



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

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

#### Report Content

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

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

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

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

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

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

must be posted no later than 30 days after the approval date, and the annual report no later than 30 days after the due date.

#### **A. General Information**

- 1. Provide the:
  - assigned authorization number TXR040{*XXX*}
  - reporting year (1, 2, 3, 4, or 5)
  - reporting option selected (i.e. calendar year, permit year, or fiscal year with last day of fiscal year [MM/DD])
  - beginning and end dates (MM/DD/YYYY to MM/DD/YYYY) of the annual reporting period
  - MS4 operator level:
    - traditional small MS4s level is based on the population served within the 2010 Urbanized Area (See Part II.A.5 of TXR040000 to determine MS4 level)
    - ➤ non-traditional small MS4s all non-traditional small MS4s are categorized as Level 2 regardless of population served within the Urbanized Area. These include counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts, and other special districts
  - name of the permittee (owner/operator of the MS4, i.e. municipality, water district, etc.)
  - name, telephone number, mailing address, and e-mail address for the appropriate contact person

#### **B. Status of Compliance with the MS4 GP and SWMP**

The purpose of the annual report is to inform the TCEQ of the status of compliance with permit conditions and the approved SWMP, including the appropriateness of each best management practice (BMP) and the progress towards achieving the measurable goals for each BMP utilized or implemented during the reporting year. Please model the reported information after the examples provided.

The report must include the status of compliance with permit conditions according
to Part IV and V of the permit. Include compliance with the TCEQ-approved
SWMP, compliance with recordkeeping and reporting requirements, compliance
with permit eligibility requirements, and compliance with conducting an annual
review of its SWMP in conjunction with preparation of the annual report as
required in Part II E.4.

- 2. Each MS4 is required to assess the appropriateness of each BMP in reducing the discharge of pollutants to the maximum extent practicable (MEP). Provide a detailed assessment of the appropriateness of the selected BMPs, including whether any of the selected BMPs are not appropriate. This information may be included in a tabular format as provided in the form (see Example 1 BMP Status).
- Describe progress towards reducing the discharge of pollutants. Summarize any information used to evaluate reductions in the discharge of pollutants to the MEP. This information may be included in a tabular format as provided in the form (see Example 2 Pollutant Reduction Analysis).
- 4. Measurable goals are objective markers or milestones the MS4 will use to track the progress and effectiveness of BMPs in reducing pollutants to the MEP. Provide an assessment of the appropriateness of the implementation of the measurable goals of each minimum control measure (MCM) and an evaluation of the success of implementation, including any obstacles or challenges in meeting the SWMP schedule, etc. (see Example 3 Measurable Goals Status).

#### C. Stormwater Data Summary

Provide a summary of the results of information collected and analyzed during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP. For example, did the MS4 conduct monitoring of stormwater quality, conduct visual inspections, clean the inlets, look for illicit discharge, etc..

#### **D. Impaired Waterbodies and Total Maximum Daily Loads**

If the receiving water body is listed as impaired in the latest Clean Water Act 303(d) list, or has an approved TMDL and is listed in the most recently approved **Texas Integrated Report Index of Water Quality Impairments**, refer to Part II.D for additional information about limitations on permit coverage, compliance with water quality standards, TMDL compliance requirements, and prohibited discharges (Edwards Aquifer Recharge Zone, specific watersheds, etc.).

Impaired waters are those that do not meet applicable water quality standards and are listed in the latest Clean Water Act 303(d) list or in the latest Texas Integrated Report Index of Water Quality Impairments. Pollutants of concern are those for which the water body is listed as impaired or has an approved TMDL. New sources or new discharges of the pollutant(s) of concern to impaired waters are not authorized by the permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law.

To determine if your receiving water has been listed as impaired, refer to the most recent **Texas Integrated Report Index of Water Quality Impairments** on the TCEQ website at  $< \frac{\text{Texas List of Impaired Waters}}{\text{Texas List of Impaired Waters}} >$ .

Categories 4 and 5 together comprise the list of all impaired waters. Category 4 includes impaired waters for which TMDLs have already been adopted, or for which other management strategies are underway to improve water quality. Category 5 of the Integrated Report comprises the 303(d) List.

