



TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY  
P. O. Box 13087  
Austin, Texas 78711-3087

TPDES PERMIT NO.  
WQ0004773000  
[For TCEQ office use only – EPA  
I.D. No. TXS001501]

This is a renewal of TPDES  
Permit No. WQ0004773000,  
issued on June 6, 2008.

PERMIT TO DISCHARGE UNDER THE TEXAS  
POLLUTANT DISCHARGE ELIMINATION SYSTEM  
under provisions of  
Section 402 of the Clean Water Act  
and Chapter 26 of the Texas Water Code

**PART I: AUTHORIZATION**

City of Lubbock  
P.O. Box 2000  
Lubbock, Texas 79457

Texas Tech University  
2903 4th Street, Room 122  
Lubbock, Texas 79415

are authorized to discharge from the City of Lubbock Municipal Separate Storm Sewer System (MS4) (SIC 9111)

including all areas, except for any agricultural lands, located within the corporate boundaries of the City of Lubbock served by, or otherwise contributing to discharges to the MS4 owned or operated by the permittees, located in Lubbock County, Texas, 79382, 79401, 79403, 79404, 79406, 79407, 79410, 79411, 79412, 79413, 79414, 79415, 79416, 79423, and 79424

via the MS4 to several ditches and tributaries that lead to North Fork Double Mountain Fork Brazos River, Buffalo Springs Lake and Yellow House Draw which eventually reach Double Mountain Fork Brazos River in Segment No. 1241 of the Brazos River Basin.

only according to conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non stormwater discharges along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, five years from the date of issuance.

ISSUED DATE: August 17, 2015

  
For the Commission

**PART II: DISCHARGES AUTHORIZED BY THIS PERMIT AND PERMITTEE RESPONSIBILITIES**

**A. Authorized Discharges.**

1. This permit authorizes existing or new stormwater point source discharges to surface water in the state from those portions of the City of Lubbock's Municipal Separate Storm Sewer System (MS4) owned or operated by the permittees.
2. The following discharges, whether discharged separately or commingled with municipal stormwater, are not authorized by this permit:
  - a. discharges of non-stormwater;
  - b. stormwater discharges associated with industrial activity;
  - c. stormwater discharges that must be authorized by a Texas Pollutant Discharge Elimination System (TPDES) permit; and
  - d. discharges of materials resulting from a spill, except when necessary to prevent loss of life, personal injury, or severe property damage.
3. This permit does not negate any person's ability to assert the *force majeure* (Act of God, war, strike, riot, or other catastrophe) defenses found in 30 Texas Administrative Code (TAC) § 70.7.
4. This permit does not transfer liability for discharging without, or in violation of, an National Pollutant Discharge Elimination System (NPDES) or a TPDES permit from the responsible party of the discharge to the permittees.
5. The requirements in this permit must provide substantial compliance with the Texas Surface Water Quality Standards (TSWQS) as specified in 30 TAC §§ 307.1.-307.10.

**B. Responsibilities of the permittees.** The permittees are individually responsible for:

1. compliance with permit conditions;
2. implementation of the Stormwater Management Program (SWMP);
3. compliance with annual reporting requirements;
4. collection of monitoring data, according to such agreements established between permittees;
5. a plan of action to assume responsibility for implementation of the stormwater management and monitoring programs on its portions of the MS4 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default; and
6. permittees are jointly responsible for permit compliance on portions of the MS4 where operational or SWMP implementation authority over portions of the MS4 is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

### **PART III: STORMWATER MANAGEMENT PROGRAM**

#### **A. Overview.**

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

#### **B. SWMP Components.**

1. The SWMP must contain the following minimum control measures (MCMs) for:
  - a. MS4 maintenance activities;
  - b. post-construction stormwater control measures;
  - c. detection and elimination of illicit discharges;
  - d. pollution prevention and good housekeeping for municipal operations;
  - e. limiting industrial and high risk stormwater runoff;

- f. limiting stormwater runoff from construction sites;
  - g. public education, outreach, involvement and participation; and
  - h. monitoring, evaluation and reporting.
- 2. The permittees shall ensure that the following list of MCMs are implemented.
  - a. MCM 1, MS4 Maintenance Activities.
    - i. Structural Controls. To the maximum extent practicable (MEP), the permittees shall continue to operate and maintain the MS4, including any stormwater structural controls in such a manner as to reduce erosion and the discharge of pollutants.
    - ii. Floatables. The permittees shall continue implementation of the program to reduce the discharge of floatables (for example litter and other human generated solid refuse) into the MS4. The permittees shall include source controls at a minimum, and structural controls and other appropriate controls where necessary.
    - iii. Roadways. The permittees shall continue to operate and maintain public streets, roads, and highways to minimize the discharge of pollutants, including pollutants related to deicing or sanding activities.
  - b. MCM 2, Post-Construction Stormwater Control Measures.
    - i. The permittees shall continue implementation and enforcement of the controls to minimize the discharge of pollutants from areas of new development and significant redevelopment, after construction is completed. The goals of such controls must include: A) limiting increases in erosion and the discharge of pollutants in stormwater as a result of new development; and B) reducing erosion and the discharge of pollutants in stormwater from areas of redevelopment.
    - ii. *Within five years from the date of permit issuance*, the requirement to implement a comprehensive master planning process (or equivalent) must be expanded to include all new development and redevelopment projects within regulated MS4 areas that disturb one acre or more of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one acre or more.
    - iii. The permittees shall evaluate the existing SWMPs as necessary to ensure that this MCM includes a regulatory mechanism such as an ordinance to implement and enforce the new requirements of this program, and shall ensure that the SWMP includes strategies for structural and non-structural controls (i.e., BMPs) appropriate for the community. In addition, the permittees shall provide for adequate long-term operation and maintenance of BMPs.
    - iv. The permittees shall assess the impacts on the receiving waters for all flood control projects. Where feasible, new flood control structures must

be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. If applicable, the retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented, to the maximum extent practicable.

c. MCM 3, Illicit Discharge Detection and Elimination.

