



City of Helotes Storm Water Management Plan

Developed to comply with the requirements of Texas Pollutant Discharge elimination System
General Permit No. TXR040560

Permit Term: 2019-2023

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1.0 Introduction

The U.S. Environmental Protection Agency (EPA) issued regulations in 1999 to protect storm water 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 Storm Water Program. The City of Helotes (City) is one of several hundred cities, counties, and other public entities required to develop a program to protect storm water quality under Phase II regulations.

The City of Helotes has developed this storm water management plan (SWMP) to comply with the requirements of the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040560. The SWMP includes best management practices (BMPs) that will be implemented by the City to reduce storm water pollution to the "maximum extent practicable," as regulations require.

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

A schedule to implement the storm water 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 storm water quality and its ability to aid in compliance with permit conditions.

The implementation schedule and measurable goals for the second five-year permit term were selected to continue programs started in the first five year cycle. The City will review the implementation progress each year and modify the storm water management program as necessary. Annual updates will be provided to the TCEQ.

1.2 The City of Helotes

The City of Helotes, Texas was incorporated in 1981. The name comes from the Spanish word elote which translates to "corn on the cob". Helotes is home to 7,341 people based on the 2010 Census. The City encompasses 6.6 square miles and has a population density of 1,014.3 people per square mile.

The City of Helotes lies within the Edwards Plateau. This ecoregion is composed of mainly savanna scattered with trees. In general, the thin soil and rough terrain areas are primarily grazing regions. The climate for this ecosystem is classified as warm temperatures, generally hot summers and cool winters. According to U.S. climate data the highest average temperature in Helotes is 95 degrees and occurs in August. The lowest average temperature is 39 degrees and occurs in January. The average rainfall is 32.91 inches annually throughout the year with the most monthly precipitation occurring in May with 4.72 inches. Snowfall is infrequent.

1.1 Water Quality

Storm Water and Water Quality in Texas

Storm water affects the quality of water in urban lakes, rivers, creeks and storm drains. Storm water runoff from any urban area effectively picks up any pollutants such as pesticides, oil and bacteria, carrying them to the receiving waters.

In order to protect water quality, it is necessary to identify the types and sources of pollution and implement plans to protect the City's water resources. Historically, waters have been protected through state and federal regulation of "point-sources" or end - of-pipe sources of pollution. Over time, it has become more evident that overland runoff sources of pollution, such as urban storm water runoff, can create serious problems in water ways and impact the community's quality of life.

The TCEQ is charged through federal mandate with protecting the quality of waters within Texas. The TCEQ's approach to this mandate includes measuring water quality at locations across the state, determining if the quality in streams, lakes, and creeks is acceptable, and implementing plans to clean up water bodies that are impacted.

The Texas Surface Water Quality Standards are rules designed to establish goals for water quality throughout the state, and provide a basis for regulatory programs to attain those goals. Water quality standards serve to signal a situation where water quality may be inadequate to meet the use or uses of a particular water body. Five general categories for water use are defined in Texas: general, aquatic life use, contact recreation, public water supply, and fish consumption. These are known as "designated uses." Most streams in the state have been classified with designated uses but many smaller, intermittent streams have not been classified and do not have associated designated uses.

Because it would be impractical to test every water body for every possible pollutant, assessments of water quality in Texas are performed by evaluating indicators of water quality.

Indicators are an indirect measure of the health or quality of a particular part of the aquatic system. Some indicators, such as the health of fish communities, are tied to specific designated uses, while others such as nutrients are not. Some of the most common indicators used by TCEQ to determine the quality of water bodies include bacteria, dissolved oxygen, dissolved solids, metals, and organic substances.

If the indicator data published in the *Texas Water Quality Inventory* (305(b) report) reveal that water quality is inadequate to meet the goals of the water body's designated use, the TCEQ puts the water body on the state's 303(d) list. This list is required by the federal Clean Water Act and is submitted to EPA for approval. Water bodies put on the list are subject to a Total Maximum Daily Load (TMDL) assessment. The TMDL is an intensive assessment of the root cause of poor water quality and development of a plan by local stakeholders to remediate pollution sources.

Water Quality in the Helotes Area

Storm water runoff from Helotes is primarily collected in Los Reyes Creek, Helotes Creek and French Creek, all of which makes their way to Leon Creek. Run off in the southwestern portion of the City drains to Culebra Creek. None of these creek segments or streams are listed as impaired by TCEQ therefore no impairments have been identified for those two streams.

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 the TCEQ. In addition to issuing discharge permits to traditional "point sources," such as municipal wastewater treatment plants, the TCEQ is also responsible for minimizing pollution from "non-point sources", such as storm water runoff from construction sites, industrial facilities or municipal storm sewer systems.

The TCEQ has issued requirements for minimizing storm water 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 storm water pollution prevention plans (SWP3).

To protect storm water quality from pollution entering municipal separate storm sewer systems (MS4s) in populated areas such as Helotes, the TCEQ developed a general permit, with specific conditions for municipalities to follow. This SWMP has been developed to meet those requirements. The City also requires all development in the discharge or with the potential discharge zone of the Edwards Aquifer to Follow Rule 30 TAC Chapter 213 and submit a Water Pollution Abatement Plan to the Edwards Aquifer Authority.

2.1 Overview

The City is required to develop a SWMP that describes specific actions that will be taken over a five-year period in an effort reduce pollutants and protect the City's storm water 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 five required "minimum control measures" (MCMs) that are expected to minimize or eliminate storm water 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 sixth MCM, Industrial Storm Water Sources. An optional seventh 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.

A general description of the six required and one optional MCM is provided below. The specific requirements for each minimum control measure are provided on pages 41-51 and in Sec. 4.

Public Education, Outreach and Involvement - continue to develop a public education program about storm water quality issues and involve the public in the storm water management program.

Illicit Discharge Detection and Elimination - continue to develop a program for the detection and elimination of non-storm water discharges.

Construction Site Storm Water Runoff Control- continue to develop a program to reduce pollutants in storm water runoff from construction sites.

Post Construction Storm Water Management in New Development and Redevelopment - continue to develop a program to reduce pollutants in storm water runoff from new development and redevelopment projects.

Pollution Prevention/Good Housekeeping for Municipal Operations- continue to develop an operation and maintenance program to reduce pollutants in storm water runoff from municipal operations.

The permit categorizes MS4 operators into four levels based on the population served within the 2010 (UA). The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area, such as by annexing land or if land is surrendered. The level of a small MS4 will not change during the permit term base on population fluctuation. The City of Helotes qualifies as a Level 1 operator since it serves a population of less than 10,000 people within the UA.

2.2 Permit Applicability and Coverage

The TPDES Phase II MS4 permit applies to operators of publicly-owned storm sewer systems in UA in Texas. The U.S. Census Bureau defines the UA based on the population density and total population for an area. The City is located within the San Antonio U.S. Census UA. Its central city area is considered part of the 2000 Census UA. Only the UA of the City is required to be included in the Phase II MS4 storm water management program. The components of the SWMP will be voluntarily implemented by the City within the non-UA of the City, as well.

