

Stormwater Phase 2 MISC

SC

Oxford®

NO. 753 1/3

ESSENCE

100%

Jim Pierce

From: Sol Stigall [sstigall@tnp-online.com]
Sent: Tuesday, July 13, 2004 4:17 PM
To: Bennett Howell (E-mail); Dennis Abraham (E-mail 2); Jim Pierce; Lance Barton (E-mail); Mark White (E-mail); Mary Moore (E-mail); Melinda Brittain (E-mail); Mike Curtis (E-mail); Pat Baugh (E-mail); Jim McDonald (E-mail)
Cc: Kelly Dillard; Mike Crenshaw; Mark Holliday
Subject: TPDES Phase II Update

Good afternoon!

I wanted to send each of you an update on the TCEQ Phase II storm water permit. I attended the EPA Region 6 Municipal Separate Storm Sewer System (MS4) Conference last week and received some new information. Here's a breakdown...

TCEQ does not expect to release a final permit for 6 months to a year. Based on recent guidance from the EPA, the TCEQ plans to re-issue the draft permit with revisions to sections concerning public notice and TCEQ review of Storm Water Management Programs (SWMPs). Once the TCEQ re-issues their draft permit, there will be another public comment period, a response to comment from the TCEQ, and then the final permit should be released. The feeling among Texas Phase II cities is that it will be a year before the final permit will be ready. We do not expect the permit revisions to have a significant impact on our final programs. Representatives from both the TCEQ and the EPA were in attendance and they applauded MS4s (like ourselves) that have begun working on their programs. There are still many Phase II cities that have yet to begin developing their programs.

If any of you would like any further information about this update, please do not hesitate to give me a call. We will continue to keep all of you updated with any new information pertaining to your permit and are committed to completing your programs once the final permit is released.

Thanks,

Sol H. Stigall, P.E., CFM

League Nail and Perkins, Inc.
7-665-7112

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7/15/2004

1948

Dear Mr. [Name],
I have received your letter of the 15th and am glad to hear from you.
I will be glad to discuss this with you at a later date.

I am sorry that I cannot give you a more definite answer at this time.
The matter is still under consideration and I will be glad to discuss it with you at a later date.
I will be glad to discuss this with you at a later date.

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The matter is still under consideration and I will be glad to discuss it with you at a later date.
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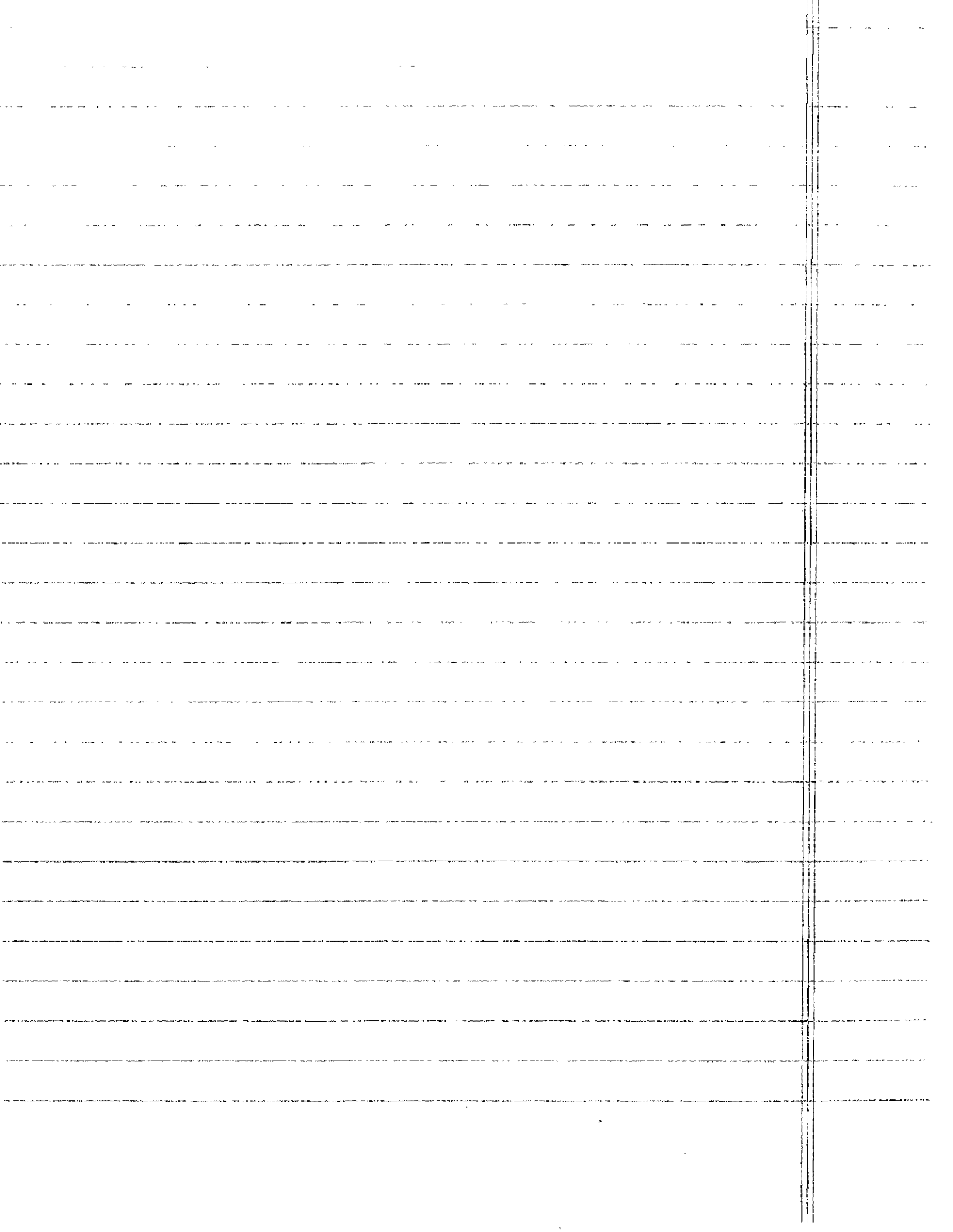
Sincerely,
[Name]
[Title]

2-24-04

Storm Water Permits:

1-5 acres - Notice of Construction Activity
posted at site with SWPPP for the
site.

Over 5 acres - NOI to TCEQ with
SWPPP for the site.



NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

P.O. BOX 5888

ARLINGTON, TEXAS 76005-5888

BILL TO: TOWN OF ADDISON
P.O. BOX 9010

ADDISON, TX 75001-9010

DADDI
INVOICE NUMBER: 47948
INVOICE DATE: 10/30/2003
DUE DATE: 11/30/2003

PO Number	Terms	Project Code
	Net 30	673.04.0.63.4640
Description	Attendants	Total Amount Due
FY04 Stormwater		\$2,300.00

MAKE CHECK PAYABLE TO: NCTCOG

mail to: NCTCOG
ATTN: ACCOUNTS RECEIVABLE
P.O. BOX 5888
ARLINGTON, TX 76005-5888

*OK to pay
J. Herin
11-5-03*

For inquiries contact Administration at (817) 695-9130.
Please remit yellow copy of invoice with payment and
reference invoice number on check stub. If your agency
is tax exempt, please fax your exemption certificate
to (817) 640-7806 Attn: Accounts Receivable.

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



A handwritten signature in black ink, appearing to be "JL".

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 12, 2002

ATTENTION: Small Municipal Separate Storm Sewer System (MS4) Owners/Operators

This letter is intended to provide information on the upcoming issuance of the Texas Pollutant Discharge Elimination System (TPDES) Storm Water General Permit for Small Regulated MS4s. This will affect small MS4s that are not currently covered by an existing Phase I medium or large MS4 storm water permit. Small MS4s must obtain coverage if they are located in an urbanized area (UA) as defined by the United States Bureau of the Census, OR located outside of a UA and brought into the program, on a case-by-case basis by the TCEQ.

When do I need to apply?

Federal regulations state small MS4s obtain permit coverage by March 10, 2003. However, to comply with the conditions of the proposed TPDES general permit, small MS4s must obtain permit coverage by March 10, 2003 or within 90 days from the date the general permit is issued, whichever is later.

How do I know if I am in an Urbanized Area?

The following website provides a map view that can help you determine if your MS4 is located in a UA.

<http://www.tnrcc.state.tx.us/permitting/waterperm/wwperm/arealoc.html>

What are the permit requirements?

The TPDES MS4 Storm Water General Permit requires that a Storm Water Management Program (SWMP) be developed and implemented. The program must address each of the following six minimum control measures:

- public education and outreach;
- public participation and involvement;
- illicit discharge detection and elimination;
- construction site runoff control;
- post construction runoff control; and
- pollution prevention and good housekeeping.

A seventh optional control measure may be developed. This control measure would allow for coverage under the MS4 permit for construction activities where the MS4 is the operator, rather than obtaining separate coverage under the TPDES Construction Storm Water General Permit.

Are there any waivers?

There are two waiver options available to operators of automatically regulated small MS4s if the discharges from those systems do not cause, or have the potential to cause, water quality impairment. For more information about waivers please contact the TCEQ Storm Water & General Permits Team at 512-239-4671 or TCEQ Small Business & Local Government Assistance (SBLGA) Program at 800-447-2827.

Where can I get more information?

For the proposed draft TPDES Storm Water General Permit for Small Regulated MS4s, please see the following website:

<http://www.tnrcc.state.tx.us/permitting/waterperm/wwperm/ms4.html>

The following Environmental Protection Agency (EPA) website also provides guidance for Small Regulated MS4s:

<http://www.epa.gov/earth1r6/6wg/npdes/sw/ms4/index.htm>

Is there any training available?

The TCEQ Storm Water & General Permits Team is planning training events in Houston, Beaumont, Corpus Christi, Austin, San Antonio, Arlington, Tyler, San Angelo, Lubbock, and College Station after the first of the year.

For more information regarding location and times contact the TCEQ Storm Water & General Permits Team at 512-239-4671 or the TCEQ Small Business & Local Government Assistance Program at 800-447-2827 or check the following website.

<http://www.tnrcc.state.tx.us/permitting/waterperm/wwperm/tpdestorm.html>



Storm Water Phase II Final Rule

Permitting and Reporting: The Process and Requirements

Storm Water Phase II Final Rule Fact Sheet Series

Overview

1.0 – Storm Water Phase II Final Rule: An Overview

Small MS4 Program

2.0 – Small MS4 Storm Water Program Overview

2.1 – Who's Covered? Designation and Waivers of Regulated Small MS4s

2.2 – Urbanized Areas: Definition and Description

Minimum Control Measures

2.3 – Public Education and Outreach

2.4 – Public Participation/Involvement

2.5 – Illicit Discharge Detection and Elimination

2.6 – Construction Site Runoff Control

2.7 – Post-Construction Runoff Control

2.8 – Pollution Prevention/Good Housekeeping

2.9 – Permitting and Reporting: The Process and Requirements

2.10 – Federal and State-Operated MS4s: Program Implementation

Construction Program

3.0 – Construction Program Overview

3.1 – Construction Rainfall Erosivity Waiver

Industrial "No Exposure"

4.0 – Conditional No Exposure Exclusion for Industrial Activity

The Storm Water Phase II Final Rule requires operators of certain small municipal separate storm sewer systems (MS4s) to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage because their storm water discharges are considered "point sources" of pollution. All point source discharges, unlike nonpoint sources such as agricultural runoff, are required under the Clean Water Act (CWA) to be covered by federally enforceable NPDES permits. Those systems already permitted under the NPDES Phase I storm water program, even systems serving less than 100,000 people, are not required to be permitted under the Phase II storm water program.

NPDES storm water permits are issued by an NPDES permitting authority, which may be a NPDES-authorized State or a U.S. EPA Region in non-authorized States (see the *For Additional Information* section for a list of U.S. EPA regional contacts). Once a permit application is submitted by the operator of a regulated small MS4 and a permit is obtained, the conditions of the permit must be satisfied (i.e., development and implementation of a storm water management program) and periodic reports must be submitted on the status and effectiveness of the program.

This fact sheet explains the various permit options that are available for operators of regulated small MS4s and details the permit application and reporting requirements. Important compliance deadlines also are highlighted. Program coverage and requirements for regulated small MS4s are explained in Fact Sheets 2.0 through 2.8.

What Permitting Options Are Available to Operators of Regulated Small MS4s?

Unlike the Phase I program that primarily utilizes individual permits for medium and large MS4s, the Phase II approach allows operators of regulated small MS4s to choose from as many as three permitting options as listed below. The NPDES permitting authority reserves the authority to determine, however, which options are available to the regulated small MS4s.