- i. Illicit non-stormwater discharges shall be prohibited from entering the MS4. The permittees shall continue to develop a program; including inspection procedures and methods and a schedule; to detect and prevent illicit discharges and improper disposal into the MS4. This program shall include:
  - A) A description of the program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the MS4;
  - B) A description of procedures to conduct on-going field screening activities including areas or locations that will be evaluated by such field screens;
  - C) A description of procedures to be followed to investigate portions of the MS4 that indicate a reasonable potential of containing illicit discharges or other sources of non-storm water;
  - D) A description of procedures to prevent, contain, and respond to spills that may discharge into the MS4;
  - E) A description of a program to promote, publicize, and facilitate public reporting of illicit discharges or water quality impacts associated with discharges from the MS4;
  - F) A description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and
  - G) A description of controls to limit infiltration of seepage from municipal sanitary sewers to the MS4 where necessary.
- ii. For the purposes of this permit, the following discharges need not be addressed as illicit discharges by the permittees nor prohibited from entering the MS4:
  - A) discharges regulated by a separate NPDES or TPDES permit;
  - B) discharges for which an NPDES or TPDES permit application has been submitted or neither an NPDES nor TPDES permit is required; and
  - C) miscellaneous non-stormwater discharges.

- iii. The SWMP must identify all categories of miscellaneous, non-stormwater discharges that may be discharged into the MS4, and include a description of any local controls or conditions placed on discharges exempted from the prohibition on non-stormwater.
- iv. Miscellaneous, non-stormwater discharges that may be authorized by the permittees include:
  - A) water line flushing;
  - B) landscape irrigation;
  - C) diverted stream flows;
  - D) rising ground waters;
  - E) uncontaminated ground water infiltration;
  - F) uncontaminated pumped ground water;
  - G) discharges from potable water sources;
  - H) foundation drains;
  - I) air conditioning condensation;
  - J) irrigation water;
  - K) springs;
  - L) water from crawl space pumps;
  - M) footing drains;
  - N) lawn watering;
  - O) street wash water;
  - P) individual residential vehicle washing;
  - Q) wash waters using only potable water, and which are similar in quality and character to street wash water or individual residential vehicle washing but without the use of detergents or surfactants;
  - R) flows from riparian habitats and wetlands;
  - S) dechlorinated swimming pool discharges;
  - T) charitable car washes;
  - U) other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);

- V) other allowable non-stormwater discharges as listed in the TPDES Construction General Permit No. TXR150000 and TPDES Multi-Sector General Permit No. TXR050000; and
- W) other similar occasional incidental non-stormwater discharges.
- v. Program descriptions must address discharges or flows from fire fighting only where such discharges or flows are identified as significant sources of pollutants to surface waters.
- vi. Any individual non-stormwater discharge otherwise exempted under this paragraph from the prohibition on non-stormwater that is determined by the permittees to be contributing significant amounts of pollutants to the MS4 shall be prohibited.
- vii. Elimination of Illicit Discharges and Improper Disposal.
  - A) The permittees shall continue to require the operator of an illicit discharge or improper disposal practice to eliminate the illicit discharge or stop the improper disposal practice as quickly as reasonably possible. If the elimination of an illicit discharge within 30 days is not possible, the permittees shall continue to require the operator of the illicit discharge to remove the discharge according to an expeditious schedule. Until the illicit discharge or improper disposal is eliminated the permittees shall continue to require the operator of the illicit discharge to take all reasonable measures to minimize the discharge of pollutants to the MS4.
  - B) The permittees shall continue:
    - 1) to keep a list of techniques used to detect illicit discharges, and revise the list as necessary; and
    - 2) to use appropriate actions and enforcement procedures for removing the source of an illicit discharge, and revise where necessary.
- viii. Overflows and Infiltration. The permittees shall continue to implement controls where necessary and feasible to address dry weather and wet weather overflows from sanitary sewers into the MS4. The permittees shall continue to limit the infiltration of seepage from municipal sanitary sewers into the MS4 to the MEP.
- ix. Household Hazardous Waste and Used Motor Vehicle Fluids. The discharge or disposal of used motor vehicle fluids and household hazardous wastes shall be prohibited. The intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into the MS4 shall be reduced to the MEP.
  - A) The permittees shall continue to ensure the implementation of programs to collect used motor vehicle fluids (including, at a minimum, oil and antifreeze) and household hazardous waste materials (including paint, solvents, pesticides, herbicides, and

other hazardous materials) for recycling, reuse, or proper disposal. Such programs shall be readily available to the residential sector within the MS4 and shall be publicized and promoted on a regular basis.