2.3 Definitions

Following are definitions to key words or phrases that are used throughout this SWMP. The definitions are taken directly from the TPDES Phase II MS4 general permit.

Arid Areas - Areas with an average annual rainfall of less than ten (10) inches.

Benchmarks – A benchmark pollutant value is a guidance level indicator that helps determine The effectiveness of chosen best management practices (BMPs). This type of monitoring differs From “compliance monitoring” in that exceedances of the indicator or benchmark level are not Permit violations, but rather indicators that can help identify problems at the MS4 with exposed Or unidentified pollutant sources; or control measures that are either not working correctly, Whose effectiveness need to be re-considered, or that need to be supplemented with additional BMP(s).

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, Maintenance procedures, structural controls, local ordinances, and other management practices To prevent or reduce the discharge of pollutants. BMPs also include treatment requirements,

Operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage From raw material storage areas.

Catch basins - Storm drain inlets and curb inlets to the storm drain system. Catch basins Typically include a grate or curb inlet that may accumulate sediment, debris, and other Pollutants.

Classified Segment - A water body that is listed and described in Appendix A or Appendix C Of the Texas Surface Water Quality Standards, at 30 Texas Administrative Code (TAC) § 307.10.

Clean Water Act (CWA) - The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

Common Plan of Development or Sale - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

Construction Activity - Soil disturbance, including clearing, grading, excavating, and other construction related activities (e.g., stockpiling of fill material and demolition); and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

Small Construction Activity is construction activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.

Large Construction Activity is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

Construction Site Operator - The entity or entities associated with a small or large construction project that meet(s) either of the following two criteria:
(a) The entity or entities that have operational control over construction plans and

specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or

(b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Control Measure - Any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

Conveyance - Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

Discharge –When used without a qualifier, refers to the discharge of stormwater runoff or certain non-stormwater discharges as allowed under the authorization of this general permit.

Edwards Aquifer - As defined in 30 TAC §213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ or the TCEQ website.

Endangered Species – The City of Helotes recognizes the existence of the following features and endangered species in our watershed: Peck's Cave amphipod (*Stygoparnus comalensis*) Comal Springs dryopid beetle (*Stygoparnus comalensis*); Texas snowbells (*Styrax texana*) Peck's Cave amphipod and Comal Springs dryopid beetle is in the Edwards Aquifer (San Antonio Segment) in Bexar County.

The City shall require site specific controls if necessary to protect and contact TCEQ for additional information.

Final Stabilization - A construction site where any of the following conditions are met:

(a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

(b) For individual lots in a residential construction site by either:

(1) The homebuilder completing final stabilization as specified in condition (a) above; or

(2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.
Small MS4 General Permit TPDES General Permit TXR040000 Part I

(c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

(d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

(1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and

(2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

General Permit - A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code (TWC) §26.040.

Groundwater Infiltration - For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

High Priority Facilities - High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

Hyper chlorinated Water –Water resulting from hyper chlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/L).

Illicit Connection - Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge - Any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency firefighting activities.

Impaired Water - A surface water body that is identified as impaired on the latest approved CWA §303(d) List or waters with an EPA approved or established TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.

Implementation Plan (I-Plan) – A detailed plan of action that describes the measures or activities necessary to achieve the pollutant reductions identified in the total maximum daily load (TMDL).

Indian Country - Defined in 18 USC § 1151 as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) All dependent Indian communities within the borders of the U.S. whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights of-way running through the same. This definition includes all land held in trust for an Indian tribe.

Indicator Pollutant - An easily measured pollutant, that may or may not impact water quality that indicates the presence of other stormwater pollutants.

Industrial Activity - Any of the ten (10) categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 Code of Federal Regulations (CFR) §122.26(b)(14)(i)-(ix) and (xi).

Infeasible - For the purpose of this permit, infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices. The TCEQ notes that it does not intend for any small MS4 permit requirement to conflict with state water right laws.

Maximum Extent Practicable (MEP) - The technology-based discharge standard for municipal separate storm sewer systems (MS4s) to reduce pollutants in stormwater discharges that was established by the CWA § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR § 122.34.

MS4 Operator - For the purpose of this permit, the public entity or the entity contracted by the public entity, responsible for management and operation of the small municipal separate storm sewer system that is subject to the terms of this general permit.

Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (a) Owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the CWA §208 that discharges to surface water in the state;
- (b) That is designed or used for collecting or conveying stormwater;
- (c) That is not a combined sewer; and
- (d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

Non-traditional SmallMS4 - A small MS4 that often cannot pass ordinances and may not have the enforcement authority like a traditional small MS4 would have to enforce the stormwater management program. Examples of non-traditional small MS4s include counties, transportation authorities (including the Texas Department of Transportation), municipal utility districts, drainage districts, military bases, prisons and universities.

Notice of Change (NOC) - A written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent.

Notice of Intent (NOI) - A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT) - A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage under this general permit.

Outfall - A point source at the point where a small MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-of-way barriers with drainage slots that drain into open culverts, open swales or an adjacent property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

Permittee - The MS4 operator authorized under this general permit.

Point Source - (from 40 CFR § 122.22) any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant(s) of Concern – For the purpose of this permit, includes biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

Redevelopment - Alterations of a property that changed the "footprint" of a site or building in such a way that there is a disturbance of equal to or greater than one (1) acre of land. This term does not include such activities as exterior remodeling, routine maintenance activities, and linear utility installation.

Semiarid Areas - Areas with an average annual rainfall of at least ten (10) inches, but less than 20 inches.

Small Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district

or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer;

(d) Which is not part of a POTW as defined in 40 CFR § 122.2; and

(e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES) individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

This term includes systems similar to separate storm sewer systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to a small MS4 that is also operated by that public entity.

Stormwater and Stormwater Runoff - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity - Stormwater runoff from an area where there is either a large construction or a small construction activity.

Stormwater Management Program (SWMP) - A comprehensive program to manage the quality of discharges from the municipal separate storm sewer system.

Structural Control (or Practice) - A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to: wet ponds, bio retention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or no navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the

jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Total Maximum Daily Load (TMDL) - The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Traditional Small MS4 - A small MS4 that can pass ordinances and have the enforcement authority to enforce the stormwater management program. An example of traditional MS4s includes cities.

Urbanized Area (UA) - An area of high population density that may include multiple small MS4s as defined and used by the U.S. Census Bureau in the 2000 and the 2010 Decennial Census.

Waters of the United States - (According to 40 CFR § 122.2) Waters of the United States or waters of the U.S. means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate wetlands;

(c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and

(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

3.0 Approach

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

The SWMP describes specific actions that will be taken over a five-year period in an effort to reduce pollutants and protect the City's storm water quality. The specific activities to be implemented are referred to as BMPs. Various BMPs have been developed for each of five "MCMs" required by the General Permit. Measurable goals and an implementation schedule for the BMPs is included in the SWMP. Implementation of the selected BMPs is expected to result in reductions in pollutants discharged into Helotes' streams, ponds and lakes.

