by flow) of all values taken during the month shall be used as the daily average concentration.
6. **Daily maximum concentration** - the maximum concentration measured on a single day, by composite sample unless otherwise specified elsewhere in this permit, within a period of one calendar month.
7. **Discharge** - unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
8. **Flow-weighted composite sample** - a composite sample consisting of a mixture of aliquots collected at either:
 - a. a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge; or
 - b. a constant volume at varying time intervals, proportional to the discharge flow rate.
9. **Grab sample** - an individual sample collected in less than 15 minutes.
10. **Illicit connection** - any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
11. **Illicit discharge** - any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES or TPDES permit (other than the NPDES or TPDES permit for certain discharges from the municipal separate storm sewer), discharges resulting from fire-fighting activities, and other allowable non-stormwater discharges described in Part III, Section B.3. of this permit.
12. **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.
13. **Large or medium municipal separate storm sewer system (MS4)** - all MS4s 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.
14. **Major Outfall** - an outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).
 15. **Maximum Extent Practicable (MEP)** - the technology-based discharge standard for MS4 established by Section 402(p) of the Federal Clean Water Act.
 16. **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 a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over 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 section 208 of the CWA that discharges to waters of the United States;
 - b. designed or used for collecting or conveying stormwater;
 - c. which is not a combined sewer; and
 - d. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 30 TAC § 305.2.
 17. **Outfall** – a *point source* as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to surface water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other surface water in the state and are used to convey surface water in the state.
 18. **Permittee** - any entity authorized by this permit to discharge to surface water in the state.
 19. **Point source** – for the purpose of this permit, 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, 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.
 20. **Storm sewer** - unless otherwise indicated, a municipal separate storm sewer (MS4).

21. **Stormwater** - stormwater runoff, snow melt runoff, and surface runoff and drainage.
22. **Stormwater discharges associated with industrial activity** – as defined in TPDES General Permit No. TXR050000, Industrial Stormwater Multi-Sector General Permit (MSGP).
23. **Stormwater Management Program, or SWMP** - a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system. For the purposes of this permit, the SWMP is considered a single document, but may actually consist of separate components (e.g. "chapters") for each permittee.
24. **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: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.
25. **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 non-navigable, 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.
26. **Time-weighted composite** - a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
27. **Waters of the United States** - Waters of the United States or waters of the U.S. means the term as defined in 40 CFR § 122.2.

B. Monitoring And Reporting Requirements

1. Self-Reporting
 - a. Monitoring results shall be provided at the intervals specified in the permit.
 - b. As provided by state law, the permittee(s) (is/are) subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the CWA, Chapters 26, 27, and 28 of the TWC, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.
2. Test Procedures

- a. Unless otherwise specified in this permit, analytical procedures shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.
- c. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §136.1(c) and 40 CFR §122.44(i)(l)(iv).

3. Records of Results

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.
- b. Monitoring and reporting records, including the SWMP, requests for SWMP changes, reports, strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee(s) or shall be readily available for review by a TCEQ representative for a period of three years from the date of the original record or sample, measurement, report, application, or the latest revisions, whichever is later. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
 - i. date, time and place of sample or measurement;
 - ii. identity of individual who collected the sample or made the measurement.
 - iii. date and time of analysis;
 - iv. identity of the individual and laboratory who performed the analysis;
 - v. the technique or method of analysis; and
 - vi. the results of the analysis or measurement and quality assurance/quality control records.
- d. The period when 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 maybe instituted against a permittee.

4. Additional Monitoring by Permittee(s)

If the permittee(s) perform(s) additional monitoring for any parameter at the outfall(s) included in Part IV of this permit using approved analytical methods as specified above, then all results of such monitoring shall be included in the calculation and reporting of the values submitted in the annual or other reports describing these discharges. Increased frequency of sampling shall be indicated on the reports.

5. Calibration of Instruments

All automatic flow measuring, flow recording devices or totalizing meters for measuring flows shall be accurately calibrated by a trained person prior to use and as often as necessary to ensure accuracy, but not less often than annually. Such person shall verify

in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained by the permittee(s) and shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

If a compliance schedule is included in this permit, reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule shall be submitted no later than 14 days following each schedule date to the TCEQ Regional Office and to the Enforcement Division (MC-224).

7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9), any noncompliance that may endanger human health or safety, or the environment shall be reported by the permittee(s) to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective September 1, 2020, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. A written submission of such information shall also be provided by the permittee(s) to the TCEQ Regional Office and to the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- b. Unauthorized discharges of wastewater or any other waste from the MS4 that results from noncompliance with the SWMP shall be reported under Part V, Section B. 7.a. above.
- c. In addition to 7.a. and b. above, and if the permit contains numeric limitations, any violation that deviates from a permitted numeric limitation by more than 40% shall be reported by the permittee(s) in writing to the TCEQ Regional Office and to the Enforcement Division (MC-224) within 5 working days of becoming aware of the noncompliance.
- d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC-224) as promptly as possible.
- e. Duty to Mitigate
The permittee(s) shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

8. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

C. PERMIT CONDITIONS

1. General

- a. When a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. 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 §§ 55.200 - 55.211, 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:
 - i. violation of any terms or conditions of this permit, or
 - ii. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
- c. 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.

2. Compliance

- a. Acceptance of the permit by a permittee to whom it is issued constitutes acknowledgment and agreement that the permittee will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or of an application for a permit for another facility.
- c. It shall not be a defense for a 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 the permit.
- d. Before beginning any change in the permitted activity that may result in noncompliance with any permit requirements, authorization from the Commission must be obtained.

- e. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and the TWC § 7.302. The filing of a request by a permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
 - f. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, or 308, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in Chapters 26, 27, and 28 of the TWC, and Texas Health and Safety Code Chapter 361.
 - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002.
4. Permit Amendment or Renewal
- a. The permittee shall give notice to the Executive Director as soon as possible of any planned revisions to the SWMP that would require amendment of the permit.
 - b. 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.
 - c. 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.
 - d. 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 that 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 been modified to incorporate the requirement.