□ General Permits

- General permits are strongly encouraged by EPA. The Phase II program has been designed specifically to accommodate a general permit approach.
- General permits prescribe one set of requirements for all applicable permittees. General permits are drafted by the NPDES permitting authority, then published for public comment before being finalized and issued.
- A Notice of Intent (NOI) serves as the application for the general permit. The permittee complies with the permit requirements by submitting an NOI to the NPDES permitting authority that describes the storm water management plan, including best management practices (BMPs) and measurable goals. A Phase II permittee has the flexibility to develop an individualized storm water program that addresses the particular characteristics and needs of its system, provided the basic requirements of the general permit are satisfied.

- Permittees also can choose to share responsibilities for meeting the Phase II program requirements. Those entities choosing to do so may submit jointly with the other municipalities or governmental entities an NOI that identifies who will implement which minimum measures within the area served by the MS4.
- The permittee then follows the Phase II permit application requirements (see discussion in next question below).

Minimize Duplication of Effort

Two permitting options tailored to minimize duplication of effort can be incorporated into the general permit by the NPDES permitting authority. First, the permitting authority can recognize in the permit that another governmental entity is responsible under an NPDES permit for implementing any or all minimum measures. Responsibility for implementation of the measure(s) would rest with the other governmental entity, thereby relieving the permittee of its responsibility to implement that particular measure(s). For example, the NPDES permitting authority could recognize a county erosion and sediment control program for construction sites that was developed to comply with a Phase I permit. As long as the Phase II MS4s in the county comply with the county's construction program, they would not need to develop and implement their own construction programs because such activity would already be addressed by the county.

Second, the NPDES permitting authority can include conditions in a general permit that direct a permittee to follow the requirements of an existing qualifying local program rather than the requirements of a minimum measure. A qualifying local program is defined as a local, State or Tribal municipal storm water program that imposes requirements that are equivalent to those of the Phase II MS4 minimum measures. The permittee remains responsible for the implementation of the minimum measure through compliance with the qualifying local program.

Individual Permits

- Individual permits are required for Phase I "medium" and "large" MS4s, but not recommended by EPA for Phase II program implementation.
- The permittee can either submit an individual application for coverage by the Phase II MS4 program (see §122.34) or the Phase I MS4 program (see §122.26(d)).
- For individual coverage under Phase II, the permittee must follow Phase II permit application requirements and provide an estimate of square mileage served by the system and any additional information requested by the NPDES permitting authority. A permittee electing to apply for coverage under the Phase I

program must follow the permit application requirements detailed at §122.26(d).

- The NPDES permitting authority may allow more than one regulated entity to jointly apply for an individual permit.
- The NPDES permitting authority could incorporate in the individual permit either of the two permitting options explained above in the *Minimize Duplication of Effort* section.

Modification of a Phase I Individual Permit – A Co-Permittee Option

- The operator of a regulated small MS4 could participate as a limited co-permittee in a neighboring Phase I MS4's storm water management program by seeking a modification of the existing Phase I individual permit. A list of Phase I medium and large MS4s can be obtained from the EPA Office of Wastewater Management (OWM) or downloaded from the OWM web site.
- The permittee must follow Phase I permit application requirements (with some exclusions).
- The permittee must comply with the applicable terms of the Phase I individual permit rather than the minimum control measures in the Phase II Final Rule.

What Does the Permit Application Require?

Operators of regulated small MS4s are required to submit in their NOI or individual permit application the following information:

- Best management practices (BMPs) are required for each of the six minimum control measures:
 - 1 Public education and outreach on storm water impacts
 - 2 Public participation/involvement
 - 3 Illicit discharge detection and elimination
 - 4 Construction site storm water runoff control
 - 5 Post-construction storm water management in new development/redevelopment
 - 6 Pollution prevention/good housekeeping for municipal operations

(See Fact Sheets 2.3 through 2.8 for full descriptions of each measure, including examples of BMPs and measurable goals)

- Measurable goals for each minimum control measure (i.e., narrative or numeric standards used to gauge program effectiveness);

- Estimated months and years in which actions to implement each measure will be undertaken, including interim milestones and frequency; and
- The person or persons responsible for implementing or coordinating the storm water program.

Relying on Another Entity

The Phase II permittee has the option of relying on other entities already performing one or more of the minimum control measures, provided that the existing control measure, or component thereof, is at least as stringent as the Phase II rule requirements. For example, a county already may have an illicit discharge detection and elimination program in place and may allow an operator of a regulated small MS4 within the county's jurisdiction to rely on the county program instead of formulating and implementing a new program. In such a case, the permittee would not need to implement the particular measure, but would still be ultimately responsible for its effective implementation. For this reason, EPA recommends that the permittee enter into a legally binding agreement with the other entity. If the permittee chooses to rely on another entity, they must note this in their permit application and subsequent reports. A Phase II permittee may even rely on another governmental entity regulated under the NPDES storm water program to satisfy all of the permittee's permit obligations. Should this option be chosen, the permittee must note this in its NOI, but does not need to file periodic reports.

What Does the Permit Require?

The operator of a regulated small MS4 has the flexibility to determine the BMPs and measurable goals, for each minimum control measure, that are most appropriate for the system. The chosen BMPs and measurable goals, submitted in the permit application, become the required storm water management program; however, the NPDES permitting authority can require changes in the mix of chosen BMPs and measurable goals if all or some of them are found to be inconsistent with the provisions of the Phase II Final Rule. Likewise, the permittee can change its mix of BMPs if it determines that the program is not as effective as it could be. Fact Sheets 2.3 through 2.8 further describe each of the minimum control measures, while the permit requirements for evaluation/assessment and recordkeeping activities are described in separate sections below.

Menu of BMPs

The BMPs for minimum measures 3 through 6 (as listed in the permit application requirements section, above) are not enforceable until the NPDES permitting authority provides a list, or "menu," of BMPs to assist permittees in the design and

implementation of their storm water management programs. The NPDES permitting authority is required to provide this menu as an aid for those operators that are unsure of the most appropriate and effective BMPs to use. Since the menu is intended to serve as guidance only, the operators can either select from the menu or identify other BMPs to meet the permit requirements. EPA is scheduled to develop a menu of BMPs by October 27, 2000.

What Standards Apply?