3.1 BMP Selection Process

The City of Helotes has evaluated the existing BMP's from the previous 5 year cycle and will continue to implement those proven practices throughout the five-year term of this new permit. Also the City Public Works Department will continue to identify new BMP's and various structural and non-structural BMP's as needed.

Initial Assessment

The City of Helotes has historically implemented various BMPs intended to protect storm water 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 storm water-related practices were identified and included as BMPs selected for this SWMP.

As shown in Appendix A, the minimum control measure (MCM) 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.

Identification of BMPs

BMPs from the previous five year plan were selected in order to continue the City's existing programs. The supplemental BMPs were evaluated based on their ability to meet at least one, or more, of the minimum control measure requirements.

The evaluation process involved researching a variety of sources of BMP's for the first five year permit, 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 Helotes. 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 and enforce 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 storm water quality benefit were not selected. More detailed budget requirements will be evaluated for each BMP in the first year of the plan's implementation.

3.2 Selection Process for Measurable Goals and Implementation Schedule

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 a consideration toward achieving steady implementation, assessing the ability to measure and track progress, and working within budgetary constraints.

For the second five-year permit term, the TCEQ authorized the implementation of the SWMP over a five-year period. In general, measurable goals for existing BMPs monitor the effectiveness of the BMP, whereas measurable goals for new BMPs monitor their implementation progress.

All five years of the plan focus on evaluating the effectiveness of BMPs, and tracking the implementation and enforcement of existing BMP's.

3.3 Measurable Goal Evaluation Process

The selected measurable goals for each BMP will be evaluated on an annual basis. Implementation of each BMP will be tracked as appropriate during each permit year in order 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.

The City of Helotes Public Works Department will be responsible for implementing the SWMP and for tracking and evaluating the City's success in meeting the plan's measurable goals.

4.0 TCEQ MCMs For General Permit NO. TXR040000

The EPA and the TCEQ have specified five types of "MCMs" that are appropriate for inclusion in the City of Helotes's SW M P. Specific requirements have been developed by the 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.

Following is the section from the TPDES General Permit No. TXR040560 setting forth the regulatory requirements for each included minimum control measure.

4.1 Public Education, Outreach and Involvement

(a) Public Education and Outreach

(1) All permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.

Existing permittees shall assess program elements that were described in the

previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. The program must, at a minimum:

- a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);
- b. Identify the target audience(s);
- c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;
- d. Determine cost effective and practical methods and procedures for distribution of materials.

(2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.

(3) If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part IV.B.2. or a summary of the annual report 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.

(4) All permittees shall annually review and update the SWMP and MCM implementation procedures required by Part III.A.2., as necessary. Any changes must 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 the TCEQ.

(5) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(b) Public Involvement

All permittees 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, except that correctional facilities are not

required to implement this portion of the MCM.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. At a minimum, all permittees shall:

- (1) Consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;
- (2) Create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer “Adopt-A-Highway” programs, and educational activities;
- (3) Ensure the public can easily find information about the SWMP.

Program Description:

The goal for the City of Helotes Public Education and Outreach program is to share MS4 information via mail outs and social media. An informational flyer will be developed and shared with all residential mailing address with the City incorporated City limits that focus on proper disposal of the following items: lawn and garden waste, vehicle and garage waste, Swimming Pools and Spas waste, home repair and improvement waste, pet care waste and septic system waste. The mail out will inform Helotes residents about the impacts of stormwater and the effects it can have on water quality and include steps to reduce pollutants.

4.2 Illicit Discharge Detection and Elimination (IDDE)

(a) Program Development

- (1) All permittees shall develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. (See also Part III.A.1(c).

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

- a. An up-to-date MS4 map (see Part III.B.2.(c)(1));
- b. Methods for informing and training MS4 field staff (see Part III.B.2.(c)(2));
- c. Procedures for tracing the source of an illicit discharge (see Part III.B.2.(c)(5));
- d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));
- e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
- f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (see Part III.B.2.(e)(1));
- g. For Level 4 small MS4s, field screening to detect illicit discharges (see Part III.B.2.(e)(2)); and
- h. For Level 4 small MS4s, procedures to reduce the discharge of floatables in the MS4. (see Part III.B.2.(e)(3).)

(2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ Regional Office of the possible illicit connection or illicit discharge.

(3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).

(4) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must 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 the TCEQ.

(b) Allowable Non-Stormwater Discharges Non-stormwater flows listed in Part II.C do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the flow as a significant source of pollutants to the small MS4.

(c) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.2(c)(1)-(6)

(1) MS4 mapping

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

- a. The location of all small MS4 outfalls that are operated by the permittee 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. Priority areas identified under Part III.B.2.(e)(1), if applicable.

(2) Education and Training

All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge 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 the TCEQ.

(3) Public Reporting of Illicit Discharges and Spills

All permittees shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example by including a phone number for complaints and spill reporting.

(4) All permittees shall develop and maintain on-site procedures for responding to illicit discharges and spills.

(5) Source Investigation and Elimination

- a. Minimum Investigation Requirements – Upon becoming aware of an illicit

discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.

(i) All permittees 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) All permittees shall report to the 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) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge 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 –All Permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee’s boundary, all permittees shall notify the adjacent permitted MS4 operator or the appropriate TCEQ Regional Office according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

If and when the source of the illicit discharge has been determined, all permittees 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.

(6) Inspections –The permittee shall conduct inspections, in response to complaints, and shall conduct follow-up inspections to ensure that corrective measures have been implemented by the responsible party.

The permittee shall develop written procedures describing the basis for conducting inspections in response to complaints and conducting follow-up inspections.

(d) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)(1)-(6) above, permittees who operate Level 3 and 4 small MS4s shall meet the following requirements:

Source Investigation and Elimination Permittees who operate Level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up Investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties

consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C, no further action is required.

(e) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)-(d) above, permittees who operate Level 4 small MS4s shall meet the following requirements:

(1) Identification of Priority Areas

Permittees who operate Level 4 small MS4s shall identify priority areas likely to have illicit discharges and shall document the basis for the selection of each priority area and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate Level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) field screening according to item (2)c. below.

If dry weather field screening is necessary, at a minimum, the permittee shall:

a. Conduct dry weather field screening in priority areas as identified by the permittee in Part III.B.2(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened.

b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures must include the basis used to determine which outfalls will be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits, or stains.

c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field

screening analysis for selected indicator pollutants. The basis for selecting the indicator pollutants must be described in the written procedures. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

(3) Reduction of Floatables

The permittee shall implement a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the MS4. The MS4 shall include source controls at a minimum and structural controls and other appropriate controls where necessary. The permittee shall maintain two locations where floatable material can be removed before the stormwater is discharged to or from the MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the annual report.