5. Permit Transfer

- a. 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.
- b. 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).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

D. OPERATIONAL REQUIREMENTS

1. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules.
2. The permittee shall provide a readily accessible sampling point and, where required by the permit, a flow measuring device or other acceptable means by which discharge flow may be determined, at point sources and outfalls with discharge monitoring requirements.
3. 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 Texas Water Code § 7.302(b)(6).
4. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for applications, effluent data, permits, and other data specified in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice.

5. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
6. Proper Operation and Maintenance

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 by a permittee to achieve compliance with the conditions of this permit and with the requirements of stormwater management programs. 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 by a permittee only when necessary to achieve compliance with the conditions of the permit.

Revised 4/2011

PART VI: OTHER REQUIREMENTS

- A. The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent with the applicable CMP goals and policies.
- B. Monitoring results shall be provided at the intervals specified in the permit.
- C. For the purposes of this permit, “ground water infiltration” means uncontaminated ground water that enters an MS4 (including sewer service connection and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. This does not include, and is distinguished from, “inflow”. For the purpose of this permit, “inflow” is defined as water that enters the MS4 (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwater, surface runoff, street wash waters, or drainage.
- D. For the purposes of this permit and the SWMP, the following definition(s) apply:

 "Community" means “all PHA employees, tenants, and authorized on-site construction personnel and visitors within PHA property boundaries and connected to the PHA stormwater collection system either by direct storm sewer connection or indirect stormwater runoff”.
- E. Test methods utilized shall be sensitive enough to detect the following parameters at the minimum analytical level (MAL) specified below:

<u>POLLUTANTS</u>	<u>MAL (mg/L)</u>
Cadmium, total	0.001
Chromium, total	0.003
Copper, total	0.002
Cyanide, amenable	0.010
Lead, total	0.0005
Nickel, total	0.002
Zinc, total	0.005

When an analysis of an discharge sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (0) shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When an analysis of an discharge sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for

the self-reporting form. A zero (0) may not be used.

F. For the purposes of this permit, the following definitions apply:

Reporting year – Upon date of issuance of this permit and lasting for 364 days.

Year 1: The period beginning upon date of issuance of this permit and lasting until December 31, 2025.

Year 2: The period beginning January 1, 2026, and lasting until December 31, 2026.

Year 3: The period beginning January 1, 2027, and lasting until December 31, 2027.

Year 4: The period beginning January 1, 2028, and lasting until December 31, 2028.

Year 5: The period beginning January 1, 2029 and lasting through permit expiration.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION

For draft Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0004421000 (EPA I.D. No. TXS001202) for the Municipal Separate Storm Sewer System (MS4) 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:

Port of Houston Authority
P.O. Box 2562
Houston, TX 77252-2562

PREPARED BY:

Hannah Cobos
Wastewater Permitting Section (MC-148)
Water Quality Division
(512) 239-4830

DATE: September 12, 2025

PERMIT ACTION: Renewal without changes

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) §305.127(1)(C)(i).

II. APPLICANT ACTIVITY

The applicant currently operates the Port of Houston Authority (PHA) Municipal Separate Storm Sewer System (MS4).

III. DISCHARGE LOCATION

As authorized by the Clean Water Act (CWA), Section 402(p), this permit is being proposed on a system-wide basis. This permit covers all areas, except for any agricultural lands, within the corporate boundary of the PHA served by, or otherwise contributing to discharges from MS4s owned or operated by the applicant listed above. As described in the application, the MS4 is located in the cities of Houston, Galena Park, La Porte, Morgan's Point, Pasadena and Seabrook; Harris County, Texas. Discharge is from the MS4 to various ditches and tributaries that eventually reach the Houston Ship Channel/ San Jacinto River Tidal; Houston Ship Channel Tidal; Houston Ship Channel/ Buffalo Bayou Tidal; Upper

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Galveston Bay; Barbours Cut; Bayport Channel, Segment Nos. 1005, 1006, and 1007 of the San Jacinto River Basin and Segment Nos. 2421, 2436, and 2438 of the Bays and Estuaries.

Outfall Location(s):

Outfall Number	Latitude	Longitude
BCT-001	29.68089 N	-94.98448W
BCT-002	29.68145 N	-94.99683333 W
BPT-001	29.611749 N	-95.017689 W
BPT-006	29.680719 N	-95.001973 W
TBT-010	29.74988333 N	-95.28683333 W
TBT-012	29.743196 N	-95.280278 W
TBT-021	29.72825 N	-95.25866667 W
TBT-114	29.746288 N	-95.282215 W
TBT-040	29.74831667 N	-95.29266667 W
WDHS-001	29.72088333 N	-95.241 W

IV. RECEIVING STREAM USES

The presumed aquatic life uses for the unclassified receiving waters are high aquatic life use for perennial streams, limited aquatic life use for intermittent streams with perennial pools, and minimal aquatic life use for intermittent streams. The designated uses for Segment Nos. 1005 and 2438 are non-contact recreation and high aquatic life use. The designated uses for Segment Nos. 1006 and 1007 are navigation and industrial water supply. Segment No 2421 is primary contact recreation, high aquatic life use and oyster waters. Segment No. 2436 is primary contact recreation and high aquatic life use.

V. STREAM STANDARDS

The general criteria and numerical criteria which make up the stream standards are provided in the Texas Administrative Code (TAC), 30 TAC §§307.1 - 307.10.

VI. DISCHARGE DESCRIPTION

A. Discharges Authorized

1. PHA was given regulatory authority over certain activities in the Houston Ship Channel (HSC) System by the state legislature. The MS4 property boundaries incorporate several industrial facilities along the HSC System, and these facilities, including those facilities within the MS4, are generally non-contiguous. The MS4 discharges authorized by this permit include many separate discharge points into the HSC System.

The draft permit authorizes the discharge of stormwater from all existing or new stormwater point sources to surface water in the state from the MS4 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:

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- a. non-stormwater, any stormwater discharges associated with industrial activity, or other stormwater discharges that require a TPDES permit from the TCEQ; and
 - b. discharges of materials resulting from a spill, except when necessary to prevent the 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 1.a and 1.b 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 TPDES permit from the party responsible for 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 permit.