A Phase II small MS4 operator is required to design its program so that it:

- Reduces the discharge of pollutants to the "maximum extent practicable" (MEP);
- Protects water quality; and
- Satisfies the appropriate water quality requirements of the Clean Water Act.

Compliance with the technical standard of MEP requires the successful implementation of approved BMPs. The Phase II Final Rule considers narrative effluent limitations that require the implementation of BMPs and the achievement of measurable goals as the most appropriate form of effluent limitations to achieve the protection of water quality, rather than requiring that storm water discharges meet numeric effluent limitations.

EPA intends to issue Phase II NPDES permits consistent with its August 1, 1996, Interim Permitting Approach policy, which calls for BMPs in first-round storm water permits and expanded or better tailored BMPs in subsequent permits, where necessary, to provide for the attainment of water quality standards. In cases where information exists to develop more specific conditions or limitations to meet water quality standards, these conditions or limitations should be incorporated into the storm water permit. Monitoring is not required under the Phase II Rule, but the NPDES permitting authority has the discretion to require monitoring if deemed necessary.

What Evaluation/Reporting Efforts Are Required?

Frequency of Reports

Reports must be submitted annually during the first permit term. For subsequent permit terms, reports must be submitted in years 2 and 4 only, unless the NPDES permitting authority requests more frequent reports.

Required Report Content

The reports must include the following:

- The status of compliance with permit conditions, including an assessment of the appropriateness of the selected BMPs and progress toward achieving the selected measurable goals for each minimum measure;
- Results of any information collected and analyzed, including monitoring data, if any;
- A summary of the storm water activities planned for the next reporting cycle;
- A change in any identified best management practices or measurable goals for any minimum measure; and
- Notice of relying on another governmental entity to satisfy some of the permit obligations (if applicable).

A Change in Selected BMPs

If, upon evaluation of the program, improved controls are identified as necessary, permittees should revise their mix of BMPs to provide for a more effective program. Such a change, and an explanation of the change, must be noted in a report to the NPDES permitting authority.

What are the Recordkeeping Requirements?

Records required by the NPDES permitting authority must be kept for at least 3 years and made accessible to the public at reasonable times during regular business hours. Records need not be submitted to the NPDES permitting authority unless the permittee is requested to do so.

What Are the Deadlines for Compliance?

- The NPDES permitting authority issues general permits for regulated small MS4s by December 9, 2002.
- Operators of "automatically designated" regulated small MS4s in urbanized areas submit their permit applications within 90 days of permit issuance, no later than March 10, 2003.
- Operators of regulated small MS4s designated by the permitting authority submit their permit applications within 180 days of notice.
- Regulated small MS4 storm water management programs fully developed and implemented by the end of the first permit term, typically a 5-year period

What are the Penalties for Noncompliance?

The NPDES permit that the operator of a regulated small MS4 is required to obtain is federally enforceable, thus subjecting the permittee to potential enforcement actions and penalties by the NPDES permitting authority if the permittee does not fully comply with application or permit requirements. This federal enforceability also includes the right for interested parties to sue under the citizen suit provision (section 405) of the CWA.

For Additional Information**Contacts****U.S. EPA Regional Storm Water Coordinators¹**

Region 1 {ME ² , NH ² , VT, MA ² , RI, CT}:	Thelma Murphy	617 918-1615
Region 2 {NY, NJ, PR ² , VI}:	Karen O'Brien	212 637-3717
Region 3 {PA, DE, DC ² , MD, VA, WV}:	Mary Letzkus	215 814-2087
Region 4 {KY, TN, NC, SC, MS, AL, GA, FL}:	Michael Mitchell	404 562-9303
Region 5 {MN, WI, IL, MI, IN, OH}:	Peter Swenson	312 886-0236
Region 6 {NM ² , TX, OK, AR, LA}:	Brent Larsen	214 665-7523
Region 7 {NE, KS, IA, MO}:	Ralph Summers	913 551-7416
Region 8 {MT, ND, WY, SD, UT, CO}:	Vernon Berry	303 312-6234
Region 9 {CA, NV, AZ ² , HI}:	Eugene Bromley	415 744-1906
Region 10 {WA, OR, ID ² , AK ² }:	Bob Robichaud	206 553-1448

¹ The U.S. EPA is the NPDES permitting authority for all federally recognized Indian Country Lands, and for Federal facilities in AK, American Samoa, AZ, CO, DE, DC, FL, Guam, ID, Johnston Atoll, ME, MA, Midway & Wake Islands, NH, NM, PR, VT, VI, and WA.

² Denotes a non-authorized State for the NPDES storm water program. For these States only, the U.S. EPA Region is the NPDES permitting authority. All other States serve as NPDES permitting authorities for the storm water program.

U.S. EPA Office of Wastewater Management

- Phone: 202 260-5816
- E-mail: SW2@epa.gov
- Internet: www.epa.gov/owm/sw/phase2

Jim Pierce

From: Mary Tatum [mtatum@nctcog.org]
Sent: Friday, October 03, 2003 11:31 AM
To: Derin Warren
Subject: Note on 9th Circuit Court Ruling

Storm Water Program Participants:

This is a brief note on the recent ruling by the 9th Circuit Court of Appeals to help keep you up to date on the status of the Phase II permit. On September 15th the court issued an opinion on the challenges brought against the federal Phase II permitting rule.

Constitutional and other legal challenges to the EPA's Phase II permit were first addressed by the 9th Circuit Court in a ruling on January 14th this year. EPA requested a rehearing on the rulings. On September 15th the court ruled again in response to the petition from EPA and others, rendering an opinion very similar to the first. (links to the opinions are below)

The key elements relevant to MS4 permitting remained the same in both rulings:

- 1) The court rejected all constitutional challenges to the Phase II rule
- 2) Parts of the Phase II rule were remanded back to EPA, the court finding that the permitting process needs to be changed to include:

- Public review of each individual proposed MS4 storm water management plan, and opportunity for public hearings on each individual MS4 plan
- Meaningful review of each individual MS4 storm water management plan by the permitting agency to ensure reduction of pollutants to the maximum extent practicable

The Ruling is Final

Significant in this second ruling is that it denies any future rehearing. This is a final decision by the circuit court, meaning that any further challenges would have to be to the Supreme Court (including a challenge from the EPA to keep the permit as it is).