- B) Household hazardous waste collection centers which are operated by the permittees as a SWMP element are not an industrial activity requiring a separate TPDES authorization for the discharge of stormwater.
- x. MS4 Screening and Illicit Discharge Inspections. To locate portions of the MS4 with suspected illicit discharges and improper disposals, the permittees shall continue to implement the Dry Weather Screening Program described in Part III, Section B.2.h.i. of this permit. Follow-up activities to eliminate illicit discharges and improper disposals may be prioritized on the basis of magnitude and the nature of the suspected discharge; sensitivity of the receiving water; or other relevant factors. The entire MS4, but not necessarily each individual outfall, shall continue to be screened at least once per five years.
  - xi. Priority Areas. *Within five years from the date of permit issuance*, the permittees shall develop a list of priority geographic areas likely to have illicit discharges. The permittees shall continue to evaluate and update this list each year and report the results in the annual report.
  - xii. NPDES and TPDES Permittee List. The permittees shall maintain an updated list of dischargers that discharge directly to the MS4 and that have been issued an NPDES or a TPDES permit. The list shall include the name, location and permit number (if known) of the discharger.
  - xiii. MS4 Map.
    - A) The permittees shall maintain a current, accurate MS4 map of: the location of all major outfalls; the names and locations of all waters of the U.S. that receive discharges from major outfalls; and any additional information needed by the permittees to implement their SWMP.
    - B) The permittees shall document the source information used to develop the MS4 map, including how the outfalls are verified and how the map will be regularly updated.
    - C) New MS4 Areas: *Within one year from the date of permit issuance*, the permittees shall develop and implement procedures to ensure that the requirements in Section III.B.2.c.xiii are met for all new portions of the MS4.
    - D) Existing MS4 Areas: *Within three years from the date of permit issuance*, the permittees shall demonstrate that it has evaluated all existing portions of the MS4 and that the new mapping requirements have been implemented to the maximum extent practicable.



- xiv. Spill Prevention and Response. The permittees shall continue to implement existing programs which prevent, contain, and respond to spills that may discharge into the MS4. The spill response programs may include:
  - A) a combination of spill response actions by the permittees or another public or private entity, and
  - B) legal requirements for private entities within the jurisdiction of the permittees. This permit does not transfer liability for the act of discharging without, or in violation of, an NPDES or a TPDES permit from the responsible parties of the discharge to the permittees.
- d. MCM 4, Pollution Prevention and Good Housekeeping for Municipal Operations.
  - i. Pollution Prevention and Good Housekeeping program. *Within five years from date of permit issuance*, the permittees shall implement a pollution prevention and good housekeeping program for municipal operations. The program must include MCMs that address:
    - A) identification and implementation of good housekeeping and best management practices (BMPs) to reduce pollutant runoff from municipal operations such as street and highway maintenance, parks, municipal office buildings and water treatment plants;
    - B) reduction of discharge of pollutants to the MEP from road repair, equipment yards, material storage facilities, or maintenance facilities;
    - C) training for all employees responsible for municipal operations which includes information on preventing and reducing stormwater pollution from all municipal operations subject to this MCM; and
    - D) structural control maintenance.
  - ii. Waste Handling. The permittees shall ensure that waste removed from the MS4 or from other municipal operations is properly disposed of.
  - iii. Pesticide, Herbicide, and Fertilizer Application. The permittees shall continue to implement controls to address the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers, by the permittees' employees or contractors, to public right-of-ways, parks, or other municipal property. The permittees, if they have jurisdiction over lands they do not directly own (e.g. incorporated city), shall implement programs to reduce the discharge of pollutants related to the commercial application and distribution of pesticides, herbicides, and fertilizers on those lands.
  - iv. List of Municipal Facilities. The SWMP must include a list of all municipal operations subject to the municipal operation, maintenance, and training programs listed under this MCM, and all municipally owned

and operated industrial activities subject to TPDES or NPDES industrial stormwater regulations.

- e. MCM 5, Industrial and High Risk Runoff.
  - i. The permittees shall continue to implement their existing programs to identify and control pollutants in stormwater discharges to the MS4 from: municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittees determine are contributing a substantial pollutant loading to the MS4.
  - ii. This MCM must include:
    - A) priorities and procedures for inspections and for establishing and implementing control measures for such discharges; and
    - B) an Industrial and High Risk Monitoring Program as described in Part III, Section B.2.h.iii. of this permit.
- f. MCM 6, Construction Site Stormwater Runoff.
  - i. The permittees shall continue to implement a program to reduce the discharge of pollutants into the MS4 from construction sites. This MCM must include an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law. *Within five years of the date of permit issuance*, the permittees shall ensure that the existing program is revised as necessary to address construction projects that result in a land disturbance of one acre or more, including activities disturbing less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more.
  - ii. This MCM must include:
    - A) requirements to use and maintain appropriate erosion and sediment control BMPs to reduce pollutants discharged to the MS4 from construction sites;
    - B) requirements for construction site operators to address the control of site waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste;
    - C) requirements for inspections of construction sites and enforcement of control measure requirements;
    - D) requirements for the permittees to provide appropriate education and training measures to construction site operators;

