Stormwater Management Plan

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1.0 Introduction

The U.S. Environmental Protection Agency (EPA) issued regulations in 1999 to protect stormwater quality in small cities and urbanized areas. In Texas, the Texas Commission on Environmental Quality (TCEQ) was delegated the responsibility for implementing the regulations, commonly called the Phase II Stormwater Program. The City of Fair Oaks Ranch is one of several hundred cities, counties, and other public entities required to develop a program to protect stormwater quality under Phase II regulations.

On August 15, 2024, TCEQ authorized an amended Texas Pollutant Discharge Elimination System (TPDES) general permit for small (Phase II) municipal separate storm sewer systems (MS4s) which changes the existing permit from a Procedural (or Two-Step) Permit to a Comprehensive General Permit. In an effort to simplify the permitting process, small MS4s are no longer required to submit their individual stormwater management plan (SWMP) to TCEQ for review and approval. Instead, all MS4s fall under a master general permit which details the terms and conditions for each small MS4 by specifying the required controls and schedules.

It is required that each MS4 shall develop, implement, and enforce a SWMP to comply with the requirements of the TPDES General Permit No. TXR040000. The City has developed the following SWMP which includes best management practices (BMPs) that will be implemented by the City to reduce stormwater pollution to the "maximum extent practicable," as regulations require.

Existing City stormwater programs and activities that protect the City's stormwater quality were identified and are included in the SWMP. They will be supplemented with several new BMPs to provide additional protection of stormwater quality.

A schedule to implement the stormwater management program, as well as measurable goals to track the implementation progress, has been developed for each of the BMPs in this SWMP. Each BMP was selected based on the projected effectiveness in protecting stormwater quality and its ability to aid in compliance with permit conditions.

1.1 The City of Fair Oaks Ranch

The City of Fair Oaks Ranch, Texas (the City) was established in 1988. The City is located on both sides of Cibolo Creek, 27 miles northwest of downtown San Antonio and 8 miles southeast of Boerne; and is currently home to an estimate of 9,833 people.

1.2 Water Quality

The major water bodies receiving urban stormwater runoff from the City are Cibolo Creek, Salado Creek, Leon Creek, Balcones Creek, and Post Oak Creek.

The TCEQ 303(d) List identifies water bodies in Texas with known water quality impairments. Segment ID Nos. 1906, 1908, and 1910 are included on the TCEQ 2024 303(d) List for water quality impairment due to bacteria, impaired fish communities, impaired macrobenthos communities, PFAS and PCBs in edible tissue.

2.0 Regulatory Requirements

Under the requirements of the Clean Water Act, the EPA is required to protect the water quality for natural waters throughout the country. The EPA established the National Pollutant Discharge Elimination System (NPDES) program to identify sources of water pollution and work to reduce or eliminate the pollutants from the waters of the U.S.

The EPA has delegated responsibility for the NPDES program in Texas to TCEQ. In addition to issuing discharge permits to traditional “point sources,” such as municipal wastewater treatment plants, TCEQ is also responsible for minimizing pollution from “non-point sources”, such as stormwater runoff from construction sites, industrial facilities or municipal storm sewer systems.

TCEQ has issued requirements for minimizing stormwater pollution from construction sites and industrial facilities through the issuance of general permits. Sites and facilities comply with these requirements by developing and implementing site-specific stormwater pollution prevention plans (SWP3).

To protect stormwater quality from pollution entering municipal separate storm sewer systems (MS4s) in populated areas such as Fair Oaks Ranch, TCEQ developed a general permit, with specific conditions for municipalities to follow. This SWMP has been developed to meet those requirements.

2.1 Overview

The City is required to develop a SWMP that describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's stormwater quality. This SWMP also sets measurable goals and provides a schedule for the implementation of BMPs over the next five years.

Various BMPs must be developed for each of six required “minimum control measures” (MCMs) that are expected to minimize or eliminate stormwater pollutants discharged into the storm sewer system and provide water quality protection for receiving water bodies. Since the City is categorized as a Level 1 MS4**, they are not required to implement the seventh MCM, Industrial Storm Water Sources. An optional eighth MCM to address municipal construction activities through their SWMP is available for use by the City but has not been selected for inclusion in this SWMP.

General descriptions of the required MCMs for the City of Fair Oaks Ranch MS4 are provided below. The details for each minimum control measure are provided in Section 4.