The City of Helotes Illicit Discharge and Elimination plan includes the following steps:

- Bi-monthly inspections on all storm water structures within city limits.
- Provide illicit discharge reporting avenues for residents on line and by phone call.
- Providing and Illicit discharge ordinance with enforcement penalties.
- Map all Storm water outfalls of system features within City limits
- Train Public Works personnel on illicit discharge procedures and responses
- Track and list all Ms4 responses to notification of illicit discharge and the City's response.

4.3 Construction Site Stormwater Runoff Control

(a) Requirements and Control Measures

(1) All permittees shall develop, implement, and enforce a program requiring operators of small and large construction activities, as defined in Part I of this general permit, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the the program fully implemented by the end of this permit term.

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

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.3(b)(1)-(7)

(1) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. 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 the TCEQ.

(2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee'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 as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures. In arid, semiarid, and drought-stricken areas, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed. The permittee shall develop written procedures that describes initiating and completing stabilization measures for construction sites.

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, all permittees shall 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 where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed and described in the written procedure required in item (2)b. above. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.

(3) Prohibited Discharges - The following discharges are prohibited:

- 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;
- 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, all permittees shall maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. 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 permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the Requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000. The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the TPDES CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspection of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

- a. The permittee shall conduct inspections 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 waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.

- b. Inspections must occur during the active construction phase.

- (i) All permittees shall develop and implement updated written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on-site or in the SWMP and be made available to TCEQ.

- (ii) Inspections of construction sites must, 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 permittee's ordinances and other regulations; and

4. Provide a written or electronic inspection report.

c. Based on site inspection findings, all permittees shall take all necessary follow up actions (for example, 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 the TCEQ. For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office according to Part III.A.3(b).

(6) Information submitted by the Public

All permittees shall develop, implement, and maintain procedures for receipt and consideration of information submitted by the public.

(7) MS4 Staff Training

All permittees 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.

(c) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.3(b)(1)-(7) above, permittees who operate Level 3 and 4 small MS4s shall meet the following requirements:

Construction Site Inventory

Permittees who operate Level 3 and 4 small MS4s shall maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 must be made by submittal of a copy of an NOI or a small construction site notice, as applicable. The permittee shall make this inventory available to the TCEQ

upon request.

The City of Helotes has implemented a penalty-based enforcement of illicit discharge ordinance for all construction sites with the City limits of Helotes. Please see the Ms4 ordinance starting on Page 42 of this document for details.

4.4 Post Construction Stormwater Management in New Development and Redevelopment

(a) Post-Construction Stormwater Management Program

(1) All permittees 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 or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement. Existing permittees shall assess program elements that were described in the previous permit and modify as necessary to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of the permit term.

(2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees 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. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated permittees shall have the program element fully implemented by the end of the permit term.

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.4.(b)(1)-(3)

(1) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. 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) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

(3) Long-Term Maintenance of Post-Construction Stormwater Control Measures
All permittees 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 permittee. (See Part III.B.5)
- b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

(c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.5(b)(1)-(3), permittees who operate Level 4 small MS4s shall meet the following requirements:

Inspections - Permittees who operate Level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area.

Inspection Reports - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

4.5 Pollution Prevention and Good Housekeeping for Municipal Operations

(a) Program development

All permittees 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 park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharges of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. (See also Part III.A.1.(c))

(b) Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.5.(1)-(6) in the program:

(1) Permittee-owned Facilities and Control Inventory

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory must include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable:

- a. Composting facilities;
- b. Equipment storage and maintenance facilities;
- c. Fuel storage facilities;
- d. Hazardous waste disposal facilities;
- e. Hazardous waste handling and transfer facilities;
- f. Incinerators;
- g. Landfills;
- h. Materials storage yards;
- i. Pesticide storage facilities;
- j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
- k. Parking lots;
- l. Golf courses;
- m. Swimming pools;
- n. Public works yards;
- o. Recycling facilities;

- p. Salt storage facilities;
- q. Solid waste handling and transfer facilities;
- r. Street repair and maintenance sites;
- s. Vehicle storage and maintenance yards; and
- t. Structural stormwater controls.

(2) Training and Education

All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for inspection by TCEQ when requested.

- (3) Disposal of Waste Material -Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.

(4) Contractor Requirements and Oversight

a. Any contractors hired by the permittee to perform maintenance activities on permittee-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 described in Parts III B.5.(b)(2)-(6).

b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be maintained on-site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

- a. Assessment of permittee-owned operations

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

- (i) Road and parking lot maintenance, including such areas as pothole repair, pavement marking, sealing, and re-paving;
- (ii) Bridge maintenance, including such areas as re-chipping, grinding, and saw cutting;
- (iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal

areas; and

(iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.

b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).

c. All permittees 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 the following examples:

(i) Replacing materials and chemicals with more environmentally benign materials or methods;

(ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and

(iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.

d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected to ensure they are working properly. The permittee shall develop written procedures that describes frequency of inspections and how they will be conducted. A log of inspections must be maintained and made available for review by the TCEQ upon request.

(6) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed by the permittee and consistent with maintaining the effectiveness of the BMP. The permittee shall develop written procedures that define the frequency of inspections and how they will be conducted.

5.0 Assessment of Allowable Non-Storm Water Discharges

In accordance with the requirements of the Phase II MS4 permit, the following non-storm water discharges will be assessed in order to determine whether they are known to be significant contributors of pollutants to the City's water bodies:

- (a.) water line flushing; (excluding discharges of hyper chlorinated 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.) discharges from potable water sources; (d.) diverted stream flows;
- (e.) rising ground waters and springs;
- (f.) uncontaminated ground water infiltration; (g.) uncontaminated pumped ground water; (h.) foundation and footing drains;
- (i.) air conditioning condensation; (j.) water from crawl space pumps;
- (k.) individual residential vehicle washing;
- (l.) flows from wetlands and riparian habitats;
- (m.) dechlorinated swimming pool discharges
- (n.) street wash water;
- (o.) discharges or flows from firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (p.) other allowable non-storm water discharges listed in 40 CFR § 122. 26(d)(2)(iv)(B) (1);
- (q.) non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP); and
- (r.) other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

Non-storm water 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-storm water discharges will be conducted as part of the illicit discharge inspection BMP identified in Appendix A.

6.0 Recordkeeping and Reporting

6.1 Recordkeeping

1. The permittee shall retain all records, a copy of this TPDES general permit, and records of all data used to complete the application (NOI) for this general permit and satisfy the public participation requirements, for a period of at least three (3) years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit (including a copy of the general permit) must be retained at a location accessible to the TCEQ.
3. The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.
4. The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

6.2 Reporting Requirements

(a) Noncompliance Notification

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by fax to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ Regional Office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

- (1) A description of the noncompliance and its cause;
- (2) The potential danger to human health or safety, or the environment;

- (3) The period of noncompliance, including exact dates and times;
- (4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- (5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(b) Other Information

When the permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, or NOC, or any other report, the permittee shall promptly submit the facts or information to the executive director.