- E) notifications to construction site operators of their potential responsibilities under the NPDES or TPDES permitting regulations and permits for construction site runoff;
  - F) procedures for site plan review which incorporate consideration of potential water quality impacts;
  - G) procedures for receiving and considering input received from the public; and
  - H) a description of a program to implement and maintain structural and non-structural best management practices to reduce pollutants in stormwater runoff from construction sites to the MS4, which shall include a description of the following:
    - (1) procedures for site planning which incorporate consideration of potential water quality impacts;
    - (2) requirements for nonstructural and structural best management practices;
    - (3) procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and
    - (4) appropriate educational and training measures for construction site operators.
- iii. Lists of Sites. The permittees shall maintain a current list of construction sites that discharge directly to the MS4 and that have been issued an NPDES or a TPDES permit. The list must include the name, location and permit number of the discharges that have been authorized under an NPDES or TPDES stormwater discharges permit for construction activities (if known).
- iv. The permittee shall ensure and demonstrate that this MCM includes the following elements, in addition to those listed above:
- A) The permittees shall require construction site contractors to implement appropriate erosion and sediment control BMPs and control waste (for example, discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste) at the construction site that may cause adverse impacts to water quality.
  - B) The permittees shall develop procedures for site plan reviews that incorporate consideration of potential water quality impacts, receipt and consideration of information submitted by the public, and site inspections and enforcement of control measures to the extent allowable under state and local law.

- g. MCM 7, Public Education, Outreach, Involvement and Participation.
  - i. Public Education and Outreach
    - A) *Within five years from the date of permit issuance*, the permittees shall document and ensure that the SWMP promotes, publicizes, and facilitates public education and outreach to: residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel. The permittees must document the activities conducted and materials used to fulfill this program element.
    - B) The permittees shall continue to implement a public education and outreach program component to promote, publicize, and facilitate:
      - 1) public reporting of illicit discharges or improper disposal of materials, including floatables, into the MS4;
      - 2) the proper management and disposal of used oil and household hazardous wastes; and
      - 3) the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors.
  - ii. Public Involvement and Participation. *Within five years from the date of permit issuance*, the permittees shall develop and implement a public involvement and participation program which complies with State, Tribal, and local public notice requirements. This program element must include opportunities for a wide variety of constituents within the MS4 area to participate in the SWMP development and implementation.
- h. MCM 8, Monitoring, Evaluation and Reporting. The permittees shall continue to implement, and modify as necessary, the following monitoring or screening programs for dry weather, wet weather, and industrial and high risk runoff:
  - i. Dry Weather Screening Program. This program shall continue the permittees' efforts to detect the presence of illicit connections and improper discharges to the MS4. All areas of the MS4 must be screened at least once during the permit term. The permittees may utilize modified screening methods based on experience gained during previous field screening activities; the screening methods are not required to conform to the protocol in 40 CFR § 122.26(d)(1)(iv)(D). Sample collection and analysis is not required to conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures," however, samples taken to confirm (e.g., in support of possible legal action) a particular illicit connection or improper disposal practice must conform to the requirements of Part V, Section B.2. of this permit, "Test Procedures."
  - ii. Wet Weather Screening Program: The permittees shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the MS4.

The wet weather screening program shall:

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

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

iii. Industrial and High Risk Runoff Monitoring Program.

- A) This program must include monitoring for pollutants in stormwater discharges to the MS4 from: municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g., transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittees determine are contributing a substantial pollutant loading to the MS4.
- B) The Industrial and High Risk Runoff Monitoring Program must include the collection of quantitative data on parameters which have been identified by the permittees as a pollutant of concern for that facility, and shall:
  - 1) coincide with the corresponding industrial sector-specific requirements of the TPDES Multi-Sector General Permit or any applicable general permit issued after September 29, 1995, and is not contingent on whether a particular facility is actually covered by the general permit;
  - 2) coincide with the monitoring requirements of any individual permit for the stormwater discharges from that facility; or
  - 3) include pollutants of concern for the stormwater discharge from that facility as identified by the permittees.
- C) To avoid the duplication of efforts, the permittees may review data collected by a facility as required by any individual or general permit for that facility rather than performing additional sample collection and analysis.
- D) In lieu of the monitoring discussed above, the permittees may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to stormwater and are not expected to be exposed to stormwater for

the certification period. Where a permittee accepts a "no exposure" certification, the permittee shall conduct site inspections of the facility not less than once per MS4 permit term to verify the "no exposure" exemption; the permittees may waive this inspection for those facilities which participate in the TCEQ's Small Business and Local Government Assistance Compliance Commitment (C2) Program.

E) The permittees may also waive monitoring requirements under this permit for facilities that they determine are in compliance with the TPDES Multi-Sector General Permit No. TXR050000.

- iv. Storm Event Discharge Monitoring. The permittees shall comply with the monitoring requirements in Part IV of this permit to characterize the discharge from the MS4.
- v. Floatables Monitoring. The permittees shall implement a floatables program as described in Part IV. Section B.2.ii. of this permit.

3. Discharges to Water Quality Impaired Receiving Waters.

For discharges from the MS4 that will reach one or more surface water bodies that are identified on the latest approved Clean Water Act §303(d) list as not meeting applicable state water quality standards due to bacteria, the permittees shall develop an interim bacteria reduction plan (IBRP). The IBRP must be included in the SWMP and must discuss the management practice and control measures that the permittees will implement to reduce, with the goal of eliminating, the discharge of bacteria that contribute to the impairment of the water body. The IBRP must specifically identify control measures and practices, including monitoring and screening activities, that are used to address the discharge of bacteria in stormwater. The permittees must identify potential significant sources of bacteria that may include, but are not limited to: sanitary sewer systems; on-site sewage facilities; illicit discharges and dumping; and animal sources. The IBRP is not required to discuss the reduction of the discharge of bacteria related to other permitted water quality discharges, i.e., non-stormwater.

