

**PART III: STORMWATER MANAGEMENT PROGRAM**

**A. Overview.**

1. To control the quality of stormwater discharged from the MS4 that reach waters of the U.S., the permittees shall continue implementation of the comprehensive Stormwater Management Program (SWMP) revising and modifying as needed. The SWMP will include:
  - a. pollution prevention measures;
  - b. treatment or pollutant removal techniques;
  - c. stormwater monitoring;
  - d. use of legal authority; and
  - e. other appropriate measures.
2. New and existing elements of the SWMP must be modified or revised as needed to include measurable goals. The measurable goals must include, as appropriate, the months and years where the permittees will undertake required actions, including interim milestones and the frequency of the action of each MCM described in Part III.B. of this permit.
3. The SWMP, taken as a whole, must include controls necessary to effectively prohibit the discharge of non-stormwater into the MS4 (except as described in Part III, Section B.2.c. of this permit) and reduce the discharge of pollutants from the MS4 to the maximum extent practicable.
4. 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 Clean Water Act (CWA) Section 402, Texas Water Code Chapter 26, applicable EPA and TCEQ regulations, and the requirements of this TPDES permit. Any modifications to the SWMP shall be made in accordance with Part III, Section G.2. of this permit. Compliance with the SWMP is defined as compliance with Part III, Section B. The SWMP and all approved updates are incorporated by reference.
5. The controls and Best Management Practices (BMPs) included in the SWMP constitute effluent limitations for the purposes of compliance with the requirements of 30 TAC Chapter 319, Subchapter B, related to Hazardous Metals, unless otherwise limited in the permit.

**B. SWMP Components.**

1. The SWMP must contain the following minimum control measures (MCMs) for:
  - a. MS4 maintenance activities;
  - b. post-construction stormwater control measures;
  - c. detection and elimination of illicit discharges;

- d. pollution prevention and good housekeeping for municipal operations;
- e. limiting pollutants in industrial and high risk stormwater runoff;
- f. limiting pollutants in stormwater runoff from construction sites;
- g. public education, outreach, involvement, and participation; and
- h. monitoring, evaluating, and reporting.

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. a. of the permit and any applicable TMDL I-Plans.

- 2. The permittees shall ensure that the following list of MCMs is implemented.
  - a. MCM 1, MS4 Maintenance Activities.
    - i. Structural Controls. To the maximum extent practicable (MEP), the permittees shall continue to operate and maintain the MS4, including any stormwater structural controls, in such a manner as to reduce erosion and the discharge of pollutants.
    - ii. Floatables. The permittees shall continue to implement a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) into the MS4. The permittees shall include source controls at a minimum and structural controls and other appropriate controls where necessary.
    - iii. Roadways. The permittees shall continue to operate and maintain public streets, roads, and highways to minimize the discharge of pollutants, including pollutants related to deicing or sanding activities.
  - b. MCM 2, Post-Construction Stormwater Control Measures.
    - i. The permittees shall continue implementation and enforcement of the controls to minimize the discharge of pollutants from areas of new development and significant redevelopment after construction is completed. The goals of such controls must include:
      - A) limiting increases in erosion and the discharge of pollutants in stormwater as a result of new development; and
      - B) reducing erosion and the discharge of pollutants in stormwater from areas of redevelopment.
    - ii. The permittee shall continue to implement a comprehensive master planning process (or equivalent) to include all new development and redevelopment projects that disturb one acre or more 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 acre or more.

- iii. The permittees shall evaluate the existing SWMP as necessary to ensure that this MCM includes a regulatory mechanism, such as an ordinance, to implement and enforce the new requirements of this program and shall ensure that the SWMP includes strategies for structural and non-structural controls (i.e., BMPs) appropriate for the community. In addition, the permittees shall provide for adequate long-term operation and maintenance of BMPs.
  - iv. The permittees shall assess the impacts on the receiving water(s) for all flood control projects. Where feasible, new flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. If applicable, the retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented to the maximum extent practicable.
- c. MCM 3, Illicit Discharge Detection and Elimination.
- i. The permittees shall prohibit illicit non-stormwater discharges from entering the MS4. The permittees shall continue to develop a program, including a schedule, to detect and eliminate illicit discharges and improper disposal into the MS4. This program shall include:
    - A) A description of the program, including inspections, to implement and enforce an ordinance, orders, or similar means to prevent illicit discharges to the MS4;
    - B) A description of procedures to conduct on-going field screening activities, including areas or locations that will be evaluated by such field screens;
    - C) A description of procedures to be followed to investigate portions of the MS4 that indicate a reasonable potential of containing illicit discharges or other sources of non-stormwater;
    - D) A description of procedures to prevent, contain, and respond to spills that may discharge into the MS4;
    - E) A description of a program to promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges from the MS4;
    - F) A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and
    - G) A description of controls to limit infiltration of seepage from municipal sanitary sewers to the MS4 where necessary.
  - ii. For the purposes of this permit, the following discharges need not be addressed as illicit discharges by the permittees nor prohibited from

entering the MS4:

- A) discharges regulated by a separate NPDES or TPDES permit;
  - B) discharges for which an NPDES or TPDES permit application has been submitted or neither an NPDES nor TPDES permit is required; and
  - C) miscellaneous non-stormwater discharges (See list in item iv below).
- iii. The SWMP must identify all categories of miscellaneous, non-stormwater discharges that may be discharged into the MS4, and include a description of any local controls or conditions placed on discharges exempted from the prohibition on non-stormwater.
- iv. Miscellaneous, non-stormwater discharges that may be authorized by the permittees include:
- A) water line flushing;
  - B) landscape irrigation;
  - C) diverted stream flows;
  - D) rising ground waters;
  - E) uncontaminated ground water infiltration;
  - F) uncontaminated pumped ground water;
  - G) discharges from potable water sources;
  - H) foundation drains;
  - I) air conditioning condensation;
  - J) irrigation water;
  - K) springs;
  - L) water from crawl space pumps;
  - M) footing drains;
  - N) lawn watering;
  - O) street wash water;
  - P) individual residential vehicle washing;
  - Q) wash waters using only potable water, and which are similar in quality and character to street wash water or individual residential

- vehicle washing but without the use of detergents or surfactants;
  - R) flows from riparian habitats and wetlands;
  - S) dechlorinated swimming pool discharges;
  - T) other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
  - U) other allowable non-stormwater discharges listed in the TPDES Construction General Permit No. TXR150000 and TPDES Multi-Sector General Permit No. TXR050000; and
  - V) other similar occasional incidental non-stormwater discharges as determined in item ii. above).
- v. Program descriptions must address discharges or flows from fire-fighting activities only where such discharges or flows are identified as significant sources of pollutants.
- vi. The permittees shall prohibit any individual non-stormwater discharge otherwise exempted under this paragraph from the prohibition on non-stormwater if it is determined by the permittees that the discharge is contributing significant amounts of pollutants to the MS4.
- vii. Elimination of Illicit Discharges and Improper Disposal.
- A) The permittees shall continue to require the operator of an illicit discharge or improper disposal practice to eliminate the illicit discharge or stop the improper disposal practice as quickly as reasonably possible. If the elimination of an illicit discharge within 30 days is not possible, the permittees shall continue to require the operator of the illicit discharge to remove the discharge according to an expeditious schedule. Until the illicit discharge or improper disposal is eliminated the permittees shall continue to require the operator of the illicit discharge to take all reasonable measures to minimize the discharge of pollutants to the MS4.
  - B) The permittees shall continue to:
    - 1) keep a list of techniques used for detecting illicit discharges and revise the list as necessary; and
    - 2) use appropriate actions and enforcement procedures for removing the source of an illicit discharge, and revise where necessary.
- viii. Overflows and Infiltration. The permittees shall continue to implement controls where necessary and feasible to prevent dry weather and wet weather overflows from sanitary sewers into the MS4. The permittees shall continue to limit the infiltration of seepage from municipal sanitary sewers into the MS4.

- ix. **Household Hazardous Waste and Used Motor Vehicle Fluids.** The permittees shall prohibit the discharge or disposal of used motor vehicle fluids and household hazardous wastes, and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into the MS4.
  - A) The permittees shall continue to ensure the implementation of programs to collect used motor vehicle fluids (including, at a minimum, oil and antifreeze) and household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycling, reuse, or proper disposal. Such programs shall be readily available to the residential sector within the MS4 and shall be publicized and promoted on a regular basis.
  - B) Household hazardous waste collection centers that are operated by the permittees as a SWMP element are not an industrial activity requiring a separate TPDES authorization for the discharge of stormwater.
- x. **MS4 Screening and Illicit Discharge Inspections.** To locate portions of the MS4 with suspected illicit discharges and improper disposals, the permittees shall continue implementation of the Dry Weather Screening Program described in Part III, Section B.2.h.i. of this permit. Follow-up activities to eliminate illicit discharges and improper disposals may be prioritized on the basis of magnitude and the nature of the suspected discharge, sensitivity of the receiving water, or other relevant factors. The entire MS4, but not necessarily each individual outfall, shall continue to be screened at least once per five years.
- xi. **Priority Areas.** *Within one year from the date of permit issuance*, the permittees shall develop a list of priority areas likely to have illicit discharges. The permittees shall continue to evaluate and update this list each year and report the results in the annual report.
- xii. **NPDES and TPDES Permittee List.** The permittees shall maintain an updated list of dischargers that discharge directly to the MS4 and that have been issued an NPDES or a TPDES permit. The list shall include the name, location, and permit number (if known) of the discharger.
- xiii. **MS4 Map.**
  - A) The permittees shall maintain a current, accurate MS4 map of the location of all MS4 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 their SWMP. Where possible, the permittees shall use the Global Positioning System (GPS) to locate outfalls and photographs for documenting baseline conditions.
  - B) The permittees shall document the source information used to