B. Stormwater Management Program (SWMP) Document

The applicant submitted its SWMP documents (dated August 13, 2017) with the application to address the requirements of the existing TPDES permit and to meet the application requirements for renewal.

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 in 40 CFR §122.26(a), which were adopted by reference in 30 TAC §281.25, the TCEQ requires that the SWMP be implemented to address all portions of the MS4 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. 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.

The Executive Director's review of the permit application and attached SWMP (dated August 13, 2017) indicates that all programs have been implemented according to the existing permit's requirements. The Executive Director 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 proposed additional conditions to better ensure that pollutants continue to be reduced to the Maximum Extent Practicable (MEP) (see Part VII, Sections A. and E. of this fact sheet).

Specific SWMP requirements are contained in the following minimum control measures (MCM):

1. **Public Education and Outreach on Stormwater Impacts:** The existing permit requires the permittee to document and ensure that the SWMP promotes, publicizes, and facilitates public education and outreach to residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site

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personnel and provide justification for any group that is not addressed by the program. The permittee is required to document the activities conducted and materials used to fulfill the program element and to provide enough detail to demonstrate the amount of educational and outreach resources and materials used to address each group.

- a. Port of Houston Authority meets this program requirement by distributing literature and providing appropriate training to the Port Authority Community. The Port Authority Community consists of three main audiences: (1) Port of Houston Authority employees, (2) Port of Houston Authority tenants and (3) Port of Houston Authority facilities, (4) authorized on-site construction personnel and (5) visitors of the port. PHA has prepared six fact sheets that it distributes to the Port Authority Community: (1) a General Fact Sheet, (2) Construction Fact Sheet, (3) Pollution Prevention Fact Sheet, (4) Employee Fact Sheet, (5) Contractor Fact Sheet, (6) Tenant Fact Sheet. During Permit Year 4, all six fact sheets were reviewed, and no revisions were made as they were previously updated in Permit Year 2. The Fact Sheets were made available to employees, tenants, and contractors throughout the year. In addition, fact sheets are also distributed to businesses, commercial, and industrial facilities. Port Authority made copies of fact sheets available to on-site construction personnel, contractors, tenants, and other authorized visitors.
- b. Port of Houston Authority meets this program requirement by requiring Port Authority employees to complete an annual environmental awareness training. The environmental awareness training describes how pollution can adversely affect water quality while demonstrating how each employee can have a positive impact on local water quality.
- c. Educating the public is achieved through installing permanent markers on stormwater inlets and posting notification signs. In addition, PHA employees are educated through an annual environmental training and similarly, tenants are educated through the annual tenant training. Educating on-site construction personnel for TPDES regulated construction projects is accomplished through a project kick-off meeting that emphasizes the responsibilities of the contractors in maintaining the project's Stormwater Pollution Prevention Plan (SWP3) and Best Management Practices (BMPs).-In addition, the PHA requires that all persons receiving credentials for entry into PHA properties and vendors interested in working for the PHA must watch the environmental awareness video.
- d. Installation of storm drain markers will continue to be installed as new construction sites are completed on Port Authority property. During year 4, inlets were marked at the Bayport Terminal. Additionally, BPT Container Yard 7 was completed with an install of approximately 2600 LF of trench drain.
- e. Annual Environmental Training for employees was delivered to all PHA employees via a computer based online video. 93.6 percent of PHA employees completed the training consistent with training statistics for the entire permit term. Training is conducted annually for commercial and industrial tenants.

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2. **Public Involvement/Participation:** The existing permit requires the permittee to develop and implement a public involvement and participation program that complies with state, tribal, and local public notice requirements. The program element must include opportunities for a wide variety of constituents within the MS4 area to participate in the SWMP development and implementation.
 - a. Port of Houston Authority meets this program requirement by holding annual stakeholder meetings and providing topic specific environmental awareness trainings. These training modules provide the basic concepts of an MS4, highlights the importance of BMPs, and includes a description of measures the Port Authority community can take to improve stormwater quality. These trainings are also used as an opportunity to seek tenant input and feedback about the Port of Houston Authority's SWMP.
 - b. Each year PHA holds tenant stakeholder meetings which provide topic specific environmental awareness trainings. These training workshops provided the basic concepts of an MS4, a description of measures the PHA community can take to improve stormwater quality and highlighted the importance of BMPs. These stakeholder training presentations were also used as an opportunity to seek tenant input and feedback. No comments or feedback were offered at any of the tenant stakeholder meetings in permit year 3-4.
3. **Illicit Discharge Detection and Elimination:** The existing permit requires a program be implemented to detect and eliminate illicit discharges to the MS4. The SWMP must include the manner and process used to effectively prohibit illicit discharges. To the extent allowable under state and local law, an ordinance or other regulatory mechanism must be utilized to prohibit and eliminate illicit discharges. The existing permit also requires that a section within the SWMP be developed to establish a program to detect and address non-stormwater discharges and illegal dumping to the MS4. A list of occasional incidental non-stormwater discharges that will not be addressed as illicit discharges may also be developed.

The Illicit Discharge Detection and Elimination Program identifies and addresses substantial pollutant loadings to the MS4 from industrial and commercial activities. The PHA indicated that many of the elements of the Public Education Program will also serve to meet the requirements of this measure. Additionally, the PHA meets this program requirement by conducting the following activities:

- a. **MS4 Map:** A comprehensive map of the PHA's MS4 has been developed and maintained to assist in the IDDE effort. The MS4 maps are reviewed as new information on terminals and property acquisition are shared between the Port Authority Real Estate and GIS Departments. The primary objectives of the MS4 map is to support the following goals: (1) Determining the extent of dry-weather flow discharges; (2) Identifying the possible sources of dry-weather flows; and (3) Identifying the particular water bodies dry-weather flows may be affecting. Port of Houston Authority maintains a comprehensive map of the PHA MS4 to support the following goals: (1) determining the extent of dry-weather flow discharges; (2) identifying possible sources of dry-weather flows; and (3) identifying water bodies dry-weather flows may be affecting. No updates to the MS4 maps were made through permit year 4.