6.3 Annual Report

The MS4 operator shall submit a concise annual report to the executive director within 90 days of the end of each reporting year. For the purpose of this section, the reporting year may include either the permit year, the permittee's fiscal year or the calendar year, as elected by the small MS4 and notified to the TCEQ in the application submittal. The annual report must address the previous reporting year.

The first reporting year for annual reporting purposes shall begin on the permit effective date and shall last for a period of one (1) year (the end of the "permit year"). Alternatively, if the permittee elects to report based on its fiscal year, the first reporting year will last until the end of the fiscal year immediately following the issuance date of this permit. If the permittee elects to report based on the calendar year, then the first reporting year will last until December 31, 2019.

Subsequent calendar years will begin at the beginning of the first reporting year (which will vary based on the previous paragraph) and last for one (1) year. The MS4 operator shall also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

- (a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- (b) 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;

(c) If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;

(d) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;

(e) Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;

(f) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans. For waters that are listed as impaired after discharge authorization pursuant to Part II.D.4, include a list of such waters and the pollutant(s) causing the impairment, and a summary of any actions taken to comply with the requirements of Part II.D.4.b.;

(g) Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);

(h) The number of construction activities where the small MS4 is the operator and authorized under the 7th optional MCM, including the total number of acres disturbed; and

(i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

MS4s authorized under the previous version of the permit must prepare an annual report whether or not the NOI and SWMP have been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI and SWMP, then the annual report may include that information.

If permittees share a common SWMP, they shall contribute to and submit a single system wide report. Each permittee shall sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports).

The annual report must be submitted with the appropriate TCEQ reporting forms if available, or as otherwise approved by TCEQ.

The annual report must be submitted to the following address:

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

A copy of the annual report must also be submitted to the TCEQ Regional Office that serves the area of the regulated small MS4, except if the report is submitted electronically.

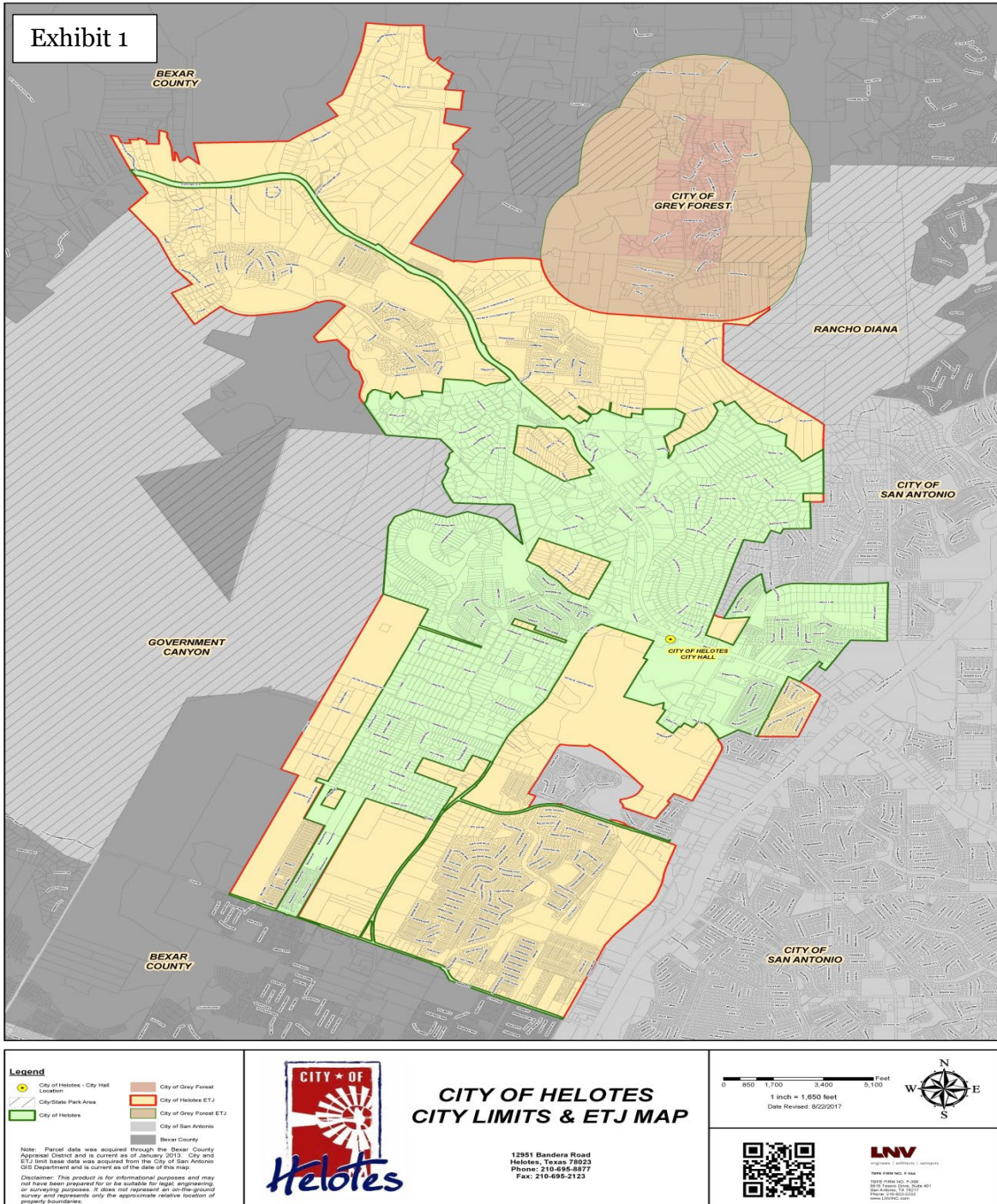
Effective December 21, 2020, annual reports must be submitted using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

7.0 Storm Water Permits for City-Owned Facilities

TCEQ requires certain types of industrial facilities to apply for coverage under TPDES Multi-Sector General Permit No. TXR0S0000. Site-specific storm water pollution prevention plans (SWP3) are required to be developed, implemented, and maintained for facilities that conduct activities with the potential to contaminate storm water. Discharges eligible for authorization under TXR0S0000 are listed under Part II (A) of the Multi -Sector General Permit. Examples of facilities subject to these permit requirements include automobile salvage yards, chemical production plants, paper and pulp mills, and many other industrial facilities.

Municipalities often operate several types of facilities that are subject to the industrial storm water permitting requirements. Landfills, wastewater treatment plants, vehicle maintenance facilities, municipal airports, compost facilities, and print shops are examples of regulated industrial facilities commonly operated by municipalities.

The City is required to document in this plan each City -owned or operated facility that is required to have a TPDES multi- sector general permit for storm water runoff. A copy of each facility's permit authorization, if applicable, is located in Appendix C of this plan for reference.



MS4 ARTICLE IV. - STORMWATER DETENTION AND DRAINAGE [↗](#)

Footnotes:

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Historical Note—Ord. No. 396, § 1, adopted February 26, 2009 repealed the former Art. IV. Ord. No. 306, § 2(Exh. A), adopted July 25, 2006, repealed the former Art. IV. The former Art. IV pertained to similar subject matter and derived from Ord. No. 283, Ex. A(1.1, 2.1—2.8, 3.1, 4.1, 5.1), adopted Sept. 22, 2005.