A TMDL is the maximum amount of a water quality contaminant that can be discharged into a body of surface water on a daily basis without causing an exceedance of surface water quality standards. For more information about TMDLs go to: < TMDL Program >.

For specific information on segments with TMDLs adopted by the TCEQ go to: < <a href="Segments with TMDLs">Segments with TMDLs</a>>.

**Note:** Discharges of pollutant(s) of concern to impaired water bodies for which there is a TMDL implementation plan (I-Plan) are not eligible for coverage under this general permit <u>unless</u> they are consistent with the approved TMDL and the I-Plan. In order to be eligible for permit coverage, MS4 operators must incorporate into their SWMP the limitations, conditions, and requirements applicable to their discharges, including monitoring frequency and reporting as required by TCEQ rules. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual TPDES permit.

- 1. Determine each year if any receiving water body within the permitted area was added to the latest EPA-approved 303(d) list or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)*. Within two years following the approval date of the new list(s) of impaired waters, include any newly listed waters in the annual report and SWMP.
- 2. If applicable, explain in the worksheets any activities taken to address the discharge to impaired waterbodies, including any in-stream or outfall sampling results or other available data (include the source of the data) and a summary of the small MS4's BMPs used to address the pollutant of concern. Data may be acquired from the TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate.
- 3. Include information about implementing targeted controls as required in Part II. D.4(a).
- 4. Report the benchmark and assessment activities. Annual reports should include the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities as required in Part II.D.4(a).
- 5. Add an analysis of how the selected BMPs will be effective in contributing to achieve the benchmark as required in Part II.D.4(a)(2).
- 6. Implement focused BMPs to address impairment for bacteria as required in Part II.D.4(a)(5).

7. Assess progress in achieving the benchmark as required in Part II.D.4(a)(6).

#### E. Stormwater activities next reporting year

Use the table provided to describe any stormwater activities the MS4 operator has planned for the next reporting year as required in Part II.B.2(d).

#### F. SWMP Modifications and Additional Information

- 1. All permittees shall annually review, and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2 and Part IV.B.2(e).
- 2. If changes have been made or are proposed to the SWMP, those modifications must be addressed in the annual report as required in Part IV.B.2 of the permit. If the TCEQ has notified you in writing that changes to the SWMP are necessary, those changes must be included in the report. Be sure to provide the following information in the explanation (see Example 4 SWMP Modifications):
  - i. Describe changes made to or proposed for the SWMP during the reporting year, including changes to BMPs, measurable goals, dates, contacts, procedures, or details during the permit year.
  - ii. If changes include additions or substitutions of BMPs, include a written analysis explaining why the original BMP is ineffective or not feasible, and why the replacement BMP is expected to achieve the goals of the original BMP.

**Note:** A Notice of Change (NOC) is required if revisions are proposed to a SWMP already approved by the TCEQ. If the initial SWMP has not been approved, submit a letter describing the change(s) so that information may be considered during the SWMP review process. **If an NOC is required, it must be submitted separately to the address shown on the NOC form. Do not attach the NOC form to this report.** 

#### **G. Additional BMPs**

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans as required in Part IV.B.2(f).

#### **H. Additional Information**

1. Indicate if the MS4 is relying on another entity to satisfy some of the permit obligations. Include the name of the other entity and an explanation of the elements of the SWMP that the entity is responsible for implementing as required in Part IV.B.2(g). A description of the agreement or written documentation of the agreement must be included in the SWMP.

- 2. If permittees share a common SWMP, list all associated authorization numbers, permittee names, and SWMP responsibilities of each permittee. Add more spaces or pages if needed.
- 3. Indicate if this is a system-wide annual report including information for all permittees. If "Yes," all represented permittees must sign the report in accordance with signatory requirements. The regulation governing who may sign an application form is at 30 Texas Administrative Code (TAC) §305.128.