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- b. **Data Collection and Program Coordination:** Illicit discharges will be detected through scheduled activities and/or public reporting using the following methods: Dry Weather Screening, Tenant Audit Program and Stormwater Information Requests.

Illicit discharges will be detected through scheduled activities and/or public reporting using the following methods: Dry Weather Screening, Tenant Audit Program and Stormwater Information Requests. PHA conducted outfall screenings of 26 outfalls at the Turning Basin Terminal, the Sims Bayou Terminal, and the Woodhous Terminal. PHA also conducted 22 tenant audits per permit year.
- c. **Illicit Discharge Investigations:** Once an illicit discharge is identified, one of the three following types of Illicit Discharge Investigations will take place to find the source: (1) Drainage Area Investigations; (2) Storm Drain Network Investigations; or (3) On-Site Investigations.
- d. **Corrective Action:** Tenants will have up to 14 business days from the date of the environmental audit to address the stormwater findings and provide Corrective Action Report (CAR) to the Environmental Auditor demonstrating that the stormwater findings have been satisfactorily addressed. If any stormwater issues may negatively impact human health or receiving waters, the stormwater deficiencies will be reported to the TCEQ at the sole discretion of the Port Authority. If the tenant fails to submit an acceptable CAR by the deadline set forth on the deficiency notice, then within three business days after the deadline, the department holding the tenant's lease will send a written notice of such failure to contact persons identified in tenant's lease for (i) general notices and (ii) environmental matters notices. If an acceptable CAR is not received within 30 days of the Event of Default, the Port Authority will report deficiencies or unresolved issues to the TCEQ.
- e. **Training for Illicit Discharge Investigations and Tenant Audits:** The PHA will prepare training materials and conduct training sessions once per permit term and as necessary for staff members engaged in tenant audits and illicit discharge investigations.
- f. **Spill Prevention and Associated Work Instructions:** Port of Houston Authority utilizes a series of work instructions to provide guidance to employees on how to utilize best management practices to prevent pollution and ensure good housekeeping during the performance of port operations.
- g. **Regulatory Enforcement Mechanism:** The PHA will utilize provisions in lease agreements to enforce tenant compliance with stormwater management provisions. The PHA will evaluate and update applicable agreements in consultation with its legal department.
- h. **Environmental Awareness for Construction Projects:** The PHA provides training materials and illicit discharge reporting information to construction personnel through the Public Education and Outreach Program.

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4. **Pollution Prevention/Good Housekeeping for PHA Operations:** The existing permit requires that a section within the SWMP be developed to implement an operation and maintenance program to prevent or reduce pollutants in stormwater runoff from PHA operations. The program must include the following: housekeeping measures and BMPs (including new or existing structural or nonstructural controls); training for all employees responsible for any PHA operations that are subject to the pollution prevention/good housekeeping program; structural control maintenance, if applicable; procedures for waste disposal; and a list of all PHA operations subject to the requirements of this section as well as all PHA operated industrial activities subject to TPDES stormwater regulations.

The PHA indicated that many of the elements of the Public Education Program and the Illicit Discharge Detection and Elimination Program will also serve to meet the requirements of this measure. Additionally, the PHA meets this program requirement by conducting the following activities:

- a. **Good Housekeeping and BMPs:** Road sweeping, soil wetting and general cleaning of the PHA grounds are activities conducted under this program.

In permit year 4, the PHA utilized street sweepers for 12,572 hours.

- b. **Waste Disposal:** The PHA will properly dispose of waste removed from the MS4 and structural controls. The PHA will utilize a series of work instructions as guidance to prevent pollution and ensure good housekeeping.

- c. **PHA Operations and Industrial Activities:** A list of the PHA operations that are subject to the operation, maintenance, or training program developed under the Pollution Prevention/ Good Housekeeping Program are provided. In addition, the PHA has prepared SWP3s for facilities operating under MSGP authorization. These facilities are listed in the SWMP.

In permit year 4, the PHA maintained three MSGP permits for its operational areas. Facilities operating under an MSGP authorization are subject to monitoring requirements including hazardous metals monitoring, pollutant evaluations, and benchmark parameter exceedence investigations.

- d. **Structural Control Maintenance:** The PHA uses a variety of structural controls and will conduct preventative maintenance as needed to maintain their effectiveness.

5. **Construction Site Stormwater Runoff Control:** The permit requires the permittee to implement and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The permittee would not be required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites where the construction site operator has obtained a waiver from permitting requirements for stormwater discharges associated with small construction activities. Specific requirements are included in the permit.

PHA indicated that it will conduct the following activities to comply with this requirement:

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- a. Continue to make available the PHA prepared “Guidance Manual for Permitting and Controlling Construction Site Stormwater Runoff.” PHA is currently reviewing and updating the Construction Site Stormwater Runoff Control Program, which PHA anticipates may include revision and update to the guidance manual.

The guidance manual is updated once every five years or to coincide with Construction General Permit, TXR150000 renewals and includes a SWP3 template.

Additional efforts include a stormwater helpline, annual environmental training programs, and activities on environmental awareness for construction projects.

- b. Review of all new construction SWP3s. Approval from the PHA Environmental Affairs Department must be received during the design phase of a project, prior to beginning construction activities. The PHA Environmental Affairs Department provides a generic SWP3 template to the PHA Community, as part of the Construction Guidance Manual.

The PHA developed a Best Management Practice Plan requirement for construction projects impacting less than 1 acre. During permit year 4, PHA reviewed and provided comments for SWP3s and BMPs for all construction projects on Port Authority property.

- c. Site inspections are conducted by PHA’s Environmental Affairs Department in coordination with PHA’s Engineering Department.

The PHA developed a site inspection checklist template as part of the Construction Guidance Manual. PHA is currently reviewing and updating the Construction Site Stormwater Runoff Control Program which PHA anticipates may include revision and update to the site inspection checklist and template.