In the event that the water body(ies) that receive stormwater discharges from the MS4 are no longer identified as impaired for bacteria on the latest approved Clean Water Act §303(d) list, then the requirement to develop an IBRP shall be waived.

**C. Deadlines for SWMP Compliance:** The permittees shall continue with existing programs, updating when necessary, to comply with the requirements of this permit. Full implementation of the SWMP is required upon permit issuance, except for the new requirements of the permit that include a specific compliance period.

- 1. Except as described in item c. below, related to the MS4 map, the permittees shall demonstrate that it has fully implemented the new SWMP program elements *within five years from the date of permit issuance. Within two years from the date of permit issuance*, the permittees shall submit a revised SWMP to TCEQ that includes all SWMP program elements as described in Part III, Section B. of this permit:
  - a. Part III, Section B.2.b.ii, relating to post-construction stormwater control measures;

- b. Part III, Section B.2.c.vii.B), relating to the detection and elimination of illicit discharges;
  - c. Part III, Section B.2.c.xiii., relating to the MS4 outfall mapping requirements, except that existing areas that have previously been mapped must be reviewed *within three years from the date of permit issuance* to include, to the extent practicable, any outfalls on the MS4 map that were not previously included;
  - d. Part III, Section B.2.d.i., relating to the pollution prevention/good housekeeping program for municipal operations;
  - e. Part III, Section B.2.f.i. and ii.A), relating to certain construction site runoff control requirements; and
  - f. Part III, Section B.2.g.ii., relating to public involvement and participation.
- 2. Compliance with any new SWMP requirements that do not include a compliance schedule in the permit is required *within five years from the date of permit issuance*.
  - 3. Compliance Schedules: The permittees shall comply with the following compliance schedules:
    - a. *within five years from the date of permit issuance*, the permittees shall fully implement all of the control measures described in this permit, with the exception of paragraph III.B.2.c.xiii (also see Part III, Section C.1.c. above);
    - b. *within three years from the date of permit issuance*, the permittees shall fully implement the control measure related to mapping all major MS4 outfalls (see Part III, Section B.2.c.xiii.), for all existing portions of the MS4; and
    - c. demonstrate, at a minimum, partial compliance with each new requirement during each permit year.
- D. Roles and Responsibilities of Permittees.** For shared programs, the SWMP shall clearly identify the roles and responsibilities of each permittee.
- E. Legal Authority.** Each permittee shall ensure it has the legal authority to control discharges to and from those portions the MS4 over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with municipal entities with existing legal authority to:
- 1. control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity;
  - 2. prohibit illicit discharges to the MS4;
  - 3. control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes) into the MS4;

4. control through interagency agreements among permittees the contribution of pollutants from one portion of the MS4 to another;
5. require compliance with conditions in ordinances, permits, contracts, or orders; and
6. carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

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

**G. SWMP Review and Updates.**

1. SWMP Review. The permittees shall participate in the annual review of the current SWMP in conjunction with the preparation of the annual report required under this permit.
2. SWMP Updates Requested by the permittees. No permittee shall revise the SWMP without the prior written approval of the TCEQ, unless the modification is to add controls or replace a less effective or infeasible BMP with an alternate BMP.
  - a. The permittees may add components, controls, or requirements to the SWMP at any time upon written notification to the TCEQ.
  - b. The permittees, at any time, may request authorization to replace less effective or infeasible BMPs specifically identified in the SWMP with an alternate BMP. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the permittees 60 days from submittal of the request. Such requests must include the following:
    - 1) an explanation of why the BMP was eliminated;
    - 2) an explanation on the effectiveness of the replacement BMP; and
    - 3) an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.
  - c. If the permittees determine that a component, control, or requirement is not effective in reducing or eliminating the impacts of pollutants on water quality, then the permittees may remove this BMP without replacement only after receiving written approval from the TCEQ's Stormwater & Pretreatment Team. The permittees shall submit this request in writing to the TCEQ Stormwater & Pretreatment Team (MC-148), and shall include an explanation as to why the BMP is considered ineffective, as well as the method of review that was utilized to determine its ineffectiveness. The permittees shall also demonstrate that the permit discharges from the MS4 will continue to meet the MEP standard for reducing pollutants, as well as the water quality requirements, after the BMP is removed.
  - d. Changes resulting from any compliance schedules contained in this permit may be requested following completion of an interim task or final deadline. Unless denied in writing by the TCEQ, proposed changes meeting the criteria



contained in the applicable schedule shall be considered approved and may be implemented by the permittees 60 days from submittal date.

- e. Change requests or notifications must be made in writing to the TCEQ's Stormwater & Pretreatment Team (MC-148), signed by all directly affected permittees in accordance with Part V, Section B.8. of the permit, and must include a certification that all permittees were given an opportunity to comment on the proposed changes prior to submittal to the TCEQ.