Public Education and Outreach – Develop a public education and outreach program to distribute educational materials to the community.

Public Involvement/Participation – Develop an operation to involve the public in the planning and implementation activities related to developing and implementing the SWMP.

Illicit Discharge Detection and Elimination – Develop a program for the detection and elimination of non-stormwater discharges.

Construction Site Stormwater Runoff Control – Develop a program to reduce pollutants in stormwater runoff from construction sites.

Post-Construction Stormwater Management in New Development and Redevelopment – Develop a program to reduce pollutants in stormwater runoff from new development and redevelopment projects.

Pollution Prevention and Good Housekeeping for Municipal Operations – Develop an operation and maintenance program to reduce pollutants in stormwater runoff from municipal operations.

**The City of Fair Oaks Ranch qualifies as a Level 1 operator because it serves a population of less than 10,000 within an urban area with a population of at least 50,000 people.

2.2 Permit Applicability and Coverage

The TPDES Phase II MS4 permit applies to operators of publicly-owned storm sewer systems that are fully or partially located in an urban area with a population of at least 50,000 people, as determined by the 2000, 2010, or 2020 Decennial Censuses by the U.S. Census Bureau. The City is located within the San Antonio U.S. Census urban area. Additionally, the City is considered a Level 1 MS4 because it serves a population of less than 10,000 within an urban area with a population of at least 50,000 people.

3.0 Approach

The City of Fair Oaks Ranch developed this SWMP to comply with TPDES requirements for stormwater discharges and certain non-stormwater discharges. The SWMP is intended to aid in the City's efforts to reduce stormwater pollutants from the City's storm sewer system to the maximum extent practicable, as required by the TPDES General Permit and within the City budget constraints.

The SWMP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the City's stormwater quality. The specific activities to be implemented are referred to as best management practices (BMPs). Various BMPs have been developed for each of the six "MCMs" required by the Comprehensive General Permit. The SWMP also sets measurable goals and provides a schedule for the implementation of the BMPs. Implementation of the selected BMPs is expected to result in the reduction to pollutants discharged into the MS4's surface waters.

3.1 Best Management Practice Selection Process

To select which BMPs would be included in Fair Oaks Ranch's SWMP, the first step was to evaluate the existing practices and determine effectiveness. Secondly, staff identified new BMPs to include for the new reporting period. Various structural and non-structural BMPs will be implemented throughout the five-year permit term as authorized under the Comprehensive General Permit.

Initial Assessment

The City of Fair Oaks Ranch has historically implemented various BMPs intended to protect stormwater quality. An important aspect of developing an effective, compliant, and cost-efficient SWMP is to account for these existing programs. Details of the City's existing stormwater-related practices were identified and included as BMPs selected for this SWMP.

As shown in Appendix A, the minimum control measure requirements met by each existing BMP are noted. Some of the City's existing programs meet specific permit requirements, while others serve as a foundation for the continued development of additional BMPs to meet the requirement of reducing pollutants to the maximum extent practicable (MEP).

Identification of Additional BMPs

Additional BMPs were selected to supplement the City's existing programs and to satisfy unmet requirements of the Phase II MS4 permit. The supplemental BMPs were evaluated based on their ability to meet at least one, and preferably several, of the minimum control measure requirements.

The evaluation process involved researching a variety of sources of BMPs, such as regulatory agencies, industry associations, and private enterprises. Some of the additional BMPs were selected directly from standard BMP “toolboxes” available from the EPA or the North Central Texas Council of Governments (NCTCOG), while others were tailored to the specific needs of Fair Oaks Ranch. Each BMP considered was evaluated based on the following criteria:

- Which of the minimum control measure requirements does the BMP meet?
- How does the BMP fit into the City’s existing goals, operations, and activities?
- What is the anticipated effectiveness of the BMP?
- What is the general cost range to implement the BMP?

Specific costs for the BMPs were not identified for the development of this plan; however, BMPs with significant investment requirements and relatively minor stormwater quality benefit were not selected. More detailed budget requirements will be evaluated for each BMP in the first or second year of the plan’s implementation.

3.2 Selection Process for Measurable Goals

Specific measurable goals have been developed for each BMP. In accordance with the permit requirements, measurable goals have been developed to evaluate the success of the City's SWMP toward reaching the goal of protecting water quality and reducing pollutants to the MEP. Goals were selected with consideration toward achieving steady implementation, assessing the ability to measure and track progress, and working within budgetary constraints.