Permitting Can Proceed

The court also appears to support the continued implementation of the permit, stating "Our holding should not prevent the Phase II general permitting program from proceeding mostly as planned".

Texas General Permit

The Texas general permit was expected to go before the Commission for release this month, however it is now on hold pending discussions with the EPA and an investigation of the potential for impact by the court ruling.

November Watershed Roundtables

The Storm Water Team at NCTCOG is developing a regional strategy to address many of the issues concerning storm water management in the DFW area. The status of Phase II permitting and details of the strategy will all be discussed at the next set of Watershed Roundtables. Look for announcements and more details soon on the joint roundtables and public meetings scheduled for November 11-13.



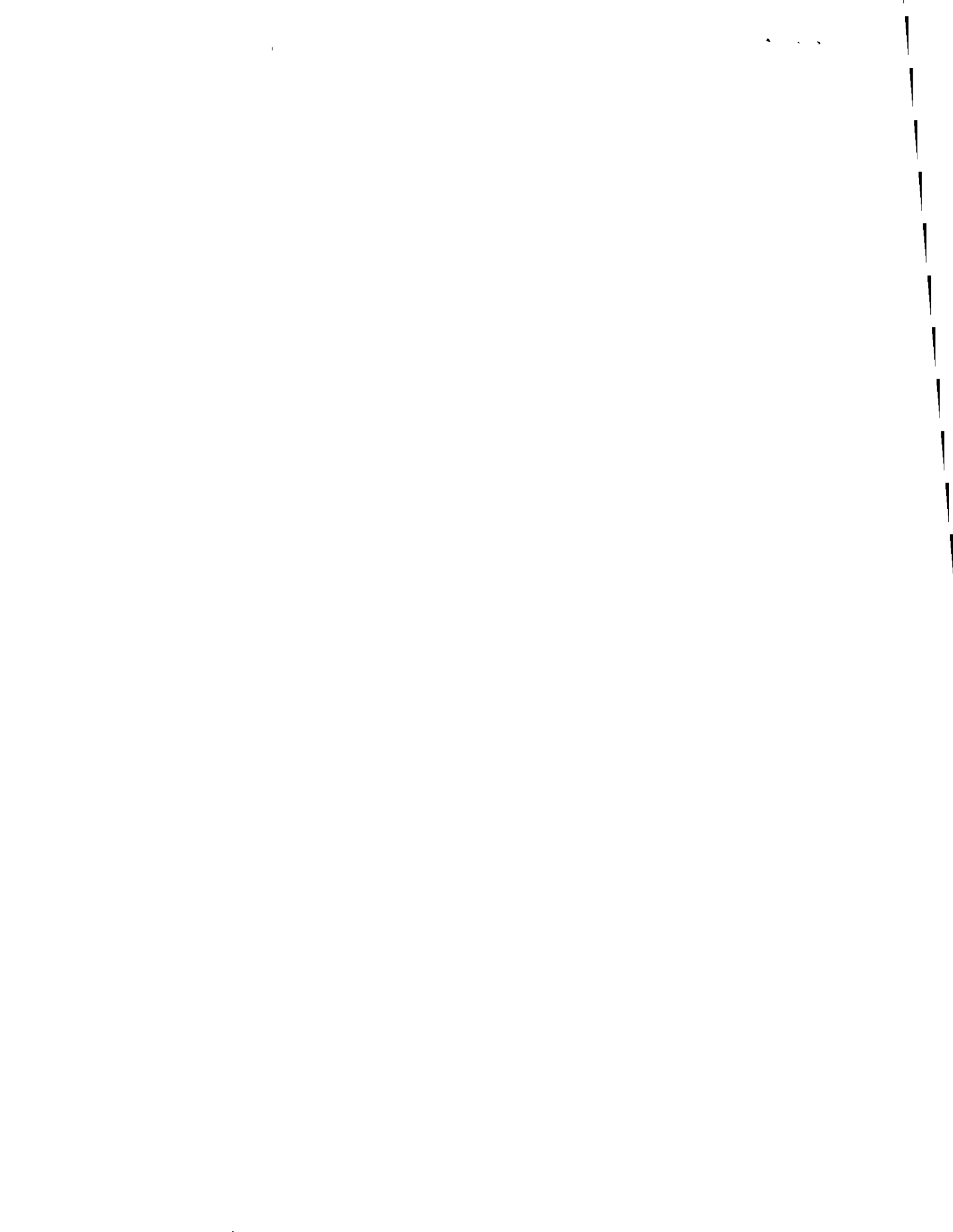
Link to January Opinion:

[http://www.ca9.uscourts.gov/ca9/newopinions.nsf/96311E1BD528E6CC88256DA2005952F9/\\$file/0070014.pdf?openelement](http://www.ca9.uscourts.gov/ca9/newopinions.nsf/96311E1BD528E6CC88256DA2005952F9/$file/0070014.pdf?openelement)

Link to September Opinion:

[http://www.ca9.uscourts.gov/ca9/newopinions.nsf/96311E1BD528E6CC88256DA2005952F9/\\$file/0070014.pdf?openelement](http://www.ca9.uscourts.gov/ca9/newopinions.nsf/96311E1BD528E6CC88256DA2005952F9/$file/0070014.pdf?openelement))

Derin Warren
Senior Environmental Planner
Environmental Resources, NCTCOG
(817) 695-9215
dwarren@nctcog.org



JIM - F.K.I.

MP TEAGUE NALL AND PERKINS
INC. ENGINEERS ♦ SURVEYORS ♦ MUNICIPAL CONSULTANTS

April 3, 2002

Mr. Steve Chutchian, P.E.
Assistant City Engineer
Town of Addison
P.O. Box 9010
Addison, Texas 75001-9010

Re: TPDES Phase II Storm Water Program

Dear Steve:

On September 14, 1998, the Environmental Protection Agency (EPA) authorized Texas to develop and implement the Texas Pollutant Discharge Elimination System (TPDES) Program, including TPDES storm water permitting for Municipal Separate Storm Sewer Systems (MS4s). On December 8, 1999, Phase II of the National Pollutant Discharge Elimination system (NPDES) Storm Water Program was published. Under Phase II, the Texas Natural Resource Conservation Commission (TNRCC) will issue a general storm water discharge permit to municipalities and entities designated as "regulated small MS4s" by December 9, 2002. A Phase II-regulated small MS4 is an entity located in an urbanized area, as defined by the Bureau of the Census, or located outside of an urbanized area and brought into the program on a case-by-case basis by the TNRCC. **Your City has been designated as a regulated small MS4 by the TNRCC and is included in the Phase II Requirements.**