3. SWMP Updates Required by the TCEQ.

- a. The TCEQ may require changes to the SWMP through a permit amendment or modification as needed to:
  - i. address impacts on receiving water quality either caused or contributed to by discharges from the MS4;
  - ii. include more stringent requirements necessary to comply with new state or federal statutory or regulatory requirements;
  - iii. include such other conditions deemed necessary to comply with the goals and requirements of the Texas Water Code or the Clean Water Act; or incorporate new program elements necessary to continue to meet the MEP standard.
- b. If the TCEQ requires changes to the SWMP, the changes will be made through a permit amendment, which will be conducted in accordance with 30 TAC § 305.62. Prior to making any changes to the SWMP, the TCEQ will:
  - i. notify the permittees in writing of the required changes;
  - ii. provide an explanation of the required changes;
  - iii. set forth the time schedule for the permittees to develop these changes; and
  - iv. allow the permittees an opportunity to propose alternative program changes to meet the objective of the request.

4. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.

- a. The permittees shall implement the SWMP on all new areas added to its/their portion of the MS4 (or for areas where they become responsible for implementation of stormwater quality controls) as expeditiously as practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
- b. *Within 90 days of a transfer of ownership*, operational authority, or responsibility for SWMP implementation, the permittees shall have a plan for implementing the SWMP on all affected areas. The plan may include schedules

for implementation. Information on all new annexed areas and any resulting updates required to the SWMP shall be included in the annual report.

5. **Retention of Records.** The permittee shall retain the SWMP and all associated records for at least three years after coverage under this permit terminates.

#### **PART IV. MONITORING AND REPORTING REQUIREMENTS**

**A. Storm Event Discharge Monitoring:** Beginning upon permit issuance (unless stated otherwise), the permittees shall implement a Wet Weather Characterization sampling program in accordance with Option 1 or 2; Part IV, Section A.1, Part IV or Section A.2.

1. **Option 1: Representative Monitoring.** The permittees may either conduct representative monitoring as described in this section or conduct rapid bioassessment as described in the next section (A.2.). To characterize the quality of stormwater discharges from the City of Lubbock's Municipal Separate Storm Sewer System (MS4) monitoring shall be collected from representative outfalls, internal sampling stations, or instream monitoring locations.
  - a. **Monitoring Requirements and Locations.** During the period beginning upon date of issuance and lasting through date of expiration, the permittees are authorized to discharge from the MS4 subject to the following requirements.
  - b. **Pollutants.** The permittees shall analyze each collected monitoring sample for the following parameters, and shall report the daily maximum concentration in milligrams per liter (mg/L) except as indicated:
    - i. Biochemical oxygen demand, 5-day;
    - ii. chemical oxygen demand (COD);
    - iii. oil and grease;
    - iv. total suspended solids (TSS);
    - v. total dissolved solids (TDS);
    - vi. total ammonia;
    - vii. total kjeldahl nitrogen (TKN);
    - viii. nitrate+nitrite;
    - ix. total arsenic;
    - x. total phosphorus;
    - xi. dissolved phosphorus;
    - xii. total cadmium (micrograms per liter, or µg/l);
    - xiii. total chromium (µg/l);
    - xiv. total copper (µg/l);
    - xv. total lead (µg/l);
    - xvi. total nickel (µg/l);
    - xvii. total silver (µg/l);

- xviii. total zinc ( $\mu\text{g/l}$ );
  - xix. *E. coli* (colony forming units, or cfu per 100 m/l; or Most Probable Number [MPN]/100 ml);
  - xx. fecal streptococcus (in cfu MPN/100 ml);
  - xxi. pH (report daily minimum and daily maximum results in standard units, "S.U.");
  - xxii. hardness (as  $\text{CaCO}_3$ );
  - xxiii. temperature (degrees Centigrade,  $^{\circ}\text{C}$ ); and
  - xxiv. Atrazine ( $\mu\text{g/L}$ ).
- c. Monitoring frequency for each pollutant is once per season (1/season) during each year of permit term unless monitoring under the representative Rapid Bioassessment Monitoring Option (See Part IV, Section A.2.). The pH shall be monitored 1/Season by grab sample, and the permittees shall report the minimum and maximum values in standard units. Seasonal monitoring periods are:
- i. May-October (wet);
  - ii. November-April (dry).
- d. Sample Locations.
- i. Discharge monitoring samples shall be collected at the following locations:  
  
**Outfall 001**, is a subsurface storm sewer structure located at 47th Street and Vanda  
  
**Outfall 002**, is a subsurface storm sewer system structure located at 44th Street and Martin Luther King Blvd., in southeast Lubbock  
  
**Outfall 003**, is a subsurface storm sewer structure located at 26th Street and Ivory Avenue, on the east side of Lubbock  
  
**Outfall 004**, is a subsurface storm sewer structure located at 1st Place and Avenue J, on the north side of Lubbock  
  
**Outfall 005**, is a subsurface storm sewer structure located at 98th Street and Guava Avenue.
  - ii. Alternate representative monitoring locations may be substituted for just cause during the term of the permit.
  - iii. Requests for permanent approval of alternate monitoring locations must be made as minor amendment application and must be submitted to the TCEQ's Application Review and Processing Team (MC-148). The application must include the rationale for the requested monitoring station relocation.
  - iv. Requests for temporary approval to substitute monitoring locations (because of things such as safety concerns or repairing an outfall) may be

made at any time in writing to the TCEQ's Stormwater & Pretreatment Team (MC-148). Unless disapproved by the TCEQ, or unless the outfall contains numeric effluent limitations, temporary (i.e., for one year or less) use of an alternate monitoring location may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, and for permanent changes to locations, the permit must be modified prior to substitution of alternate monitoring locations.