3.3 Measurable Goal Evaluation Process

The selected measurable goals for each BMP (Appendix A) will be evaluated on an annual basis. Implementation of each BMP will be tracked as appropriate during each permit year to provide documentation of the BMP activities. Relative success at achieving the measurable goals, as well as an assessment of the effectiveness of each BMP, will also be evaluated on an annual basis.

Multiple City departments will be responsible for implementing portions of the SWMP and for tracking and evaluating the City's success in meeting the plan's measurable goals. Each City department with activities or responsibilities that may impact stormwater quality will provide documentation to the City’s Environmental Program Manager showing progress towards meeting the annual measurable goals for each BMP.

4.0 TCEQ Minimum Control Measures for General Permit No. TXR040000

The EPA and TCEQ have specified six types of “MCMs” that are appropriate for inclusion in the City of Fair Oaks Ranch’s SWMP. Specific requirements have been developed by TCEQ for each control measure. The City has identified numerous existing and supplemental BMPs that will be included in the SWMP. Additional discussion of the BMPs is provided in Appendix A of the SWMP.

4.1 Public Education and Outreach

(a) Program Development

1. The City shall develop, implement, and maintain a comprehensive stormwater education and outreach program that targets and educates City officials, public employees, local businesses, contractors, and the community on hazards associated with the illegal discharges and improper disposal of waste. Additionally, the education program shall highlight the impact that stormwater discharges can have on local waterways and what steps the public can take to reduce pollutants in stormwater.

   New elements shall be fully implemented by the end of this permit term. The program includes the following:

   a. The City’s goals and objectives for the program – includes the promotion of responsible stormwater practices among residents and the development community;
   b. Targeting the following audiences: City officials, public employees, local businesses, contractors, and the community;
   c. Targeting one or more of the following pollutants: grass clippings and leaf litter, pet waste, swimming pool discharge, sediment runoff from construction activities, and illegal disposal of household hazardous waste; and
   d. Developing and utilizing appropriate educational materials, such as utility bill inserts and flyers, a dedicated stormwater quality webpage, and signage at select locations; and
   e. Determining cost-effective and practical methods and procedures for the distribution of materials.

2. Throughout the permit term, the City shall make the educational materials available to the target audiences at least once per calendar year.
3. The City shall review and update, as necessary, the SWMP and MCM implementation procedure. All changes shall be reflected in the annual report. Such written procedures must be maintained either on-site or in the SWMP and made available for inspection by TCEQ.

(b) Requirements for All Permittees

1. The City shall implement a public education program to distribute educational materials to the community. Materials must target at minimum the residents being served.
2. The City shall educate the public about the impact of stormwater discharges on receiving water bodies and what steps they can take to reduce contamination. MS4 operators must target at least one of the following pollutants/sources:

Pollutants and Sources
Grass Clippings and Leaf Litter
Fertilizer and Pesticides
Litter, Trash Contaminant, Balloon Releases
Dumping of Solid Waste
Illegal Disposal of Household Hazardous Waste
Pet Waste
Failing Septic Systems
Swimming Pool Discharge, including Saltwater Pools
De-icing/ Rock Salt Usage/ Storage
Oil, Grease, Fluids from Vehicles
Sediment Runoff from Construction Activities
Unauthorized Discharge of Restaurant Waste
Vehicle Washing
Washwater / Grey Water

3. The City must use appropriate educational resources as BMPs (materials, events, activities, etc.) in conjunction with selected pollutants for targeted audiences. Permittees shall explain how each BMP relates to the target pollutant and target audience. Should a BMP shift to a more effective one, the change must be reflected in the SWMP and explained in the annual report.

    a. SWMP and annual reports must be posted on the City's website no later than 30 days after the NOI or NOC approval date or due date.
    b. The City shall implement a minimum number of public education and outreach BMPs:

        i. Level 1: three (3) BMPs;
        ii. Level 2a and 2b: four (4) BMPs;
        iii. Level 3 and 4: five (5) BMPs.