#### **I. Construction Activities**

- Provide the number of construction activities that occurred in the jurisdictional area of the MS4 where the permittee was not the construction site operator as required in Part IV.B.2(i). This may be the actual number of Large Site Notices and Small Site Notices submitted to the MS4 operator by construction site operators.
- 2. Does the permittee utilize the seventh MCM related to construction? To answer "Yes," this must have been requested on the Notice of Intent (NOI) or on an NOC and approved by the TCEQ.
  - If "Yes," then provide information about the number of municipal construction activities authorized under this general permit during the reporting period and the total number of acres disturbed for municipal construction projects.

#### J. Certification

The annual report must be signed by a principal executive officer or ranking elected official, or by a duly authorized representative as referenced in 30 TAC §305.128. The Delegation of Signatories to Reports (TCEQ Form 20403) can be located by visiting TCEQ's < FORMS > Web page and entering the form number.

For shared SWMPs, it is acceptable to submit separate signature pages for each operator participating in the shared SWMP, along with one copy of the system-wide annual report.

All certification pages must include an original, wet ink signature. Photocopies, scanned pages, and electronic signatures cannot be accepted.

## **Example 1- BMP Status**

MCM(s)	ВМР	BMP is appropriate for reducing the discharge of pollutants in stormwater (Answer Yes or No and explain)
2: Illicit Discharge Detection and Elimination	Map all outfalls and all water bodies receiving discharges from the MS4	Yes, identified 10 new sources and eliminated 2.
2: Illicit Discharge Detection and Elimination	Perform field screening of outfalls	Yes, there was an increase in illegal discharge detection through screening.
3/4: Construction Site Control and Post-Construction Site Control	Implement stormwater ordinance for construction and post-construction runoff control	Yes, there were reductions in sanitary sewer overflows (SSOs).
5: Pollution Prevention & Good House-keeping for Municipal Operations	Train all public works and streets staff	Yes, conducted 5 educational opportunities for staff.
6. Industrial stormwater sources – if applicable	Inspect industrial facilities	Yes, there was a decrease in illegal dumping into water bodies.

## **Example 2 - Pollutant Reduction Analysis**

МСМ	ВМР	Information Used	Quantity	Units	Does BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)
1	1.1 Public education	Utility bill stuffers	300	Brochures	No. Though this BMP does not result in a direct reduction of pollutants, educating the citizens will eventually reduce litter, hence pollutants.
2	2.4 Dry weather screening	Outfalls	20	Inspections	Yes. When illicit discharges are observed, immediate action can be taken to remove the pollutant and track the source.
3	3.3 Construction site inspection	Construction sites	5	Inspections	Yes. By inspecting the contractor-owned construction sites, we can evaluate if proper BMPs are in place to reduce sediment discharge and erosion.
4	4.8 Construction plan review	Plans	5	Reviews	No. The pollutants will be reduced over time as the permanent post-construction BMPs are utilized.

## **Example 3 – Measurable Goals Status**

МСМ	Measurable Goal(s)	Explain progress toward goal or how goal was achieved
1	Provide utility bill inserts to each utility customer at least once each year	Met goal – mailed 86,192 inserts with March monthly utility bill.
1	Conduct one public meeting or city-wide cleanup day each year	Exceeded goal- conducted one public meeting and two cleanup days.
2	Map 25% of outfalls and 50% of receiving waters during Year 1 (same as milestone)	Met goal – mapped 20 outfalls out of 80 and 3 of 5 receiving waters.
3	Perform site inspections on 25% of all active construction sites	Did not meet goal - number of construction sites in city was far above normal for the year. Inspected 20% - 137 out of 548.
3	Respond to 100% of construction complaints received	Met goal – responded to 193 of 193 construction activity complaints.
4	Review all site plans submitted for new development projects	Met goal – reviewed 127 of 127 site plans submitted.
5	Sweep 50% of roads each year	Exceeded goal – swept 80% of all city streets.
5	Send two employees each year to a stormwater training workshop	Met goal – two employees attended stormwater training this year.
6	Inspect 5 industrial facilities	Met goal – inspected 5 industrial facilities.