2. **Option 2: Representative Rapid Bioassessment Monitoring.** The permittees have the option of developing and implementing a rapid bioassessment monitoring program.
  - a. If the permittees implement a rapid bioassessment monitoring program, they shall submit the rapid bioassessment monitoring program to the TCEQ Stormwater & Pretreatment Team (MC-148) for approval no later than one year from the date of permit issuance. The proposal must include an appropriate bioassessment monitoring protocol (e.g., based on EPA published protocol) and the permittees shall provide written notification to the TCEQ's Stormwater & Pretreatment Team at least 14 days prior to commencing a rapid bioassessment monitoring program.
  - b. The permittees may implement the alternate rapid bioassessment program, unless it is contacted in writing by the TCEQ within 60 days of the date the written notification was provided to the TCEQ.
  - c. The permittees shall obtain all necessary aquatic wildlife permits from appropriate State or Federal agencies.
  - d. Monitoring of the MS4 must be conducted as described in Part IV, Section A.2. of this permit, except that monitoring for years two, three and five are no longer required. All other requirements of Part IV, Section A of this permit remain unchanged.
  - e. An alternate rapid bioassessment monitoring program must include requirements for the permittees to monitor:
    - i. a station in at least two water bodies receiving stormwater discharges from the MS4 and a reference station located within the same ecological region as the MS4, that does not receive discharges from the MS4;
    - ii. each monitoring station at least twice per year, with monitoring conducted at essentially the same time periods each year; and
    - iii. the reference station within a day or two each time a station located in the receiving waters of the MS4 is monitored.
3. **Storm Event Data.** For sampling conducted for Part IV, Section A.1. of this permit and any additional sampling conducted for Part IV, A.4, quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed in Part IV, Section A.1 of this permit, the permittees shall maintain records of the storm events which generated the sampled runoff. The records must include:

- a. date and duration (in hours);
  - b. rainfall measurements or estimates (in inches);
  - c. the duration (in days) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
  - d. an estimate of the total volume (in gallons) of the discharge sampled.
4. Seasonal Pollutant Loadings and Event Mean Concentrations. All necessary sampling data must be collected to provide estimates for each of the selected monitoring locations (Outfalls 001 through 005 in this permit) of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in Part IV, Section A.2 of this permit. This information may be estimated from the representative monitoring locations and must take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations must be included in the Annual Report for Reporting Year 4 of this permit term.
5. Sample Type, Collection, and Analysis. Requirements a – c below apply only to samples collected for Part IV, Sections A.1 or A.4 of this permit.
  - a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample must be taken.
  - b. Grab samples taken during the first two hours of discharge shall be used for the analyses (if required) of pH, temperature, hardness, oil & grease, *E. coli*, and fecal streptococcus. For all other parameters, data must be reported for flow-weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.
  - c. Samples of a discharge from the outfalls listed in Part IV, Section A.1.d of this permit must be the result of a storm event that is greater than 0.1 inch and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken:
    - i. with a continuous sampler; or
    - ii. by combining a minimum of three sample aliquots taken:
      - A) in each hour of discharge for the entire discharge; or
      - B) for the first three hours of the discharge, with each aliquot being separated by at least fifteen minutes.
  - d. The required 72 hour storm event interval is waived if the preceding storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived if the permittees document that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.

6. Temporary Suspension and Waivers.

- a. Requirements to conduct representative monitoring as described in Part IV, Section A.1.a. within a prescribed monitoring period may be temporarily suspended for adverse weather conditions. Adverse weather conditions are conditions that are either dangerous to personnel (for example high wind, excessive lightning) or weather conditions that prohibit access to a discharge (for example flooding, freezing conditions, extended period of drought). Adverse weather conditions that result in the temporary suspension of a permit requirement to conduct seasonal monitoring must be documented and included as part of the Annual Report. Documentation shall include the date, time, names of personnel that witnessed the adverse condition, and the nature of the adverse condition.
- b. When seasonal monitoring is temporarily suspended, that monitoring must be conducted in the same season of the following year, in addition to any monitoring required for that season. If the temporarily suspended monitoring requirement cannot be fulfilled during the same season of the following year, then it is permanently waived.

**B. Floatables Monitoring**

The permittees 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 required in this permit.