4. The City shall create/host or support the public education and outreach BMP(s).

4.2 Public Involvement / Participation

(a) Program Development

1. The City has assessed the program elements from the previous permit term and has developed and implemented elements to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements will be fully implemented by the end of this permit term. At a minimum, the City shall:

    a. Create/host or support one (1) public involvement/participation BMP each calendar year;
    b. Provide the opportunity for citizens to participate in the implementation of control measures, such as parks and trails clean-up events, illicit discharge reporting, and household waste events; and
    c. Ensure the public can easily find information about the SWMP on the City's website: www.fairoaksranchtx.org or in-person at the City's Municipal Offices.

(b) Requirements for All Permittees

1. The City shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP.
2. The City shall implement a minimum number if public involvement/participation activities and measurable goals:

    i. Level 1: two (2) BMPs;
    ii. Level 2a and 2b: three (3) BMPs;
    iii. Level 3 and 4: four (4) BMPs.

4.3 Illicit Discharge Detection and Elimination

(a) Program Development

1. The City shall develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program includes a plan to detect and address non-stormwater discharges via inspections of regulated outfalls and community reporting.

    The IDDE program includes the following:

    a. An up-to-date MS4 map (Exhibit A);
    b. Methods for informing and training MS4 field staff;
    c. Methods for facilitating public reporting of illicit discharges and illegal dumping;
    d. Procedures for responding to illicit discharge, illegal dumping, and spills;
    e. Procedures for tracing the source of an illicit discharge or illegal dumping; and
    f. Procedures for removing the source of an illicit discharge or illegal dumping.

2. The City shall review and update, as necessary, the SWMP and MCM implementation procedures. All changes will be reflected in the annual report. Such written procedures will be maintained, either on-site or in the SWMP, and made available for inspection by TCEQ.

(b) Allowable Non-Stormwater Discharges

Non-stormwater flows determined to be allowable do not need to be considered by the City as an illicit discharge requiring elimination unless the City or TCEQ identifies the flow as a significant source of pollutants to the small MS4.

(c) Requirements for All Permittees

1. MS4 mapping (Exhibit A)

The City shall maintain an up-to-date MS4 map, which must be located on-site and available for review by TCEQ. The MS4 map shows, at a minimum, the following information:

a. The location of all small MS4 outfalls that are operated by the City and that discharge into waters of the U.S;
b. The location and name of all surface waters receiving discharges from the small MS4 outfalls; and
c. Identified priority areas, if applicable.

2. Education and Training

The City shall continue to implement a method for training all field staff that may encounter or otherwise observe an illicit discharge, illegal dumping, or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on-site and made available for review by TCEQ.

3. Public Reporting of Illicit Discharges and Spills

To the extent feasible, the City shall publicize and facilitate public reporting of illicit discharges, illegal dumping, or water quality impacts associated with discharges into or from the small MS4. The City shall provide a central contact point (City Hall Mainline – (210) 698-0900) on educational material, as well as on the stormwater quality webpage, to receive reports.

4. The City shall maintain on-site procedures for responding to illicit discharges, illegal dumping, and spills.

5. Source Investigation and Elimination

a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge or illegal dumping, the City shall investigate to identify and locate the source of such illicit discharge as soon as practicable.

i. The City shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high-priority discharge.
ii. The City shall report to TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.
iii. The City shall track all investigations and document, at a minimum, the date(s) the illicit discharge or illegal dumping was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

b. Identification and Investigation of the Source of the Illicit Discharge

The City shall investigate and document the source of illicit discharges and illegal dumping where the City has jurisdiction to complete such an investigation. If the illicit discharge or illegal dumping source extends outside the City's boundary, the City shall notify the adjacent permitted MS4 operator or TCEQ's Field Operation Support Division.

c. Corrective Action to Eliminate Illicit Discharge

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

6. Inspections

The City shall conduct inspections, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

7. Legal Authority

The City shall enforce the IDDE program under the City's Code of Ordinances, specifically Article 1.11 Stormwater Pollution Prevention and the Unified Development Code's Standards and Requirements for Erosion and Sedimentation Controls under Drainage and Erosion Control Standards.

4.4 Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

1. The City shall develop, implement and enforce a program requiring operators of small and large construction activities, as defined in the general permit, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the maximum extent practicable. The program includes the implementation of a Code of Ordinances, specifically Article 1.11 Stormwater Pollution Prevention and the Unified Development Code's Standards and Requirements for Erosion and Sedimentation Controls under Drainage and Erosion Control Standards; as well as sanctions to ensure compliance to the extent allowable under State, Federal, and Local law, to require erosion and sediment control.