Sec. 34-51. - Purpose.

The purpose of this article is to provide adequate measures for the detention and distribution of stormwater in a manner that minimizes the possibility of stormwater flooding or the adverse impact to water quality during and after development.

(Ord. No. 196A, § 1, 2-14-2002)

Sec. 34-52. - Scope.

- (a) *Applicability.* This article shall apply to any application for the approval of a subdivision plat, a subdivision replat, a master development plan, a building permit, a change in zoning, a zoning variance, or the redevelopment of property within the city's corporate limits or extraterritorial jurisdiction.
- (b) *Exceptions.* Lots individually platted and developed for single family use shall be exempt from the requirements of this article.

(Ord. No. 196A, § 2, 2-14-2002)

Sec. 34-53. - Drainage facilities.

- (a) *New development.* Peak stormwater runoff rates for all new development shall be less than or equal to the peak runoff rates from the site's pre-development conditions for the five-, 25-, and 100-year design storm events.
- (b) *Redevelopment.* Peak stormwater runoff rates from an area of redevelopment shall be less than or equal to the peak runoff rates produced by existing development conditions for the five-, 25-, and 100-year design storm events.
- (c) *Stormwater detention.* Stormwater detention shall be required for all new developments or redevelopment of individual parcels of property to mitigate peak flow rates to pre-development or existing development conditions as stated in subsections (a) and (b) above. The maximum allowable out-flow rate from the detention facility must be restricted to the flow rate for the undeveloped or existing development tract for the five-, 25-, and 100-year frequency.

(Ord. No. 196A, § 3, 2-14-2002)

Sec. 34-54. - Design standards.

Stormwater runoff may be determined by using the Austin standard method, the rational method, or similar method acceptable to the city engineer. Calculations and plans of the drainage area in pre-development, existing development or ultimate development shall be submitted, for review and approval

by the city engineer, as required in section 34-53. The difference in runoff quantities and the flow rates shall be managed by an onsite storm detention system. The detention system shall be designed to release stormwater at a rate not to exceed that of the pre-development or existing development rate. The design of the detention "reservoir" shall preclude any pooling of water or result in additional identifiable adverse flooding within the subdivision or to other properties. The detention system design must be reviewed for acceptability by the city engineer, who then shall make a recommendation to the city council, and it shall be approved by the city council before any improvements may be made within the proposed subdivision. The detention system must be maintained in a safe and sanitary manner in accordance with its approved design.

(Ord. No. 196A, § 4, 2-14-2002)

Sec. 34-55. - Fee in lieu of detention.

- (a) The city may, at its sole discretion, accept a fee in lieu of detention. All fees collected will be used for regional detention basins or drainage improvements within the city. The fee for said permit shall be as prescribed in the most recent adopted fee schedule passed and approved by the city council. The fee shall be nonrefundable.
- (b) Notwithstanding subsection (a) above, owners of properties located within the Old Town Helotes Special District and qualifying for a fee in lieu of detention, as recommended by the city engineer, shall pay the fee for said permit, as prescribed in the most recent adopted fee schedule passed and approved by the city council, for the area of actual impervious cover proposed to be constructed at the time of permit issuance.

(Ord. No. 196A, § 5, 2-14-2002; Ord. No. 394, § 1, 2-12-2009; Ord. No. 431, § 1, 5-13-2010)

Sec. 34-56. - Penalty.

Any person or firm convicted of violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and shall be fined an amount not less than \$25.00 nor more than \$2,000.00. Each day of violation shall constitute a separate offense. Prosecution or conviction under this section shall never be a limitation to other remedies or relief of violation of this article. In addition to any other remedy provided by law, the city and its agents shall have the right to enjoin any violation of this article by injunction issued by a court of competent jurisdiction or other alternatives as authorized by law.

(Ord. No. 196A, § 6, 2-14-2002)

Secs. 34-57—34-60. - Reserved.

ARTICLE V. - GENERAL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROTECTIONS.

Sec. 34-61. - Definitions.

The following terms shall have the following meanings for the purpose of this article:

- (a) *City of Helotes Separate Storm Sewer System (MS4)*. The system of conveyances, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, creeks, streams, tributaries, manmade channels, and/or storm drains, which:
 - (1) Provide for the collection and conveyance of stormwater, rain water, flood water, or other surface water; and
 - (2) Are located on public property; and

- (3) Are not designed and intended to be part of the collection system of a sanitary sewer system utilized by a publicly-owned treatment works (POTW), as defined in 40 C.F.R. 122.2; and
- (4) Are located within the corporate limits of the City of Helotes, Texas.
- (b) *Brush cuttings, clippings.* All herbaceous materials, including lawn trimmings and leaves.
- (c) *Household hazardous waste.* Waste from materials utilized for residential or commercial purposes containing regulated substances which either singularly, by its interaction with other wastes, or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant, or animal life or property. For purposes of this article, household hazardous wastes include, but are not limited to, paint, paint thinners, paint solvents, bleaches, and drain cleaners.
- (d) *Pesticide.* Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and/or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
- (e) *Rubbish.* Inorganic solid waste, including, but not limited to, paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, glass, crockery, tin, aluminum cans, metal furniture, and other like materials.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-62. - Prohibited discharges into the MS4.

- (a) It shall be a violation of this article for any entity to deposit, throw, drain, discharge; cause or allow to be deposited, thrown, drained, or discharged; or otherwise cause to be injected into the MS4 or any other storm sewer manhole, catch basin, private drain, ditch, street gutter, creek, stream, tributary, or any other drainage device which connects with or drains into the MS4, any of the following materials or substances within the corporate limits of the City of Helotes:
 - (1) Any acid waste materials;
 - (2) Any alkaline waste materials;
 - (3) Any water- or waste-containing free-floating or insoluble oil;
 - (4) Any gasoline, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid, or gas;
 - (5) Any noxious, malodorous, poisonous, or reactive substance which, either singularly or by interaction with other substances or by its accumulation in the MS4, becomes injurious or potentially injurious to human, plant, or animal life or property; and/or
 - (6) Any domestic or industrial wastewater.
- (b) It shall be a defense to prosecution under this section that such entity was authorized to commit any act under a valid permit from the Texas Commission on Environmental Quality (TCEQ), which would otherwise constitute a violation at the time of commission.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-63. - Placing brush cuttings, clippings, and/or rubbish into the MS4.

- (a) It shall be a violation of this article for any entity to deposit, discard, dump, or cause or allow to be deposited, discarded, or dumped any brush cuttings, clippings, and/or rubbish within the MS4.
- (b) It shall be a violation of this article for any entity to place, cause, or allow to be placed brush cuttings, clippings, and/or rubbish within any street in the corporate limits of the city in such a manner that the same may be washed by the flow of water into the MS4.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-64. - Placing household hazardous wastes into the MS4.