- develop the MS4 map, including how the outfalls are verified and the process regarding how the map will be regularly updated.
- C) **New MS4 Areas:** The permittees shall continue to develop and implement procedures to ensure that the above mapping requirements in Part III.B.2.c.xiii are met for any new additions to the MS4.
  - D) **Existing MS4 Areas:** The permittees shall continue evaluate all existing portions of the MS4 and that the mapping requirements have been implemented to the maximum extent practicable.
- xiv. **Spill Prevention and Response.** The permittees shall continue to implement existing programs that prevent, contain, and respond to spills that may discharge into the MS4. The spill response programs may include:
- A) a combination of spill response actions by the permittees or another public or private entity; and
  - B) legal requirements for private entities within the jurisdiction of the permittees.
- d. **MCM 4, Pollution Prevention and Good Housekeeping for Municipal Operations.**
- i. **Pollution Prevention and Good Housekeeping program.** The permittees shall continue to implement a pollution prevention and good housekeeping program for municipal operations. The program must include MCMs that address:
    - A) identification and implementation of good housekeeping and best management practices (BMPs) to reduce pollutant runoff from municipal operations, such as street and highway maintenance, parks, municipal office buildings, and water treatment plants;
    - B) reduction of discharge of pollutants to the MEP from road repair, equipment yards, material storage facilities, or maintenance facilities;
    - C) training for all employees responsible for municipal operations, which includes information on preventing and reducing stormwater pollution from all municipal operations subject to this MCM; and
    - D) within one year from the date of permit issuance, implement a program for) structural control maintenance.
  - ii. **Waste Handling.** The permittees shall ensure that waste removed from the MS4 or other municipal operations is properly disposed.
  - iii. **Pesticide, Herbicide, and Fertilizer Application.** The permittees shall continue to implement controls to reduce the discharge of pollutants

related to the storage and application of pesticides, herbicides, and fertilizers, by their employees or contractors, to public rights-of-way, parks, or other municipal property. If the permittees have jurisdiction over lands they do not directly own (e.g. incorporated city), they shall implement programs to reduce the discharge of pollutants related to the commercial application and distribution of pesticides, herbicides, and fertilizers on those lands.

- iv. List of Municipal Facilities. The SWMP must include a list of all municipal operations subject to the municipal operation, maintenance, and training programs listed under this MCM and all municipally owned and operated industrial activities subject to TPDES or NPDES industrial stormwater regulations.
- e. MCM 5, Industrial and High Risk Runoff.
  - i. The permittees shall continue to improve their existing programs to identify and control pollutants in stormwater discharges to the MS4 from: municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g., transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittees determine to be contributing a substantial pollutant loading to the MS4.
  - ii. This MCM must include:
    - A) priorities and procedures for inspections and for establishing and implementing control measures for such discharges; and
    - B) an Industrial and High Risk Monitoring Program as described in Part III, Section B.2.h.iii. of this permit.
- f. MCM 6, Construction Site Stormwater Runoff.
  - i. The permittees shall continue to implement a program to reduce the discharge of pollutants into the MS4 from construction sites. This MCM must include an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law. The permittees shall continue to ensure that the existing program is revised as necessary to address construction projects that result in a land disturbance of one acre or more, including activities disturbing less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more.
  - ii. This MCM must include:
    - A) requirements to use and maintain appropriate erosion and sediment control BMPs to reduce pollutants discharged to the MS4 from construction sites;

- B) requirements for construction site operators to address the control of site waste, such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste;
  - C) requirements for inspections of construction sites and enforcement of control measure requirements;
  - D) requirements for the permittees to provide appropriate education and training measures to construction site operators;
  - E) notifications to construction site operators of their potential responsibilities under the NPDES or TPDES permitting regulations and permits for construction site runoff;
  - F) procedures for site plan review that incorporate consideration of potential water quality impacts;
  - G) procedures for receiving and considering input received from the public;
  - H) procedures for site plan review of sediment and erosion plans; and
  - I) 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.
- iii. Lists of Sites. The permittees shall maintain a current list of construction sites that discharge directly to the MS4 and that have been issued an NPDES or 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).
- iv. The permittees shall ensure and demonstrate that this MCM includes the following elements, in addition to those listed above:

- A) The permittees shall require construction site contractors to implement appropriate erosion and sediment control BMPs and control waste (for example, discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste) at the construction site that may cause adverse impacts to water quality.
- B) The permittees shall develop procedures for site plan reviews that incorporate consideration of potential water quality impacts, receipt and consideration of information submitted by the public, and site inspections and enforcement of control measures to the extent allowable under state and local law.
- C) The permittee shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to conduct these activities. The training may be conducted by the permittee or by outside trainers.

g. MCM 7, Public Education, Outreach, Involvement and Participation.

1. Public Education and Outreach

- A) The permittees shall 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 personnel and provide justification for any group that is not addressed by the program. The permittees shall document the activities conducted and materials used to fulfill this program element and provide enough detail to demonstrate the amount of educational and outreach resources and materials used to address each group.
- B) The permittees shall continue to implement a public education and outreach program component to promote, publicize, and facilitate:
  - 1) public reporting of illicit discharges or improper disposal of materials, including floatables, into the MS4;
  - 2) the proper management and disposal of used oil and household hazardous wastes; and
  - 3) the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors.

ii. Public Involvement and Participation.

The permittees shall continue to develop and implement a public involvement and participation program which complies with State, Tribal, and local public notice requirements. This program element must include

opportunities for a wide variety of constituents within the MS4 area to participate in the SWMP development and implementation.

- h. MCM 8, Monitoring, Evaluating, and Reporting. The permittees shall continue to implement, and modify as necessary, the following monitoring or screening programs for dry weather, wet weather, and industrial and high risk runoff:
- i. Dry Weather Screening Program. This program shall continue the permittee's/permittees' efforts to detect the presence of illicit connections and improper discharges to the MS4. All areas of the MS4 must be screened at least once during the permit term. The permittees may utilize modified screening methods based on experience gained during previous field screening activities; the screening methods are not required to conform to the protocol in 40 CFR § 122.26(d)(1)(iv)(D). Sample collection and analysis is not required to conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures."
  - ii. Wet Weather Screening Program: The permittees shall identify, investigate, and address areas within their jurisdictions that may be contributing excessive levels of pollutants to the MS4.

The wet weather screening program shall:

- A) screen the MS4, as specified in the SWMP; and
- B) specify the sampling and non-sampling techniques to be used for current screening and also for follow-up screening.

Sample collection and analysis for the Wet Weather Screening Program is not required to conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures." However, samples taken to confirm (e.g., in support of possible legal action) a particular illicit connection or improper disposal practice must conform to the requirements of Part V.B.2.

- iii. Industrial and High Risk Runoff Monitoring Program.
  - A) This program must include monitoring for pollutants in stormwater discharges to the MS4 from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g., transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittees determines to be contributing a substantial pollutant loading to the MS4.
    - 1) The program must include an inspection program to look closely at the activities of facilities capable or discharging industrial and high-risk runoff to the MS4. The inspection plan must identify the facility, risk level, and an inspection schedule.
  - B) The Industrial and High Risk Runoff Monitoring Program must

include the collection of quantitative data on parameters that have been identified by the permittees as a pollutant of concern for that facility and shall:

- 1) coincide with the corresponding industrial sector-specific requirements of the TPDES Multi-Sector General Permit No. TXR050000 or any applicable general permit issued after September 29, 1995, and is not contingent on whether a particular facility is actually covered by the general permit;
  - 2) coincide with the monitoring requirements of any individual permit for the stormwater discharges from that facility; and
  - 3) include pollutants of concern for the stormwater discharge from that facility as identified by the permittees.
- C) To avoid the duplication of efforts, the permittees may review data collected by a facility as required by any state or federally issued individual permit or general permit authorization for that facility rather than performing additional sample collection and analysis.
- D) In lieu of the monitoring discussed above, the permittees may accept a "no exposure" certification from a facility, which certifies that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to stormwater and are not expected to be exposed to stormwater for the certification period. Where a permittee accepts a "no exposure" certification, the permittee shall conduct site inspections of the facility not less than once per permit term OR to verify the "no exposure" certification; the permittees may waive this inspection for those facilities which participate in the TCEQ's Small Business and Local Government Assistance Compliance Commitment (C2) Program.
- E) The permittees may also waive monitoring requirements under this permit for facilities that they determine are in compliance with the TPDES Multi-Sector General Permit No. TXR050000.
- iv. Storm Event Discharge Monitoring. The permittees shall comply with the monitoring requirements in Part IV of this permit to characterize the discharge from the MS4.
  - v. Floatables Monitoring. The permittees shall implement a floatables program as described in Part IV, Section B of this permit.
- C. **Deadlines for SWMP Compliance.** The permittees 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 permittees 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:
    - a. Part III, Section B.2.c.vii.B), relating to the detection and elimination of illicit discharges;
    - b. Part III, Section B.2.d.i., relating to the pollution prevention/good housekeeping program for municipal operations;
  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. If the permittees choose to monitor stormwater discharges according to Part IV, Section A.2. of the permit, then the permittees shall submit the following to the Stormwater & Pretreatment Team, MC-148:
    - a. *within 90 days of the date of permit issuance*, a letter indicating that the outfalls included in Part IV, Section A.2. of this permit are representative of the land use activities which discharge into the MS4; or
    - b. *within 180 days of the date of permit issuance*, a letter indicating that the outfalls included in Part IV, Section A.2. of this permit are not representative of the land use activities which discharge to the MS4, with a list of the additional outfalls and revised locations.
  4. Compliance Schedules: During each permit year, the permittees shall demonstrate, at a minimum, partial compliance with each new requirement.
- D. Roles and Responsibilities of Permittees.** For shared programs, the SWMP shall clearly identify the roles and responsibilities of each permittee.
- E. Legal Authority.** Each 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, 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. control through interagency agreements among permittees the contribution of pollutants from one portion of the MS4 to another;
  5. require compliance with conditions in ordinances, permits, contracts, or orders; and

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

**F. SWMP Resources.** The permittees shall provide adequate finances, staff, equipment, and support capabilities to implement their activities required by the SWMP.

**G. SWMP Review and Updates.**

1. **SWMP Review.** The permittees shall participate in the annual review of the current SWMP in conjunction with the preparation of the annual report required under this permit.
2. **SWMP Updates Requested by the Permittees.** No permittee shall revise the SWMP without the prior written approval of the TCEQ unless the modification is to add controls or replace a less effective or infeasible BMP with an alternate BMP.
  - a. The permittees may add components, controls, or requirements to the SWMP at any time upon written notification to the TCEQ.
  - b. The permittees, at any time, may request authorization to replace less effective or infeasible BMPs specifically identified in the SWMP with alternate BMPs. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the permittees 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 of 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 permittees determine that a component, control, or requirement is not effective in reducing or eliminating the impacts of pollutants on water quality, then the permittees may remove this BMP without replacement only after receiving written approval from the TCEQ's Stormwater & Pretreatment Team. The permittees shall submit this request in writing to the TCEQ Stormwater & Pretreatment Team (MC-148) and shall include an explanation as to why the BMP is considered ineffective, as well as the method of review that was utilized to determine its ineffectiveness. The permittees shall also demonstrate that the permit discharges from the MS4 will continue to meet the maximum extent practicable (MEP) standard for reducing pollutants, as well as the water quality requirements, after the BMP is removed.
  - 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 shall be considered approved and may be implemented by the permittees 60 days from submittal date.
  - e. Change requests or notifications must be made in writing to the TCEQ's Stormwater & Pretreatment Team (MC-148), signed by all directly affected

permittees in accordance with Part V, Section B.8. of this permit, and must include a certification that all permittees were given an opportunity to comment on the proposed changes prior to submittal to the TCEQ.

3. SWMP Updates Required by the TCEQ.
  - a. The TCEQ may require changes to the SWMP through a permit amendment or modification as needed to:
    - i. address impacts on receiving water quality either caused or contributed to by discharges from the MS4;
    - ii. include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements;
    - iii. include such other conditions deemed necessary to comply with the goals and requirements of the Texas Water Code or the Clean Water Act; or
    - iv. incorporate new program elements necessary to continue to meet the MEP standard.
  - b. If the TCEQ requires changes to the SWMP, the changes will be made through a permit amendment, which will be conducted in accordance with 30 TAC § 305.62. Prior to making any changes to the SWMP, the TCEQ will:
    - i. notify the permittees in writing of the required changes;
    - ii. provide an explanation of the required changes;
    - iii. set forth the time schedule for the permittees to develop these changes; and
    - iv. allow the permittees an opportunity to propose alternative program changes to meet the objective of the request.
4. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.
  - a. The permittees shall implement the SWMP on all new areas added to their portion of the MS4 (or for areas where 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.
  - b. *Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittees shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report.*
5. Retention of Records. The permittee shall retain the SWMP and all associated

records for at least three years after coverage under this permit terminates.