- d. Require documentation that demonstrates compliance with the TCEQ Construction General Permit. Documentation includes a copy of the Notice of Intent or the Construction Site Notice, and a copy of the Notice of Termination.

6. Post-Construction Stormwater Management in New Development and Redevelopment: The draft permit requires the permittee to 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. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee shall implement strategies which include structural and/or non-structural BMPs appropriate for the community; to the extent allowable under state and local law, use an ordinance or other regulatory mechanism to address post-construction runoff; and ensure adequate long-term operation and maintenance of BMPs.

PHA indicated that it will conduct the following activities to comply with this requirement:

- a. Non-Structural BMPs

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- conduct regularly scheduled facilities review to remove and properly dispose of trash;
 - inspect areas around fueling operations and storage tanks;
 - conduct equipment maintenance indoors when possible;
 - conduct painting operations indoors when possible;
 - collect and dispose off-site wash water from pressure washing of containers or equipment;
 - conduct visual monitoring of hose connections during truck loading and unloading of fuel;
 - keep refuse containers within contained areas, when feasible; alternatively, require closed covers for refuse containers;
 - store materials and containers in dry areas;
 - use drip pans at locations where oils, lubricants, or other chemicals are dispensed; and
 - regularly inspect and maintain control measures.
- b. Structural BMPs
- dry ponds;
 - vegetated swales;
 - oil/water separators;
 - Stormceptor sediment settling device;
 - catch basins and inserts; and
 - hydrodynamic structures.
- c. Inspection and documentation of post-construction BMPs for proper use and function.
- d. Tenant notification if an inspection indicates that a corrective action is required. The PHA tenant will be notified in a three-step process to correct the problem.
- verbal notification;
 - written notice; then
 - second written notice
 - TCEQ may be notified, as applicable

C. Annual Report.

Based on federal rules at 40 CFR §122.34(g)(3), the draft permit includes a requirement to submit annual reports to the TCEQ that discuss compliance with the SWMP and permit requirements. This requirement is consistent with other Phase I and Phase II MS4 permits in Texas.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**VII. PROPOSED DISCHARGE LIMITATIONS**

The requirements in the draft permit are based on CWA §402(p)(3)(B), which provides that a permit for discharges from an 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: best management practices (BMPs); control techniques; system, design, and engineering methods; and other appropriate conditions.

A. 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 IV.B. of this fact sheet.

As authorized by 40 CFR §122.44(k), the draft permit includes a series of BMPs, in the form of a comprehensive SWMP, rather than numeric effluent limitations. The details of this SWMP are discussed above in Parts VI.B. and C. of this fact sheet. The draft permit also includes monitoring requirements at representative outfalls to be selected by the permittee.

- a. The conditions established by this permit are based on CWA Section 402(p)(3)(B) which mandates that a permit for discharges from MS4s must:
 1. Effectively prohibit the discharge of non-stormwater to the MS4; and
 2. Require controls to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP) including BMPs; control techniques; and system, design and engineering methods; and such other appropriate provisions.
2. Proposed and Continued Updated SWMP Requirements. The draft permit continues the existing requirements, which were previously reorganized for clarity. The draft permit also includes requirements from the TPDES general permit for small MS4s (TXR040000), which is based on the Federal Phase II MS4 rule (40 CFR § 122.34). A compliance period of one year is established for each new permit condition to allow the permittees time to revise their SWMPs and adopt new regulations and procedures to comply with the added requirements. The SWMP requirements require the permittees to:
 - a. Continue to update the Storm Sewer System Map. To address the mapping requirements for the Phase II MS4 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 permittees to continue:
 - i. revise the MS4 map to include the location of all outfalls, the names and locations of all waters of the U.S. that receive discharges from the outfalls, and any additional information needed by the permittees to implement its SWMP;
 - ii. implement the developed procedures to map all new outfalls; and

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- iii. evaluate all existing areas of the MS4 to add any outfalls that are currently not included in the MS4 map, to the extent practicable.

Based on the SWMP and annual reports (see Part VI, Section B.3.i. of this factsheet), it is clear that the permittee has already developed and is implementing its Storm Sewer System Map; therefore, the draft permit does not include any additional compliance criteria for this requirement.

- b. Continue the requirement 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 the disturbance of one or more acres, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. Specifically, the permittee must continue to:
 - i. develop and implement strategies that include a combination of structural and nonstructural BMPs that are appropriate for the community;
 - ii. use a regulatory mechanism to address post-construction runoff from post-construction, new development, and redevelopment projects; and
 - iii. ensure the adequate long-term operation and maintenance of BMPs.

The following are examples of BMPs that could be implemented by the permittee to meet the MEP standard:

- Inventory/tracking of existing and new BMPs for post-construction activities.
 - Specific performance standards to control post-construction stormwater discharges and alternative mechanisms if the standard cannot be achieved.
- c. Continue to implement the 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 continue to ensure that the existing construction program:
 - i. regulates 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 the disturbance of one or more acres, that discharge into the MS4;
 - ii. addresses construction waste;

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- iii. includes a plan review that takes into account water quality impacts; and
 - iv. establishes procedures to receive and consider information submitted by the public concerning construction activities.
- d. Continue the requirement to develop and implement a Good-Housekeeping Program for Port of Houston Authority Operations. To address the pollution prevention and good housekeeping requirements for the operations in the Federal Phase II rule [40 CFR §122.34(b)(6)(i)], the draft permit continues the requirement for the permittee to implement a program that addresses all its operations within the MS4 and that includes good housekeeping and BMPs, as well as training requirements.
- e. Continue to implement the Public Education and Outreach Component. To address the public involvement and participation program requirement in the Federal Phase II rule [40 CFR §122.34(b)(2)(i)], the permittee must continue to develop and implement a public involvement and participation program. Additionally, the existing public education program must be revised, if needed, to address specific entities (for example, residents and visitors) and to document activities conducted and materials used.