What does Phase II mean to you as a regulated small MS4 Operator? The City will be required to develop, implement, and enforce a program to: 1) Reduce the discharge of pollutants to the maximum extent possible, 2) Protect water quality, and 3) Satisfy the appropriate water quality requirements of the clean Water Act. The City will be required to submit a Notice of Intent (NOI) to the TNRCC to obtain storm water permit coverage by March, 2003. This NOI must detail best management practices, measurable goals, and the implementation schedule that the City will follow in developing this storm water plan. Annual reports detailing the progress of the plan must be submitted to the TNRCC for the first five years. The Phase II permit requires that the MS4 operator's storm water plan include, at a minimum, the following six control measures:

- 1) Public Education and Outreach** – Distributing educational materials and performing outreach to inform citizens about the impacts that polluted storm water runoff discharges can have on water quality.
- 2) Public Involvement/Participation** - Providing opportunities for citizens to participate in program development and implementation, including publicizing public hearings and encouraging citizen representatives to participate on a storm water management panel.
- 3) Illicit Discharge Detection and Elimination** – Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).



Mr. Steve Chutchian, P.E.

April 3, 2002

Page 2

4) Construction Site Runoff Control – Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb one or more acres of land (controls could include silt fences and temporary storm water detention ponds).

5) Post-Construction Runoff Control – Developing, implementing, and enforcing a program to address discharges of post-construction storm water runoff from new development and redevelopment areas. Applicable controls could include preventive actions such as protecting sensitive areas (e.g., wetlands) or the use of structural best management practices, such as grassed swales or porous pavement.

6) Pollution Prevention/Good Housekeeping for Municipal Operations – Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning).

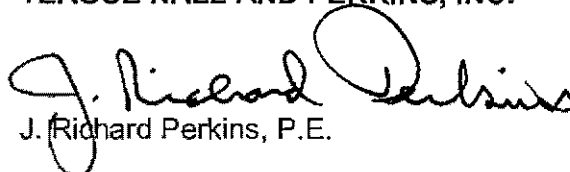
As a regulated small MS4, the Town of Addison will be required to allocate a great deal of time, effort, and financial resources to this storm water program. To ensure that the City implements the most effective program possible, **Teague Nall and Perkins, Inc. (TNP) would like to assist you in your efforts to comply with permit requirements.**

TNP can assist the City in multiple levels of this Phase II program. We can help you meet basic compliance requirements, or develop a comprehensive storm water drainage program that would integrate current flood control systems and other City programs with Phase II requirements. We can assist you in submitting your permit application by helping you establish measurable goals, develop best management practices, enhance community involvement, and work with you on scheduling and budgeting goals.

The TNRCC will be issuing permits by December 9, 2002, and the City will have three months from that date to submit an NOI that details your storm water plan outline and goals for the program. We strongly recommend that you begin the planning process as soon as possible. Should you be interested in our services, TNP's experienced and qualified staff would be glad to assist you in any way possible. Please feel free to contact us if you have any questions or comments. Should you be interested in setting up a meeting to further discuss this matter, we would be glad to accommodate you. Thank you for your time, and we look forward to hearing from you soon.

Very truly yours,

TEAGUE NALL AND PERKINS, INC.


J. Richard Perkins, P.E.

JRP/pc

PHASE II STORMWATER REGULATIONS
Meeting with NCTCOG
March 20, 2002

AGENDA

Introductions

*Dec 10th 02 TNRCC must
Publish Regulations*

Brief Overview of the Regulations
TNRCC Role

March 10th '03 Permit App.

Discussion of Minimum Requirements and Existing or Planned Activities
Stormwater Management Plan

Public Education and Involvement

Illicit Discharge

Construction Site Runoff Controls

Post-construction Runoff Controls

P2/Municipal Good Housekeeping

Stormwater Management Ordinance

*could be done by inspection
yearly*

*Open Space Ord.
Tree Ord.*

*Storm Sewer map is good.
Swim Pool Discharge ^{No} @ Clz*

Current Status

Council Awareness and Interest

Funding

Staff and Other Resources

Regional Opportunities and Local Needs

Next Steps and Other Discussion

Cover Materials in Site Visit Packet from NCTCOG

Maps from NCTCOG

will need to send in an annual report of measurable goals.

Op

Jim Pierce

From: Neil Gayden
Sent: Friday, March 15, 2002 9:03 AM
To: Jim Pierce
Subject: Texas Administrative Code



Texas Administrative
Code.url...

Jim,

Here are the sections in our code addressing stormwater.

Sec. 82.171.9
Sec. 82.191

Also, check out the TNRCC Administrative code for stormwater

[http://info.sos.state.tx.us/pub/plsql/readtac\\$ext.ViewTAC?tac_view=3&ti=30&pt=1](http://info.sos.state.tx.us/pub/plsql/readtac$ext.ViewTAC?tac_view=3&ti=30&pt=1)

January 28, 2002

MEMORANDUM

To: Ron Whitehead, City Manager

From: Jim Pierce, P.E., Assistant Public Works Director

Subject: Texas Pollution Discharge Elimination System (TPDES) Permit for Addison Storm Water

The purpose of this Memo is to inform you about a new program that is coming up that will have an impact on the Town of Addison.

On October 29, 1999, the final Phase II Storm Water Rule was promulgated by EPA as part of The Clean Water Act. The rules require small cities and towns (like Addison) to file for a permit to discharge storm water. The rules are intended to improve the quality of storm water runoff, and hence overall stream water quality. While EPA enacted the rules, they will be enforced by TNRCC by agreement with EPA.

Guidelines for the Phase II storm water regulations state that each affected party must develop and implement Best Management Practices (BMPs) for the following categories:

1. Public Education and Outreach
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Runoff Control (sites between 1 and 5 acres)
5. Post-Construction Storm Water Management
6. Pollution Prevention and Good Housekeeping for Municipal Operations

In December 2002, (or before) TNRCC is obligated to issue a "General Permit" under which the Town of Addison would be permitted to discharge its storm water. The permit will set forth those things that we will have to do to comply, namely set up a program to do items 1 through 6 above. This will require that we write a "Storm water Management Plan" that complies with the rules and pass a Storm Water Ordinance that will require appropriate compliance.