- (a) It shall be a violation of this article for any entity to place, cause, or allow to be placed household hazardous waste within the MS4.
- (b) It shall be a violation of this article for any entity to place, cause, or allow to be placed household hazardous waste within any street in the corporate limits of the city in such a manner that the same may be washed by the flow of water into the MS4.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-65. - Prohibiting the improper use of pesticides in order to keep them from entering into the MS4.

- (a) It shall be a violation of this article for any entity to cause or allow a pesticide to enter into the MS4.
- (b) It shall be a violation of this article for any entity to utilize a pesticide in a manner inconsistent with the proper usage set out in the labeling for such pesticide, all in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- (c) It shall be a violation of this article for any entity to utilize a pesticide which is not properly labeled in accordance with FIFRA.
- (d) It shall be a defense to prosecution under this section that the entity accused of such violation utilized a pesticide in accordance with the requirements of FIFRA and in a manner consistent with its labeling.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-66. - Criminal penalty.

- (a) A conviction for violation of this article shall constitute a Class C misdemeanor. A person convicted of a violation of this article shall be fined a minimum amount of not less than \$200.00 per violation and a maximum amount of not more than \$2,000.00 per violation. Each violation of a particular section of this article shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this article. A culpable mental state is not required to prove an offense under this article.
- (b) The City of Helotes hereby authorizes the city administrator to designate qualified personnel to serve notices of violations of this article and to take all necessary actions to file a complaint with the municipal court of the city.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-67. - Civil penalty.

A civil penalty in an amount not to exceed \$5,000.00 per violation of this article may be imposed. Each violation of a particular section of this article shall constitute a separate offense, and each day such an offense continues shall be considered a new violation for purposes of enforcing this article.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-68. - Additional enforcement remedies.

- (a) In addition to any other remedies provided by this article, the City of Helotes may, at any time, seek legal and/or equitable remedies or may file charges against any person, corporation, or other entity believed to be in violation of this article. In furtherance thereof, the city attorney is hereby authorized and instructed to commence any action, in law or in equity, including the filing of charges for the purpose of enforcing this article.
- (b) The use of negotiated civil settlements or other methods of alternative dispute resolution to reach a civil settlement is hereby authorized; provided, however, that the civil penalty imposed by any such agreement or settlement is of a sufficient amount in relation to the violations to which they provide a sanction.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-69. - Conflict.

No provision of this article is intended to, nor shall any part or portion hereof be construed, so as to conflict with the Texas Water Code.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-70—34-75. - Reserved.

ARTICLE VI. - STORMWATER COMPLIANCE FOR CONSTRUCTION ACTIVITY

Sec. 34-76. - Statement of purpose.

- (a) The intent of this article is to satisfy conditions imposed by the State on the city within the city's Texas Pollutant Discharge Elimination System (TPDES) permit.
- (b) All construction addressed by this article is intended to conform to best management practices. Applicable best management practices (BMPs) are presently outlined in the Texas Commission on Environmental Quality (TCEQ) Technical Guidance On Best Management Practices, June 1999, Document No. RG-348. These sources constitute recommended guides only. Choice of any technique or BMP is at the option of the responsible party.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-77. - Definitions.

When used in this article, the following terms shall have the following meanings:

- (a) *Best management practices (BMP)*. A series of structural and non-structural techniques and practices which, when used in an erosion control plan or considered as part of a construction site's housekeeping efforts, are proven to be effective in controlling construction-related runoff, erosion, sedimentation, and associated pollutants.
- (b) *Construction activity*. Clearing or grading of land; dozing or mechanical removal of trees which dozing or mechanical removal disturbs the soil; excavation for installation of utility lines, streets, and drainage facilities; site preparation for housing and commercial development; and on-going construction activities which produce waste products.
- (c) *EPA*. The United States Environmental Protection Agency.

- (d) *Erosion*. The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- (e) *Final inspection*. Occurs after a responsible party meets the definition of final stabilization and files a notice of termination, if required by state or federal law. At such time, the City of Helotes will conduct a final inspection to verify compliance with final stabilization and the removal of temporary BMPs.
- (f) *Final stabilization*. Reference TPDES General Permit for Stormwater Discharges for Construction Activities standards located within Region 6 of the EPA. All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent permanent stabilization measures have been employed.
- (g) *Grade*. The vertical location of the ground surface.
- (h) *Grading*. Any land disturbance or land fill, or any combination thereof.
- (i) *Improved*. Altered by manmade conditions.
- (j) *Land disturbance/land-disturbing activities*. Any moving or removing, by manual or mechanical means, of the soil mantle or top six inches of soil, whichever is shallower, including, but not limited to, excavations.
- (k) *Land fill*. Any human activity involving the disposition of soil, earth, or other earthen or aggregate materials.
- (l) *Measurable Volume*. A volume of material that is capable of being truly and correctly depicted in a photograph, motion picture, or video recording of the sediment, soil, soil material, or pollutant in question.
- (m) *Municipal (City of Helotes) separate storm sewer system (MS4)*. The system of conveyances, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, creeks, streams, tributaries, manmade channels, and/or storm drains, which:
 - (1) Provide for the collection and conveyance of stormwater, rain water, flood water, or other surface water; and
 - (2) Are located on public property; and
 - (3) Are not designed and intended to be part of the collection system of a sanitary sewer system utilized by a publicly-owned treatment works (POTW), as defined in Title 40 C.F.R. 122.2; and
 - (4) Are located within the corporate limits of the City of Helotes, Texas.
- (n) *Notice of intent (NOI)*. Notice of Intent filed by a responsible party with the Texas Commission on Environmental Quality (TCEQ). An NOI is required under State regulation for certain construction activity. The NOI is part of the federal general permit process for construction activity concerning projects or runoff deemed to potentially impact waters of the United States of America.
- (o) *Notice of termination (NOT)*. The notice required by TCEQ for sizeable projects within the jurisdiction of any agency that verifies "final stabilization" of the site has been achieved, as described above.
- (p) *National Pollutant Discharge Elimination System (NPDES)*. A permit program that controls water pollution by regulating point sources that discharge pollutants into waters of the United States.

- (q) *Entity*. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity, or the legal representatives, agents, or assigns thereof.
- (r) *Pollutant*. Any substance introduced into the environment that adversely affects a resource. Pollutants include, but are not limited to, soils, soil materials, sediments, human wastes, other wastes, and debris generated at construction sites.
- (s) *Responsible party*. Any person or legal entity, individual or corporate, including the owner, operator, contractor, or subcontractor, any or all of whom may be engaged in, consent to, or actually perform a construction project or construction activity.
- (t) *Sediment*. Earth material deposited by water, wind, or ice.
- (u) *Site*. The location of construction activity within the corporate limits of the city.
- (v) *Soil and/or soil material*. Naturally occurring superficial deposits of earth mantle overlaying bedrock or clay; any naturally occurring surface deposit of sand, gravel, silt, clay; or any mixture thereof.
- (w) *Stormwater*. Stormwater runoff, snow melt runoff, and surface runoff and drainage, as per TPDES Permit No. TXR040000.
- (x) *Stormwater pollution prevention plan (SWPPP)*. The state or federally required plan for identifying and implementing appropriate measures to reduce pollutants in stormwater that discharges into the city's municipal separate storm sewer system (MS4), including eroded sediments. Protective measures include, but are not limited to, natural and manmade collection components, good housekeeping for site maintenance, and other commonsensical actions, all frequently referred to as best management practices (BMP).
- (y) *Texas Commission on Environmental Quality (TCEQ)*. An agency of the State of Texas.
- (z) *Unimproved*. Natural conditions that are unaltered.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-78. - Applicability; declaration of nuisance for violation; no culpable mental state required.