The permit requires permittee to provide adequate support capabilities to implement its activities under the SWMP. Compliance will be demonstrated by the permittees ability to fully implement the SWMP, monitoring programs, and other permit requirements. The permit does not require specific funding or staffing levels, thus providing the permittee the ability and incentive to adopt the most efficient and cost effective methods to comply with permit requirements.

A sampling requirement is proposed to continue to be conducted for representative discharges from the PHA MS4. Details of this requirement are addressed in Part VIII.C.2 of this fact sheet.

A site investigation took place on June 25, 2021. The TCEQ investigator noted that a review of the SWMP and year four annual report indicated that all minimum control measures (MCMs) were included. No violations were cited associated to this investigation.

B. 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;

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5. control spills, dumping, or improper disposal to the storm sewer system;
6. control the 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

C. Support Capabilities and Staffing

The draft permit requires the permittee to provide adequate support capabilities to implement its activities under the SWMP, which shall be demonstrated by the permittees' 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.

D. Changes From the Existing Permit:

1. The SWMP requirements are continued to be organized so that similar program items are together.
2. Part II.D, Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements, of the draft permit was revised to:
 - a. Add language describing when the permittee must update their SWMP to address when TCEQ has modified a TMDL waste load allocation (WLA) during the general permit term.
 - b. Clarify that if the permittee is discharging to water quality impaired water bodies with a TMDL for bacteria must either refer to the approved TMDL Implementation Plan for BMPs, or implement proposed and approved alternative equivalent BMPs.
3. A requirement to include procedures for establishing a frequency of inspections and follow-up from inspections was added to Part III.B.5 of the draft permit.
4. The definition for stormwater discharges associated with industrial activity was revised to contain the whole title of TPDES General Permit No. TXR050000 Industrial Stormwater Multi-Sector General Permit (MSGP) (Part V, Section A.22 of the draft permit). Language regarding industrial and high risk runoff requirements was not included in the draft permit as the permittee does not own nor operate any facilities subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; nor any other industrial or commercial discharge that have been determined to contribute a substantial pollutant loading to the MS4. The Port's current permit and SWMP address stormwater discharges to the MS4 from industrial and commercial activities. As of July 2024, the Port of Houston Authority maintains approximately 65 tenant facilities with 22 tenant audits conducted annually and a total of 800 employees. In addition, the Port of Houston Authority is regulated under a hybrid structure with elements of both TPDES Phase I and Phase II requirements. Under the

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TPDES Phase II MS4 TXR040000 General Permit, the Port of Houston Authority would be classified as a Level 2 non-traditional MS4 and thus exempt from the requirements associated with the Minimum Control Measure (MCM) for Industrial and High Risk Runoff.

5. Removed the regulatory language in the definition for Waters of the U.S., and instead cited 40 CFR §122.2 because the definition in the existing permit was outdated. (Part V, Section A.27of the draft permit).
6. Added that analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §136.1(c) and 40 CFR §122.44(i)(I)(iv) (Part V.b.2.c of the draft permit).
7. The requirements for compliance with Texas Surface Water Quality Standards (TSWQS) as specified in 30 TAC §§ 307.1-307.10 were moved from Part II. Section E to Part II. Section A. 5 of the draft permit.
8. Added collection of monitoring data as a responsibility of the permittee (Part II. Section C. 4 of the draft permit).
9. Added Evaluation of Flood Control Projects as a component of Pollution Prevention/Good Housekeeping for Port of Houston Authority Operations consistent with MS4s in the Phase II MS4 General Permit (Part III. Section B.4.f of the draft permit) and other similar Phase I MS4s.
10. Effective December 21, 2025, annual reports must be submitted online using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. (Part IV, Section D.1 of the draft permit)

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 of TPDES Permit No. WQ0004421000, which authorizes stormwater point source discharges to surface water in the state from the Port of Houston Authority MS4.

Portions of the PHA MS4 are located in a medium or large municipality, while other portions are located in an urbanized area, and other parts are not located in either a medium or large MS4 or a UA. However, with this permit action, all portions of the PHA MS4 will be addressed in an individual MS4 permit.

The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent

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with the applicable CMP goals and policies.

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

The discharge routes are via the MS4 to various ditches and tributaries that eventually reach Houston Ship Channel/San Jacinto River Tidal; Houston Ship Channel Tidal; Houston Ship Channel/Buffalo Bayou Tidal; Upper Galveston Bay; Barbour's Cut; Bayport Channel, Segment Nos. 1005, 1006, and 1007 of the San Jacinto River Basin and Segment Nos. 2421, 2436, 2438 of the Bays and Estuaries of the San Jacinto River Basin and Bays and Estuaries Basin. The receiving water uses are described in Part IV of this fact sheet. Effluent limits 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.

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

2. Endangered/Threatened Species

There is no priority watershed of critical concern with respect to endangered and threatened species in Segment Nos 1005, 1006, and 1007 of the San Jacinto River Basin and Segment Nos. 2421, 2436, 2438 of the Bays and Estuaries in Harris County. Therefore, no endangered or threatened aquatic or aquatic dependent species (including proposed species) occur in this area. This determination was made by referencing Appendix A of the U.S. Fish and Wildlife Service biological opinion, dated September 14, 1998, and the October 21, 1998 update, on the State of Texas authorization of the Texas Pollutant Discharge Elimination System.

The draft permit and permit application have been sent to the USFWS for their review. Comments concerning the permit will be considered, and the draft permit will be revised, if appropriate.

3. Impaired Surface Waters

Segment Nos. 1005, 1006, 1007, 2421, 2436, 2438 are currently listed on the State's inventory of impaired and threatened waters (the 2020 Clean Water Act Section 303(d) list). Segment Nos. 1005, 2421 2436, and 2438 are on the 2012 303(d) list for dioxin and PCB's. Segment Nos. 1006 and 1007 are on the 303(d) list for dioxin, bacteria, and polychlorinated biphenyls (PCBs).