In March 2003, Addison will be required to obtain permit coverage by filing a Notice of Intent to be covered under the General Permit or we will be in violation. In March 2003 we will need to begin implementing the elements of our Storm water Management Plan, and, we must have them fully implemented by 2008. In other words, they give us some time to comply.

The new rules and our permit will have an impact on the Town. We will have to develop a written Storm Water Management Plan addressing Items 1 – 6 above, and we will have to keep track of our activities as each item will have “measureable goals”. Our public relations person will be involved. Facilities will need to be inspected as they are constructed and records will need to be kept. Ditto for facilities after they are constructed. We will need to do periodic screening sampling of our storm water discharges to detect illicit discharges. If we find any, they will have to be eliminated. Again, records will need to be kept. We are doing some of the inspection work now but we don’t keep records. Additional inspection will be needed after facilities are completed to ensure they are maintained properly.

Stormwater Permit Schedule DFW Region

FY2000 Oct 1999 – Sep 2000

- Final EPA Phase II rules published in Federal Register, Dec 1999
- 3rd year annual reports submitted by Ft. Worth, Dallas, other Phase I's, Mar 2000
- Assume TNRCC initiates modification of NPDES program for Phase II if no statutory change is required (due Dec 2000)

FY2001 Oct 2000 – Sep 2001

- EPA obligated to issue a menu of recommended BMP's for Phase II, Oct 27, 2000 (and intends to issue a model permit)
- TNRCC completes modification of NPDES program for Phase II if no statutory change is required, Dec 2000 (Sec 123.62)
- If TNRCC intends to issue a general permit, it must "make available a menu of BMP's" and is encouraged by EPA to make it "appropriate for local conditions", no date shown (Sec 123.35g)
- Proposed next 5-year permit submitted by Fort Worth, Dallas, and Garland to EPA Mar 2001 as part of 4th year annual report
- Pollutant loading calculations are included in 4th year annual report for Phase I's

FY2002 Oct 2001 – Sep 2002

- EPA obligated to issue guidance on the development of measurable goals for Phase II, Dec 2001
- Any TNRCC schedule to "phase-in" permit coverage for entities under 10,000 pop must be approved by EPA, Dec 2001 (Sec 123.35d)
- TNRCC completes modification of NPDES program for Phase II if statutory change is required, Dec 2001 (Sec 123.62)
- Year 2000 Census "urbanized area" designations anticipated, late 2001/early 2002
- Next 5-year permit begins for Fort Worth, Dec 2001; 3 others during 2002 (Dallas, Garland, Dallas-TxDOT)

FY2003 Oct 2002 – Sep 2003

- EPA Region 6 administration of Construction General Permit ends, July 2003
- TNRCC required to "develop a process, as well as criteria" to designate other entities not automatically covered under Phase II, and make such designations, Dec 2002 (Sec 123.35b)
- TNRCC required to issue general permits for Phase II (regulated small MS4s and small (< 5 acres) construction activity), Dec 2002
- Application by Phase II's for general permit coverage due to TNRCC, Mar 2003 and coverage begins
- Industrial activities of local govts <100,000 pop (temporarily exempted by ISTEA) to submit permit application, Mar 2003
- When DFW "urbanized area" redefined by 2000 census, new entities have 180 days after designation to apply for general permit coverage
- Arlington, Irving, Mesquite and Plano submit proposed next 5-year permit to TNRCC



ASCE-EPA Stormwater BMP Database Guides Data Collection Efforts and Provides Summary of Historical BMP Data

by American Society of Civil Engineers Urban Water Resources Research Council
and US Environmental Protection Agency¹

The National Stormwater Best Management Practices (BMP) Database, Version 1.0, is currently being distributed by the American Society of Civil Engineers (ASCE) and the US Environmental Protection Agency (EPA) to stormwater managers, researchers, regulators and consultants throughout the country. The user-friendly Microsoft Access™-based database serves two key purposes: 1) to guide data collection and reporting efforts for those monitoring and tracking BMP performance, and 2) to provide access to BMP performance data in a standardized format for over 70 BMP studies conducted over the last fifteen years.

Development of the database software package was completed in response to the need for a centralized, easy-to-use, scientifically-sound tool for storing BMP study information needed to assess the performance of BMPs under various design and watershed conditions. Although there have been many published and non-published articles and reports on urban stormwater BMP design, maintenance and effectiveness, data have not been collected and reported using consistent methods, reporting protocols and analysis techniques that allow an adequate scientific assessment of BMP design and how design affects their resultant effectiveness. The lack of reliable performance data related to design parameters is a major problem, particularly with regard to the rapid proliferation of wet ponds, dry ponds, wetlands (Figure 1), vegetated conveyance structures, buried vaults and other BMPs around the United States, many of which have been built in response to increasingly stringent federal, state and local regulations.

The database software package, which is currently being distributed on CD-ROM free of charge, has two key components: data entry and data retrieval. The data entry portion of the software serves multiple purposes including providing BMP researchers with a standard set of reporting parameters for BMP research and developing a more consistent and complete national base of information for evaluating BMP performance and design. Representative types of data requested include: test site and watershed characteristics; BMP design and cost data; monitoring instrumentation and cost data; and precipitation, flow, and water quality data (Figure 2). The software is a user-friendly, menu-driven system that includes a complete help system (Figure 3). Parties using the data entry portion of the database are encouraged to submit their data for inclusion in the national database. Limited grant funding is currently available for researchers to enter data associated with qualified studies into the database.