   If TCEQ waives requirements for stormwater discharges associated with small construction from a specific site(s), the City is not required to enforce the program to reduce pollutant discharges from such site(s).

(b) Requirements for All Permittees

1. The City shall review and update as necessary, the SWMP and MCM implementation procedures. Any changes must be included in the annual report. Such written procedures must be maintained on-site or in the SWMP and made available for inspection by TCEQ.

2. The City shall require that construction site operators implement appropriate erosion and sediment control BMPs. The City's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.

    a. Erosion and Sediment Controls - Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.
    b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth-disturbing activities have permanently ceased on any portion of the site or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the City. In arid, semiarid, and drought-stricken areas, as determined by the City, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the City.
    c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:

        (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
        (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
        (iii) Minimize the discharge of pollutants from spills and leaks.

    d. As an alternative to (a) through (c) above, the City may ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas, as determined by the City, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the City. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

3. Prohibited Discharges:

    a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
    b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
    c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,
    d. Soaps or solvents used in vehicle and equipment washing; and
    e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

4. Construction Plan Review Procedures

   To the extent allowable by State, Federal, and Local law, the City shall maintain existing site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction. The site plan procedures must meet the following minimum requirements:

   a. The site plan review procedures must incorporate consideration of potential water quality impacts.
   b. The City shall not approve any plans unless the plans contain appropriate site-specific construction site control measures that, at a minimum, meet the requirements in the TPDES CGP, TXR150000.

   The City may require and accept a plan, such as a SWP3, that has been developed pursuant to the CGP, TXR150000.

5. Construction Site Inspections and Enforcement

   To the extent allowable by State, Federal, and Local law, the City shall implement procedures for inspecting large and small construction projects.

   a. Inspections shall occur at a frequency determined by the City, based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving water bodies and/or record of non-compliance by the operators of the construction site.
   b. Monthly inspections, at minimum, shall occur during the active construction phase.

      (i) The City shall develop, implement, and revise, as necessary, written procedures outlining the inspection and enforcement requirements. These procedures shall be maintained on site or in the SWMP and be made available to TCEQ.
      (ii) Inspections of active construction sites shall, at a minimum:

         1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage.
         2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements.
         3. Assess compliance with the City's ordinances and other regulations.
         4. Provide a written or electronic inspection report.

   c. Based on inspection findings, the City shall take all necessary follow-up actions (follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by TCEQ.

6. Information Submitted by the Public

   The City shall maintain procedures for receipt and consideration of information submitted by the public.

7. MS4 Staff Training

   The City 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 trained to conduct these activities at least once per calendar year. The training may be conducted by the City or by outside trainers.

4.5 Post-Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

1. The City shall develop, implement and enforce a program, to the extent allowable under State, Federal, and Local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development. The program must be established for private and public development sites.
2. New elements shall be fully implemented by the end of this permit term.
3. The City shall use, to the extent allowable under State, Federal, and Local law and local development standards, a Code of Ordinances (specifically the newly developed Unified Development Code) to address post-construction runoff from new development and redevelopment projects. The City shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality.

(b) Requirements for All Permittees

1. The City shall review and update as necessary, the SWMP and MCM implementation procedures. Any changes must be included in the annual report. Such written procedures must be maintained either on-site or in the SWMP and made available for inspection by TCEQ.
2. The City shall document and maintain records of enforcement actions and make them available for review by TCEQ.
3. Long-Term Maintenance of Post-Construction Stormwater Control Measures

   The City shall, to the extent allowable under State, Federal, and Local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

   a. Maintenance performed by the City; or
   b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The City shall require the owner or operator of any new development or redeveloped site to implement a maintenance plan for any structural control measure installed on site. The permittee shall require that operation and maintenance be performed, documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

4.6 Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program Development

1. The City shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally-owned areas, including, but not limited to, street/road maintenance; facility maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; and vehicle and equipment maintenance and storage yards. New program elements shall be fully implemented by the end of this permit term.