Issuance of this permit should not have an adverse effect on the listed receiving waters, as it does not authorize the discharge of wastewater that could be a source of the listed impairment. 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 pets, recreational livestock, and wild animals to water in the state, which may contribute to water quality problems. The draft permit requires continuous improvement of stormwater discharges from the MS4

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through the development and implementation of a SWMP. Elements of the SWMP that could result in the reduction or elimination of these sources include the following:

- (1) Community Education and Training, and Community Involvement Activities;
- (2) Illicit Discharge Detection and Elimination Program;
- (3) Inspection and Maintenance Activities;
- (4) Spill Prevention and Response;
- (5) Construction Site Runoff Controls;
- (6) Structural and Non-Structural Controls for Post-Construction Runoff;
- (7) Discharge Characterization Program that includes sampling for certain conventional and nonconventional pollutants, and hazardous metals, as well as E. Coli, and enterococci; and
- (8) Pollution Prevention/Good Housekeeping for Port of Houston Authority Operations.

This permit may be amended to include requirements and conditions, specific to these discharges and to the pollutants of concern, consistent with an approved Total Maximum Daily Load (TMDL) and the TMDL Implementation Plan (I-Plan).

4. Total Maximum Daily Loads (TMDLs)

A TMDL has been finalized to address the presence of dissolved nickel in Segment Nos. 1005, 1006, 1007 and 2436 of the Houston Ship Channel System, all of which receive discharges from the PHA MS4. According to the TMDL, any exceedances that may have occurred historically were localized and/or of short duration. Discharges from the MS4 have not been specifically identified as the cause of this stream impairment. There are currently no exceedances of the nickel criteria and the potential for exceedances is remote. The TMDL also states that nickel loading will be controlled through implementation of the TPDES program. As part of the Discharge Characterization sampling required by the existing TPDES permit, the PHA is required to sample for many parameters, including nickel, to characterize the stormwater discharge to and from the MS4. In order to address this pollutant, this permit renewal continues the requirement for the permittee to monitor total nickel as part of its Discharge Characterization. Also, tenants at the Port of Houston which are required have coverage under the Multi-Sector General Permit (MSGP), TXR050000 are to conduct hazardous metals sampling annually as a condition of the permit. The existing permit requirements and conditions should be sufficient to allow the PHA to continue to effectively operate their MS4 and prevent any exceedances of nickel in the affected segments.

A TMDL is currently being developed for dioxin in Segment Nos. 1005, 1006, 1007, 2436 and 2438. According to preliminary studies performed by the TMDL Team, current sources are unlikely to cause the observed concentrations and residual sediment loads may be the primary issue to address. The draft permit does not require the permittee to monitor for dioxin.

A TMDL is currently being developed for PCBs in fish tissue in Segment Nos. 1005, 1006, 1007, 2421, 2436 and 2438.

A TMDL addressing bacteria in oyster waters in Segment No. 2421 was adopted by

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the TCEQ on August 20, 2008 and approved by the EPA in February 2009. TCEQ and stakeholders developed an Implementation Plan for the TMDL which was approved by TCEQ on August 19, 2015. Discharges from the Port of Houston Authority are not addressed in the TMDL or in the Implementation Plan.; however, the draft permit includes sampling requirements for *E. Coli*, and *enterococci*.

The TCEQ has determined that the SWMP meets the requirements to address impaired waters, including those for which TMDLs are in place or planned. However, based on a TMDL and Implementation Plan that may be proposed in the future, the TCEQ may determine that alternative requirements are necessary to further address pollutants of concern. Any changes proposed by TCEQ will be consistent with its rules related to permit amendments and modifications.

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**C. TECHNOLOGY-BASED DISCHARGE LIMITATIONS/CONDITIONS**

1. General Comments:

Permits issued to MS4s are specifically required by CWA § 402(p)(3)(B) to "include a requirement to effectively prohibit non-stormwater discharges into the storm sewers." However, 40 CFR § 122.26(d)(2)(iv)(B)(1) does allow the permittee to accept certain non-stormwater discharges where it has been determined that they are not significant sources of pollutants. Any discharge authorized by a NPDES or TPDES permit is not subject to the prohibition on non-stormwater and may be accepted to the MS4 and subsequently discharged. Federal regulations for small MS4s at 40 CFR §122.34(a) require regulated MS4s to implement a SWMP which includes the six minimum control measures listed in Part VI.C. of this fact sheet, unless the MS4 has applied for an individual permit under Phase 1 requirements at 40 CFR §122.26(d). Since much of the MS4 is appropriately addressed in the Phase 2 regulations, and in order to maintain consistency in permit requirements throughout the MS4, it is appropriate to require these six minimum measures from these regulations as part of the PHA's SWMP.

Federal regulations at 40 CFR §122.34(a) also require that a regulated MS4 develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from your MS4 to the MEP. The MEP standard is included in the draft permit in accordance with these requirements.

The draft permit requires that the SWMP meets MEP. It has been determined that where the permittee implements the SWMP as detailed in the application, it will meet this standard. Since the application of the MEP standard is iterative, this permit contains provisions which allow the permittee or the TCEQ to update the SWMP as necessary to meet the MEP standard.

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:

The draft permit includes a requirement to conduct analytical sampling at representative outfalls in order to delineate appropriate controls to reduce the discharge of pollutants. PHA must select a minimum of two outfalls to be sampled, and these outfalls must be representative of the variety of discharges from the MS4, such as port areas offloading containers and areas offloading non-containerized materials and products. The selected outfalls must be sampled at least once within Year 1 of the permit, and once within Year 2 of the permit. In Year 3 and Year 4, the permittee must evaluate the data to identify and begin development of any new BMPs that are determined to be necessary to minimize the discharge of pollutants of concern. The following pollutants, at a minimum, are required to be analyzed at each outfall:

- (a) Biochemical Oxygen Demand, 5-day
Chemical Oxygen Demand

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Oil and Grease
 Total Suspended Solids
 Total Cadmium
 Total Chromium
 Total Copper
 Total Cyanide
 Total Lead
 Total Mercury
 Total Nickel
 Total Zinc
E. Coli
Enterococci

- (b) Any pollutant required to be sampled under the requirements of the TPDES MGSP or individual wastewater permit from any outfalls that discharge into the drainage area of the outfalls chosen,
- (c) Any pollutant from 40 CFR Part 122, Appendix D, Tables II and III known or expected to be present in the discharge from any representative outfall; and
- (d) Any additional pollutants expected to be present in the discharge that are known or suspected to adversely affect receiving water quality.