- (a) Within the corporate limits of the city, no entity shall perform construction activities that violate provisions of this article. Construction activities violating this article are hereby declared unlawful.
- (b) Violations committed within the corporate limits of the city shall constitute a public nuisance, as further provided below. Violations of any provision of this article within the city's corporate limits shall be deemed a criminal Class C misdemeanor. Violations of any provision of this article within the city's corporate limits shall be further subject to a civil enforcement option, more particularly described below.
- (c) No culpable mental state is required of any responsible party in order to constitute a violation of this article. Some of the requirements of this article may be generally characterized as good housekeeping protocols and those expected to be employed by a reasonably prudent contractor, operator, owner, or other person having responsibilities for various activities on a construction site. Where State and federal permits require the site operator, owner, or other responsible party to make a stormwater pollution prevention plan (SWPPP), such Plans must be readily available for city inspection.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-79. - General prohibition against construction pollution within the municipal separate storm sewer system; measurable volumes for violation.

- (a) It is unlawful for any entity to engage in construction activity which results in a measurable volume of sediment, soils, soil material, or pollutants entering the city's MS4.
- (b) Nothing in this section shall diminish or change the general prohibitions against MS4 pollution found in this chapter.
- (c) The responsible party shall use best management practices (BMP) to prevent sediment, soils, soil materials, and pollutants from entering the city's MS4.
- (d) It is unlawful for any person to engage in construction activity without employing BMP necessary to protect the city's MS4 from runoff or other media capable of transporting sediment, soil, soil material, and pollutants into the city's MS4.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-80. - Additional federal and state requirements generally applicable to responsible parties associated with five-acre tract or larger projects; proper custody of federal or state stormwater pollution prevention plans (SWPPP); applicable to parties required to provide notice of intent (NOI) to EPA or TCEQ; requirement to post NOI at site; requirement to make SWPPP available to city inspector; copy of notice of termination required by EPA or TCEQ.

- (a) Concerning projects for which the EPA or TCEQ have permitting authority, the responsible party shall post at the site, as required by federal and State regulations, a true and correct copy of the NOI. A copy of the NOI shall also be sent to the City of Helotes.
- (b) The responsible party shall have available on site for City inspection the stormwater pollution prevention plan (SWPPP) imposed by EPA or TCEQ when the site in question is subject to such plans imposed by federal or State law.
- (c) The responsible party shall make the SWPPP available to the city inspector on reasonable request made during normal working hours.
- (d) Failure, refusal, or inability to provide such plan for inspection, when the plan is required under state or federal law, constitutes a violation of this article.
- (e) It shall be unlawful for any person to engage in construction activity in violation of the elements of an applicable SWPPP.
- (f) The responsible party shall provide the City of Helotes a true and correct copy of any notice of termination (NOT) necessary to close out a project regulated by the EPA or TCEQ. The NOT shall be sent to the City of Helotes at the time it is sent to the EPA or TCEQ.
- (g) Where permanent improvements have been constructed, the final inspection shall verify whether or not the "final stabilization" criteria have been met.
- (h) Where no permanent improvements are planned, temporary BMPs shall continue to be maintained until the site has reached final stabilization.
- (i) A site shall continue to be regulated until final stabilization is achieved, and, where applicable to state and federally-regulated sites, until a "notice of termination" (NOT) has been filed.
- (j) Where the site has met final stabilization requirements but the controls or measures implemented thereafter fail, each discharge of construction-related contamination by the responsible party shall constitute a violation of this article.
- (k) Removal of temporary BMPs shall be required after the site achieves final stabilization.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-81. - Enforcement procedures.

- (a) Upon observation of an alleged violation or condition an inspector believes constitutes a violation of this article, the inspector shall issue a field correction notice to a responsible party. The field correction notice shall be personally delivered to a responsible party if such person is available on site, or, in the absence of such person, shall be posted at the construction site. Field correction notices shall afford two 24-hour periods to correct the violation alleged. The first 24-hour period should be used to remediate and remove the offending material, if any, from the city's MS4. A second 24-hour grace period shall follow immediately to allow the responsible party to appropriately install or repair corrective BMP which was lacking or failed to protect the city's MS4.
- (b) If the violation is cured within 48 hours, as described above, no further City action is required.
- (c) If correction is not made timely, the inspector may issue a stop work order.
- (d) If a stop work order is not honored at the site and/or corrective action is not timely accomplished to protect the city's MS4, citations may be issued or civil injunctive remedies with appropriate penalties may be pursued.
- (e) Additional or cumulative enforcement action may be taken as the seriousness of the alleged pollutant encroachment into the city's MS4 escalates.
- (f) Additional compliance time may be afforded if, within the judgment and discretion of the inspector, municipal obligations to environmental health and safety and municipal stormwater compliance obligations to enforcement agencies are not comprised.

(Ord. No. 476, § 1, 9-13-2012)

Sec. 34-82. - Criminal and civil enforcement.

- (a) A penalty is hereby established whereby any entity that shall violate any provision of this article shall be deemed to be guilty of a misdemeanor and shall, upon conviction, be fined a minimum of not less than \$200.00 per violation and a maximum amount of not more than \$2,000.00 per violation. Each day of violation shall constitute a separate offense for purposes of the enforcement of this article. A culpable mental state is not required to prove an offense under this article.
- (b) The city attorney is hereby authorized to pursue all legal, equitable, and criminal remedies appropriate to enforce all provisions of this article, including, but not limited to, the authority granted under the V.T.C.A., Local Government Code ch. 54, providing for injunctive relief and court imposed civil penalties up to \$5,000 a day for violation of ordinances relating to the discharge of a pollutant into a storm sewer system controlled by a municipality.
- (c) Upon the written direction of the city administrator advising of an alleged violation of any section of this article, the city attorney is authorized to petition any court of competent jurisdiction for an injunction to enjoin the continuance of such violation and to secure any all civil penalties within the jurisdiction of the appropriate court. This remedy shall be cumulative of and in addition to all other enforcement remedies available to the city.
- (d) The authority set out above shall in no way diminish the authority and responsibility of the city attorney to diligently prosecute violations of this article through municipal court.

(Ord. No. 476, § 1, 9-13-2012)

Appendix C Ms4 Map

City of Helotes Ms4 Map