(b) Requirements for All Permittees

1. City-owned Facilities and Control Inventory

Name of Facility	Address	Facility Description	Stormwater Control Used and Maintained
Fair Oaks Plant	29745 No Le Hace Drive Fair Oaks Ranch, TX 78015	500,000 GPD WWTP Permit No. WQ0011867001	Spill prevention plan; spill kit
Fair Oaks Ranch Maintenance/Utilities Building	7286 Dietz Elkhorn Rd Fair Oaks Ranch, TX 78015	Facility and Parking Area	Spill prevention plan; spill kit; splash blocks
Fair Oaks Ranch Police Department and Municipal Court	7286 Dietz Elkhorn Rd Fair Oaks Ranch, TX 78015	Police Department, Municipal Court House, and Parking Area	N/A
Fair Oaks Ranch Municipal Offices	7286 Dietz Elkhorn Rd Fair Oaks Ranch, TX 78015	City Building and Parking Area	N/A
Plant #3	32031 Wild Oak Hill Fair Oaks Ranch, TX 78015	Water Plant Supply Source: Trinity Aquifer	N/A
Plant #5	9108 Jodhpur Drive Fair Oaks Ranch, TX 78015	Water Plant Supply Source: GBRA Western Canyon	N/A
Elmo Davis Plant	29035 Dapper Dan Drive Fair Oaks Ranch, TX 78015	Water Plant Supply Source: Trinity Aquifer	N/A
Plant #2	28129 Royal Ascot Drive Fair Oaks Ranch, TX 78015	Water Plant Supply Source: Trinity Aquifer	N/A
Fire Station #2	30955 Ralph Fair Rd Fair Oaks Ranch, TX 78015	Fire Station	N/A
Fire Station #3	7895 Fair Oaks Parkway Fair Oaks Ranch, TX 78015	Fire Station	N/A

2. Training and Education

   The City shall provide training to appropriate employees involved in implementing pollution prevention and good housekeeping practices at least once per calendar year. The City shall maintain a training attendance list for inspection by TCEQ when requested.

3. Waste disposal shall be in accordance with 30 TAC Chapters 330 or 335, as applicable.

4. Contractor Requirements and Oversight

   (a.) Any contractors hired by the City to perform maintenance activities on City-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures.
   (b.) The City shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and standard operating procedures.

5. Municipal Operation and Maintenance Activities

   (a.) Assessment of City-owned Operations

   The City shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants to stormwater, including but not limited to:

   (i) Road and parking lot maintenance, including pothole repair, pavement marking, sealing, and re-paving;
   (ii) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation;
   (iii) Inspection and cleaning of stormwater conveyances;
   (iv) Vehicle and equipment maintenance and repair; and
   (v) Building and grounds maintenance and repair.

   (b.) Potential pollutants of concern that could be discharged from the above O&M activities include sediment; trash; metals; organics; oil and grease; bacteria; and pesticides.
   (c.) The City shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include, but not limited to, the following:

   (i) Replacing materials and chemicals with more environmentally benign materials or methods; and
   (ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters.

   (d.) All pollution prevention measures implemented at City-owned facilities must be visually inspected on a monthly basis to ensure they are working properly. A log of inspections must be maintained and made available for review by TCEQ upon request.

6. Structural Control Maintenance

   If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the City and consistent with maintaining the effectiveness of the BMP.

5.0 Allowable Non-Stormwater Discharges

In accordance with the requirements of the Phase II MS4 permit, the following non-stormwater discharges are not required to be addressed in the City's IDDE or other MCMs, unless they are determined by the City or TCEQ to be significant contributors of pollutants to the MS4, or they are otherwise prohibited by the City:

(a.) Water line flushing *(*excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
(b.) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
(c.) diverted stream flows;
(d.) Rising ground waters and springs;
(e.) Uncontaminated groundwater infiltration;
(f.) Uncontaminated pumped groundwater;
(g.) Foundation and footing drains;
(h.) Air conditioning condensation;
(i.) Water from crawl space pumps;
(j.) Individual residential vehicle washing;
(k.) Flows from wetlands and riparian habitats;
(l.) Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
(m.) Street wash water excluding street sweeper wastewater;
(n.) Discharges or flows from fire-fighting activities (fire-fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
(o.) Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
(p.) Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
(q.) Other similar occasional incidental non-stormwater discharges, unless TCEQ develops permits or regulations addressing these discharges.

Non-stormwater discharges from the list above must be evaluated by the City to determine if any known, significant water quality impacts were created as a result of the discharges. Evaluation of allowable non-stormwater discharges will be conducted as part of the illicit discharge inspection BMP identified in Appendix A.