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.

As discussed in Part VI.C.1-6 of this fact sheet, the permittee developed and implemented the required SWMP, and continues to revise the SWMP as necessary to comply with the permit conditions.

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments:

The Texas Surface Water Quality Standards (TSWQS) found at 30 TAC Chapter 307 state that "[s]urface waters must 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 conditions reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based

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discharge limits 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 implement to prevent or effectively reduce the exposure of stormwater to pollution. As stated in 30 TAC § 307.8(e):

“Pollution in stormwater must not impair existing or designated uses. Controls on the quality of stormwater discharges must be based on best management practices, technology-based limits, or both in combination with in-stream monitoring to assess standards attainment and to determine if additional controls on stormwater quality are needed. The standards implementation procedures as amended describe how water quality standards are applied to Texas Pollutant Discharge Elimination System stormwater discharges. The evaluation of in-stream monitoring data for standards attainment includes 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.

2. Specific Recommendations:

As stated above, no numeric effluent limitations are proposed at this time. The existing permit includes a requirement to conduct representative outfall sampling during the permit term to characterize the discharges from the outfalls discharging from the PHA’s MS4. The information obtained from these samples was utilized during this permit action to determine that no additional BMPs or additional sampling would be necessary.

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 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

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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.

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 Hannah Cobosat (512) 239-4830.

IX. ADMINISTRATIVE RECORD

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

FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION**A. PERMIT**

TPDES Permit No. WQ0004421000 (EPA I.D. No. TXS001202) issued and effective on February 14, 2017 with an expiration date of February 14, 2022.

TPDES General Permit No. TXR040000 issued and effective on January 24, 2019 with an expiration date of January 24, 2024.

B. APPLICATION

“TPDES Application for Permit - Medium/Large Municipal Separate Storm Sewer Systems,” Form 20214, received on August 13, 2021.

C. 40 CFR CITATIONS

40 CFR Parts 122 and 124.

D. LETTERS/MEMORANDA/RECORDS OF COMMUNICATION

E-mails dated 12/22/2021, 2/25/2022, 3/8/2022 from Madison Taylor to Ryan Dixon, Lead Environmental Compliance Coordinator Port of Houston Authority.

Conference call with PHA and TCEQ Stormwater Permit Writer Madison Taylor and Team Leader Rebecca L. Villalba, including PHA attendees Lead Environmental Compliance Coordinator Ryan Dixon and PHA consultant Lina Jazi on February 9, 2022, to discuss Attachment 4.

Emails dated 6/20/2023 from Madison Taylor to Ilana Harris and Nikki Loya.

Emails dated 5/30/2023, 6/20/2023, 6/8/2023 from Madison Taylor to Ilana Harris Port of Houston Authority.

Emails dated 5/3/2023, 5/25/2023, 5/30/2023 from Madison Taylor to Ryan Dixon and Ilana Harris, Environmental Compliance Coordinator Port of Houston Authority.

Emails dated 6/18/2024, 6/20/2024, 7/3/2024, 7/9/2024, 7/22/2024 between Hannah Cobos and Ilana and Ilana Harris, Environmental Compliance Coordinator Port of Houston Authority.

Conference call with PHA and TCEQ Stormwater Permit Writer Hannah Cobos and Team Leader Rebecca L. Villalba, including PHA attendees Ilana Harris, Nikki Loya, and Trae Camble on 6/24/2024 to discuss industrial and high risk runoff.

Comments letter dated August 14, 2025, from Iliana Harris to Hannah Cobos.

TCEQ Interoffice Memorandum dated December 9, 2021, from the TCEQ's Water Quality Standards Implementation Team (Michelle Labrie) to the Stormwater Team.

TCEQ Interoffice Memorandum dated December 21, 2021, from the TCEQ's Total Maximum Daily Load Team (Nicole Hall) to the Stormwater Team (Rebecca L. Villalba).

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Updated TCEQ Interoffice Memorandum August 22, 2025, from the TCEQ's Total Maximum Daily Load Team (Wyatt Eason) to the Stormwater Team (Rebecca L. Villalba).

The 2020 Annual Report for January 1, 2020 to December 31, 2020, prepared by Port of Houston Authority; prepared on March 2021.

The date that the most recent audit or inspection of the permittee authorized under the permit of the Port of Houston Authority MS4, was conducted by the investigators of the TCEQ Region 12 Office, for Port of Houston Authority on 6/25/2021.

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 §§307.1-307.10, effective March 6, 2014.

Texas Surface Water Quality Standards - 30 TAC §§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 (IP), TCEQ, June 2010, as approved by EPA Region 6.

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

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

2020 Texas 303(d) List, Texas Commission on Environmental Quality, March 25, 2020 (approved by EPA on May 12, 2020).

2022 Texas 303(d) List, Texas Commission on Environmental Quality, June 1, 2022 (approved by EPA on July 7, 2022.)

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

“Fourteen Total Maximum Daily Loads for Chlordane in Clear Creek,” Texas Commission on Environmental Quality, January 2001 (approved by EPA in May 2003)

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“Six Maximum Daily Loads for Bacteria in Oyster Waters of the Upper Gulf Coast,” Texas Commission on Environmental Quality, August 2008 (approved by the EPA in February 2009).

“Eight Total Maximum Daily Loads for Indicator Bacteria in Greens Bayou Above Tidal and Tributaries,” Texas Commission on Environmental Quality, June 2012 (approved by the EPA in August 2012).

“Four Total Maximum Daily Loads for Indicator Bacteria in Halls Bayou and Tributaries,” Texas Commission on Environmental Quality, September 2010 (approved by the EPA in September 2010).