#### **Example 4- SWMP Modification**

MCM(s)	Measurable Goal(s) or BMP(s)	Implemented or Proposed Changes (Submit NOC as needed)
3	Measurable Goal - perform site inspections on 25% of all active construction sites	Revise goal to perform site inspections on 25% of all active construction sites, or a minimum of 50 sites per year. Submitted separate NOC on 3/14/2015.
5	Measurable Goal- update inventory list quarterly	Revised Goal – update inventory list annually. Submitted separate NOC on 3/14/2015.
1	BMP 1.8	Change the implementation schedule from January 2015 to completion in May 2015 due to staff changes. Submitted Separate NOC on 01/05/2015.
2	BMP 2.4	Delete ineffective BMP – Dye Testing, and replace with effective BMP - Smoke Testing, to identify sanitary sewer system leaks. Submitted separate NOC on 06/12/2015.

#### **Example 5 – Cover Letter Template**

Submit on letterhead, and include:

- the mail date of the letter and report;
- the MS4 name and authorization number;
- the TCEQ region number where the MS4 sent a copy of the annual report; and
- the name(s) and authorization number(s) of other MS4s contributing to the SWMP if applicable.

Letterhead

{Date of Letter}

Texas Commission on Environmental Quality Stormwater Team Leader (MC-148) P.O. Box 13087 Austin, Texas 78711-3087

Re: Phase II MS4 Annual Report Transmittal for {Name of Small MS4}
TPDES Authorization: TXR040 {include MS4's unique 3-digit authorization number}

#### Dear Team Leader:

This letter serves to transmit the required annual report for the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, Authorization Number TXR040{XXX} for the {name of the Small MS4}.

The annual report is for Year\_\_\_\_ (select the appropriate number 1, 2, 3, 4, or 5). The reporting period's beginning month/day/year and ending month/day/year.

A separate Notice of Change [has been / has not been / will be] submitted based on the fact that changes [have been / have not been] proposed for the next permit year. The Notice of Change was submitted to TCEQ's Applications Review and Processing Team (MC-148): (Select the addressed used)

BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality Applications Review and Processing Team (MC-148) P.O. Box 13087 Austin, Texas 78711-3087

BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality Applications Review and Processing Team (MC-148) 12100 Park 35 Circle Austin, TX 78753

As required by the general permit, a copy of the report has been mailed to the TCEQ's regional office  $\{number\}$  in  $\{city\}$ , Texas.

Sincerely,

{Name and Title}

## Phase II (Small) MS4 Annual Report Form

#### **TPDES General Permit Number TXR040000**

#### **A. General Information**

Authorization Number: TXR040{XXX}
Reporting Year (year will be either 1, 2, 3, 4, or 5):
Annual Reporting Year Option Selected by MS4:
Calendar Year:
Permit Year:
Fiscal Year: Last day of fiscal year: ()
Reporting period beginning date: (month/date/year)
Reporting period end date: (month/date/year)
MS4 Operator Level: Name of MS4:
Contact Name:Telephone Number:
Mailing Address:
E-mail Address:
A copy of the annual report was submitted to the TCEQ Region: YES  NORegion the annual report was submitted to: TCEQ Region

## **B. Status of Compliance with the MS4 GP and SWMP**

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

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

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

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

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

3. Describe progress towards reducing the discharge of pollutants to the maximum extent practicable. Summarize any information used (such as visual observation, amount of materials removed or prevented from entering the MS4, or, if required, monitoring data, etc.) to evaluate reductions in the discharge of pollutants. You

may use the table below to meet this requirement (see Example 2 in instructions):

МСМ	ВМР	Information Used	Quantity	Units	Does the BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)

4. Provide the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals (see Example 3 in instructions):

MCM(s)	Measurable Goal(s)	Explain progress toward goal or how goal was achieved.  If goal was not accomplished, please explain.

#### **C. Stormwater Data Summary**

Provide a summary of all information used, including any lab results (if sampling was conducted) to assess the success of the SWMP at reducing the discharge of pollutants to the MEP. For example, did the MS4 conduct visual inspections, clean the inlets, look for illicit discharge, clean streets, look for flow during dry weather, etc.?