6.0 Limitations on Permit Coverage

1. Discharges Authorized by Another TPDES Permit

   Discharges authorized by an individual or other general TPDES permit may be authorized under this TPDES general permit only if the following conditions are met:

   (a.) The discharges meet the applicability and eligibility requirements for coverage under this general permit;
   (b.) A previous application or permit for the discharges has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality

related concerns. The executive director may provide a waiver to this provision based on new circumstances at the regulated small MS4; and

(c.) The executive director has not determined that continued coverage under an individual permit is required based on consideration of an approved total maximum daily loading (TMDL) model and implementation plan, anti-backsliding policy, history of substantive non-compliance or other 30 TAC Chapter 205 considerations and requirements, or other site-specific considerations.

2. Discharges of Stormwater Mixed with Non-Stormwater

Stormwater discharges that combine with sources of non-stormwater are not eligible for coverage by this general permit, unless either the non-stormwater source is described in Part 5 of this SWMP or the non-stormwater source is authorized under a separate TPDES permit.

3. Compliance with Texas Surface Water Quality Standards

Discharges to surface water in the state that would cause, has the reasonable potential to cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit except as described in Part III of the TPDES Phase II MS4 general permit. The Executive Director may require an application for an individual permit or alternative general permit to authorize discharges to surface water in the state if the executive director determines that an activity has the reasonable potential to cause, or contribute to, a violation of water quality standards or is found to cause, have the reasonable potential to cause or contribute to the impairment of a designated use of surface water in the state. The executive director may also require an application for an individual permit based on factors described in Part II.G.2 of the TPDES Phase II MS4 general permit.

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

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA-approved total maximum daily load (TMDL) are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) List or the *Texas Integrated Report of Surface Water Quality for CWA Sections §305(b) and 303(d)* which lists the category 4 and 5 water bodies, as not meeting Texas Surface Water Quality Standards.

The City shall control the discharges of pollutants of concern to impaired waters and waters with approved TMDLs as provided in sections (a) and (b) below, and shall assess the progress in controlling those pollutants.

(a.) Discharges to Water Quality Impaired Water Bodies with an Approved TMDL

If the small MS4 discharges to an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, the City shall include in the SWMP controls targeting the pollutant(s) of concern along with any additional or modified controls required in the TMDL and this section.

The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the pollutant(s) of concern as described below:

i. Targeted Controls

The SWMP must include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional Best Management Practices (BMPs) to reduce the pollutant(s) of concern in the impaired waters.

ii. Measurable Goals

For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented during each year of the permit term.

iii. Identification of Benchmarks

The SWMP must identify a benchmark for the pollutants of concern. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutants of concern in stormwater discharges from the MS4 to the maximum extent practicable (MEP). The BMPs addressing the pollutant of concern must be re-evaluated on an annual basis for progress toward the benchmarks and modified as necessary within an adaptive management framework. These benchmarks are not numeric effluent limitations or permit conditions but are intended to be guidelines for evaluating progress toward reducing pollutant discharges consistent with the benchmarks. The exceedance of a benchmark is not a permit violation and does not in itself indicate a violation of instream water quality standards.

iv. Annual Report

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

v. Impairment for Bacteria

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

The BMPs shall, as appropriate, address the following:

1. Sanitary Sewer Systems

    a. Make improvements to sanitary sewers to reduce overflows;
    b. Address lift station inadequacies;
    c. Improve reporting of overflows; and
    d. Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.

2. Illicit Discharges and Dumping

   Place additional effort to reduce waste sources of bacteria; for example, from septic systems, grease traps, and grit traps.

3. Animal Sources

   Expand existing management programs to identify and target animal sources such as zoos, pet waste, and horse stables

4. Residential Education

   Increase focus to educate residents on:

   a. Bacteria discharging from a residential site either during runoff events or directly;
   b. Fats, oils, and grease clogging sanitary sewer lines and resulting overflows; and
   c. Maintenance and operation of decorative ponds; and
   d. Proper disposal of pet waste.

vi. Monitoring or Assessment of Progress

The City shall develop a Monitoring/Assessment Plan to monitor and assess progress in achieving benchmarks and determine the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used.

1. The City may use either of the following methods to evaluate progress towards the benchmark and improvements in water quality in achieving the water quality standards as follows:

   a. Evaluating Program Implementation Measures

      The City may evaluate and report progress towards the benchmark by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals. The City may assess progress by using program implementation indicators such as: (1) number of sources identified or eliminated; (2) decrease in number of illegal dumping; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in sanitary sewer flows (SSOs); or, (6) increase in illegal discharge detection through dry screening, etc.

   b. Assessing Improvements in Water Quality

      The City may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired

from TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate.