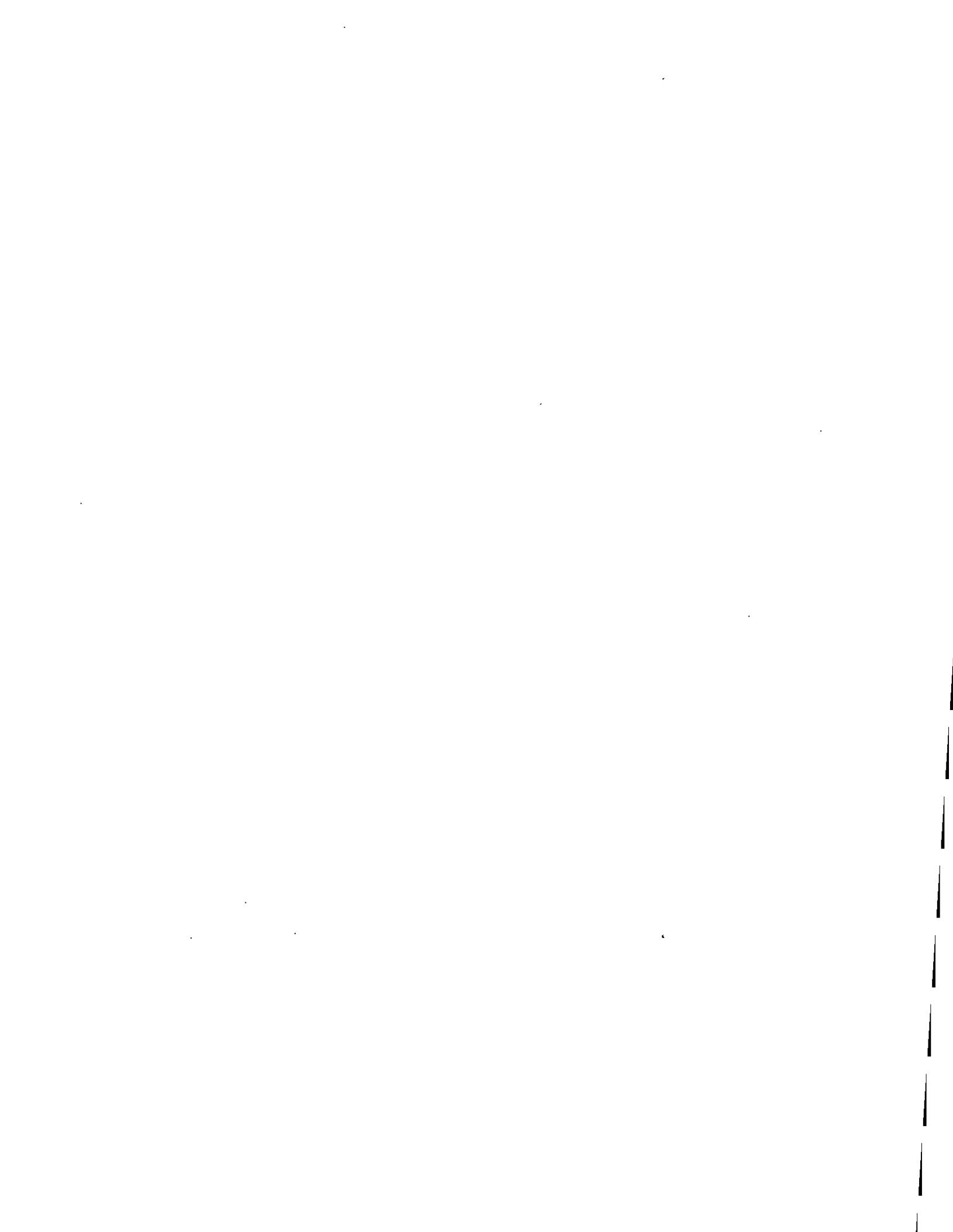
The data retrieval, or "search engine," portion of the software enables users to retrieve data on over 70 BMPs which have met criteria for inclusion in the database. BMP studies currently included in the database include non-structural BMPs (8), grass filter strips (7), media filters (5), porous pavement (5), retention ponds (21), detention basins (7), wetland channels (8), percolation trenches/dry wells (1), wetland basins (7) and hydrodynamic devices (2). Users can retrieve BMP data based on search criteria such as geographic location, watershed size, BMP type, and water quality parameters. The user can either print search results or export the data for further analysis. The BMP data contained in the initial release of the database were narrowed down from a bibliography of over 800 studies that were reviewed and screened based on assessment of whether the studies reasonably met the reporting protocols developed for the database. A key project goal is that the database will continue to grow as new BMP data become available. The BMP data retrieval component of the database will be available over the Internet by December 1999 at <http://bmpdatabase.org>.

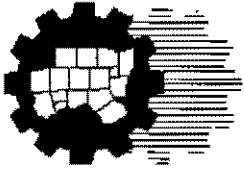
The database itself is one component of a larger project being conducted by a team of members of the Urban Water Resources Research Council of ASCE under grant funding from EPA. The long-term goal of the project is to improve the design technology for BMPs and to better match their selection and design to the local stormwater issues being addressed. Other key aspects of the project that are on-going include development of a standardized set of performance measures for assessing BMP performance and application of these performance measures to the BMPs contained in the database. The goal of these activities is to help elucidate underlying relationships between BMP design and pollutant removal efficiency.

For more information on the database or the overall project, see ASCE's web site at <http://www.asce.org/peta/tech/nsbd01.html> or contact Jane Clary at Wright Water Engineers, Inc.; 2490 West 26th Ave., Suite 100A; Denver, CO 80110; phone: 303-480-1700; e-mail: clary@wrightwater.com.

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¹ Principal Investigators for the project include Ben Urbonas, Urban Drainage and Flood Control District (Denver); Eric Strecker, URS Greiner Woodward Clyde; and Jonathan Jones, Wright Water Engineers, Inc. Eric Strassler is the EPA Project Officer.





REGIONAL COOPERATIVE INITIATIVE: CURB MARKER PURCHASING SURVEY



The following designs have been approved by the RSWMCC for the regional cooperative purchasing of DAS Curb markers. The fish graphic used for the residential marker is compliments of the City of Grand Prairie. Participants in this initiative will benefit from a significant cost savings by ordering in bulk quantities. Before staff can approach DAS Curb and negotiate the bulk price per marker, we need to gauge an approximate interest from your city. By completing this form, you are not making a commitment to purchase at this time. We will take the quantities indicated as a rough estimate for negotiating purposes only so that Staff can gauge the level of interest. Please return this completed form to Leslie Calderon via fax as soon as possible.

Name: _____

Entity Name: _____

Phone Number: _____

We will not be participating in this cooperative: _____

Please indicate what marker(s) your City would be interested in purchasing and the approximate quantity of each. Your City may select more than one marker and still be able to benefit from the bulk cost savings. If you are interested in a Spanish version, please indicate the quantity on the space provided. As a cost estimate please use the following figure: \$2.46 per marker.

INDUSTRIAL MARKER

Quantity: _____

In Spanish: _____

RESIDENTIAL MARKER

Quantity: _____

In Spanish: _____



GENERAL MARKER

Quantity: _____

In Spanish: _____