#### **D.Impaired Waterbodies**

- 1. Identify whether an impaired water within the permitted area was added to the latest EPA-approved 303(d) list or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d). List any newly-identified impaired waters below by including the name of the water body and the cause of impairment.
- 2. If applicable, explain below any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4's BMPs used to address the pollutant of concern.
- 3. Describe the implementation of targeted controls if the small MS4 discharges to an impaired water body with an approved TMDL.

4. Report the benchmark identified by t	the MS4 and assessment activities:
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Benchmark Parameter (Ex: Total Suspended Solids)	Benchmark Value	Description of additional sampling or other assessment activities	Year(s) conducted

5. Provide an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark:

Benchmark Parameter	Selected BMP	Contribution to achieving Benchmark

6. If applicable, report on focused BMPs to address impairment for bacteria:

Description of	Comments/Discussion
bacteria-focused BMP	

7. Assess the progress to determine BMP's effectiveness in achieving the benchmark.

For example, the MS4 may use the following benchmark indicators:

- number of sources identified or eliminated;
- number of illegal dumpings;
- increase in illegal dumping reported;
- number of educational opportunities conducted;
- reductions in sanitary sewer flows (SSOs); /or
- increase in illegal discharge detection through dry screening.

Benchmark Indicator	Description/Comments

#### **E. Stormwater Activities**

Describe activities planned for the next reporting year:

MCM(s)	ВМР	Stormwater Activity	Description/Comments

#### **F. SWMP Modifications**

	1. The SWMP and MCM implementation procedures are reviewed each year.
	YesNo
2.	Changes have been made or are proposed to the SWMP since the NOI or the last annual report, including changes in response to TCEQ's review. YesNo

If "Yes," report on changes made to measurable goals and BMPs:

MCM(s)	Measurable Goal(s) or BMP(s)	Implemented or Proposed Changes (Submit NOC as needed)

**Note:** If changes include additions or substitutions of BMPs, include a written analysis explaining why the original BMP is ineffective or not feasible, and why the replacement BMP is expected to achieve the goals of the original BMP.

3. Explain additional changes or proposed changes not previously mentioned (i.e. dates, contacts, procedures, annexation of land, etc.).

#### G. Additional BMPs for TMDLs and I-Plans

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans.

ВМР	Description	Implementation Schedule (start date, etc.)	Status/Completion Date (completed, in progress, not started)

н. А	dditior	nal Informatio	า		
1	-		n another entity to satis	fy any permit obligations?	
	If "Yes,	-	e(s) of other entities an spaces or pages if need	d an explanation of their ded).	
Name	and Exp	lanation:			
Name	and Exp	lanation:			
Name	and Exp	lanation:			
Name	and Exp	lanation:			
	2.a. Is t Yes		of a group sharing a SW	/MP with other entities?	
	2.b. If "y permitte	· · · · · · · · · · · · · · · · · · ·	m-wide annual report ir	ncluding information for all	
	Yes	No			
				permittee names, and SWMP paces or pages if needed):	
	Authoriza	ation Number:		Permittee:	

Authorization Number:	Permittee:
Authorization Number:	Permittee:
Authorization Number:	Permittee:
I. Construction Activities	
1. The number of construction activities that occurre MS4 (Large and Small Site Notices submitted by o	•
2a. Does the permittee utilize the optional seventh M	1CM related to construction?
Yes No	
2b. If "yes," then provide the following information for	or this permit year:
The number of municipal construction activities authorized under this general permit	
The total number of acres disturbed for municipal	

**Note:** Though the seventh MCM is optional, implementation must be requested on the NOI or on a NOC and approved by the TCEQ.

#### J. Certification

If this is this a system-wide annual report including information for all permittees, each permittee shall sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name (printed):	Title:	
Signature:	Date:	
Name of MS4		
Name (printed):	Title:	
Signature:	Date:	
Name of MS4		
Name (printed):	Title:	
Signature:	Date:	
Name of MS4		
Name (printed):	Title:	
Signature:	Date:	
Name of MS4		
Name (printed):	Title:	
Signature:	Date:	
Name of MS4		

If you have questions on how to fill out this form or about the Stormwater Permitting program, please contact us at 512-239-4671.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.