2. Progress towards achieving the benchmark shall be reported in the annual report. Annual reports shall report the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

vii. Observing no Progress Towards the Benchmark

If, by the end of the third year from the effective date of the permit, the City observes no progress toward the benchmark either from program implementation or water quality assessments as described above, the City shall identify alternative focused BMPs that address new or increased efforts towards the benchmark or, as appropriate, shall develop a new approach to identify the most significant sources of the pollutant(s) of concern and shall develop alternative focused BMPs for those (this may also include information that identifies issues beyond the MS4's control). These revised BMPs shall be included in the SWMP and subsequent annual reports.

Where the City originally used a benchmark based on an aggregated WLA, the City may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark for the pollutant(s) of concern for their respective MS4s, as described above. The City shall document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption of alternative sub-benchmark for the pollutant(s) of concern for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

(b.) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL

The City shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the City discharges directly into an impaired water body without an approved TMDL, the City shall perform the following activities:

i. Discharging a Pollutant of Concern

1. The City shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.
2. If the City determines that the small MS4 may discharge the pollutant(s) of concern, the City shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the City will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.
3. In addition, the City shall submit a NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

ii. Impairment of Bacteria

Where the impairment is for bacteria, the City shall identify potential significant sources and develop and implement focused BMPs for those sources. The City may implement the BMPs listed above or propose alternative BMPs as appropriate.

iii. Annual Report

The annual report must include information on compliance with this section, including results of any sampling conducted by the City.

5. Discharges to the Edwards Aquifer Recharge Zone

Discharges of stormwater from regulated small MS4s, and other non-stormwater discharges, are not authorized by this general permit where those discharges are prohibited by 30 TAC Chapter 213 (Edwards Aquifer Rule). New discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

For existing discharges, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the effluent limitation requirements found in Part VII.E.7 of the TPDES Phase II MS4 general permit.

Additional agency-approved WPAPs received after the SWMP submittal must be recorded in the annual report for each respective permit year. For discharges originating from the small MS4 permitted area, and located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the MS4 NOI to the appropriate TCEQ regional office with each WPAP application submitted to the appropriate TCEQ Regional Office with each WPAP application.

Counties: Comal, Bexar, Medina, Uvalde, and Kinney

Contact:

TCEQ, Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480

(210) 490-3096

7.0 Recordkeeping and Reporting

7.1 Recordkeeping

The City will maintain all records, a copy of the TPDES general permit and all data used to complete the NOI for this permit for a period of at least three years or for the term of this permit, whichever is longer. A current, up-to date copy of the SWMP and a copy of the general permit requirements will be maintained at City Hall.

The City will make the compiled records, including the NOI and SWMP, available for public viewing at City Hall. The SWMP will be available for viewing during normal office hours, and available supporting documents will be able to be viewed within ten working days following the request from the public, unless the request requires an unusual amount of time or effort to assemble. In such a case, Texas law and the Public Information Act will be followed. Reasonable charges, in accordance with Texas law, may be levied by the City for researching and preparing any requested materials.

7.2 Annual Report

The City will submit an annual report to the Executive Director of TCEQ by the reporting deadline each year of the permit term. The City will maintain copies of the annual reports at City Hall. The City's annual reporting year is by the calendar year– January 1st through December 31st.

The annual report will address the requirements listed in the TPDES Phase II MS4 general permit rules. Generally, the report will document the stormwater-related activities for the previous year, evaluate the success of each BMP relative to their measurable goals, and discuss plans for the upcoming year, including modifications to the SWMP. Modifications may include the replacement of previously selected BMPs, alteration of the implementation schedule, or other changes allowed by the permit.

7.3 Plan Updates

This plan may be updated by the City at any time. When considering eliminating a BMP, it is necessary to review the information in Appendix A to determine if the removal of the BMP will result in non-compliance for any of the MCMs. This would occur if the BMP is the only BMP that provides compliance for a specific permit provision. In such a case, the BMP would need to be replaced with a new BMP that continues to meet the relevant permit requirement.

Documentation of plan updates involving changes in BMPs, measurable goals, or the implementation schedules are maintained in Appendix B. Copies of appropriate Notice of Changes will also be included.