**C. Annual System-Wide Report**

1. Each permittee shall contribute to the preparation of an annual system-wide report to be submitted to the Stormwater and Pretreatment Team, MC-148, P.O. Box 13087, Austin, Texas, 78711-3087 no later than 90 days following the end of each dry season as defined in Part IV.A.1.c. above. The report must cover the previous reporting year as defined in Part VI.D. of this permit.
2. The annual report must contain the following sections or chapters to describe the status of implementing the SWMP, or must cross-reference the items in this list so that the following topics may be easily located in the order provided in Part III, Section B.2. The report must be provided in either the following format or a format approved in writing by the Stormwater and Pretreatment Team:
  - a. MS4 Maintenance Activities
    - (1) Structural Controls
    - (2) Floatables
    - (3) Roadways
  - b. Post-Construction Stormwater Control Measures
    - (1) Areas of New Development and Significant Redevelopment, including the status of complying with new requirements

- (2) Evaluation of the existing SWMP to ensure implementation and enforcement of a regulatory mechanism
  - (3) Flood Control Projects
- c. Illicit Discharge Detection and Elimination
  - (1) Illicit and Allowable Discharges
  - (2) Detection and Elimination of Illicit Discharges, including the status of complying with new requirements
  - (3) Evaluate and update the list of priority areas
  - (4) Overflows and Infiltration
  - (5) Household Hazardous Waste and Used Motor Vehicle Fluids
  - (6) MS4 Screening and Illicit Discharge Inspections
  - (7) NPDES and TPDES Permittee List
  - (8) MS4 Map, including the status of complying with new requirements
  - (9) Spill Prevention and Response
- d. Pollution Prevention/Good Housekeeping for Municipal Operations
  - (1) Pollution Prevention/Good Housekeeping Program, including the status of complying with new requirements
  - (2) Structural Control Maintenance
  - (3) Waste Handling
  - (4) Pesticide, Herbicide, and Fertilizer Application
  - (5) List of Municipal Facilities
- e. Industrial & High Risk Runoff
  - (1) Priorities and Procedures for Inspections and Implementing Control Measures
  - (2) Industrial and High Risk Monitoring Program (alternatively, this may be referenced in the Monitoring section of the annual report)
- f. Construction Site Stormwater Runoff
  - (1) Requirements for Structural and Non-Structural BMPs
  - (2) Inspection of Construction Sites and Enforcement Requirements
  - (3) Education and Training for Construction Site Operators;
  - (4) Notification of Requirements to Construction Site Operators
  - (5) List of Construction Sites
  - (6) Status of complying with new requirements (e.g., site plan review of projects that are one or more acres in size)
- g. Public Education and Outreach/Public Involvement and Participation
  - (1) Public Education, including the status of complying with new requirements
  - (2) Public Involvement and Participation, including the status of complying with new conditions
  - (3) Evaluation of the effectiveness of this MCM
- h. Monitoring, Evaluation and Reporting
  - (1) Dry Weather Screening Program

- (2) Wet Weather Screening Program
  - (3) Industrial and High Risk Runoff Monitoring Program
  - (4) Wet Weather Characterization Program. Note that for Reporting Year (RY) 4, the permittees shall provide the estimates of seasonal loadings and event mean concentrations in accordance with Part IV, Section A.5. of this permit, related to Seasonal Loadings and Event Mean Concentrations
  - (5) Floatables Monitoring
3. For each program element listed above, the permittees shall include the following separate sections, with an overview for the entire MS4:
  - a. For shared programs, a description of the portion of the current program that the permittee has implemented for each SWMP element;
  - b. the status of implementing the SWMP (status of compliance with any schedules established under this permit);
  - c. any proposed changes to the SWMP for the next reporting year; and
  - d. a summary describing the number and nature of enforcement actions and inspections, where applicable.
4. The report must include the following appendices after the program/MCM descriptions:
  - a. identification of any water quality improvements, degradations, and progress toward any measurable goals or measured reduction in pollutants;
  - b. progress toward reducing bacteria based on the IBRP in Part III, Section B.3 of this permit;
  - c. annual expenditures for the reporting period, with a breakdown for the major elements of the SWMP;
  - d. the proposed budget for the upcoming reporting year;
  - e. revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application or the most recent annual report;
  - f. a summary of the number of NPDES and TPDES notices of intent received for each general permit and the number of site notices received from construction site operators seeking coverage for stormwater discharges;
  - g. the number of inspections conducted at industrial and construction sites; and
  - h. representative monitoring data and a summary of any additional data that was collected during the reporting year and the status of complying with the new SWMP elements in Part III, Section B of the permit.
5. Preparation and submittal of a system-wide annual report shall be coordinated by the City of Lubbock. The report shall indicate which, if any, permittees have failed to provide required information on the portions of the MS4 for which they are responsible to the City of Lubbock no later than 45 days prior to report due date.



Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report. Each individual permittee shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part V, Section B.8 of this permit and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been apprised of the content in the annual report.

#### **D. Certification and Signature of Reports**

All reports required by the permit and other information requested by the TCEQ shall be signed and certified in accordance with Part V, Section B.8 of this permit.

#### **E. Reporting, Where and When to Submit**

1. Representative monitoring results (Part IV, Section A.1) obtained during the reporting period running from November 1 to October 31 must be submitted on Discharge Monitoring Report Forms along with the Annual Report required by Part IV, Section C of this permit. A separate Discharge Monitoring Report Form is required for each monitoring period (season) specified in Part IV.A.1.c.
2. Signed copies of the annual report required by Part IV, Section C, and all other reports required by this permit, shall be submitted to the TCEQ's Wastewater Permitting Section, Stormwater & Pretreatment Team (MC-148) and the TCEQ Region 2 Office.

### **PART V: DEFINITIONS AND STANDARD PERMIT CONDITIONS**

#### **A. Definitions:**

As required by 30 TAC Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC §§ 305.121 - 305.129, Subchapter F, "Permit Characteristics and Conditions" as promulgated under the Texas Water Code §§ 5.103 and 5.105, and the Texas Health and Safety Code §§ 361.017 and 361.024(a), establish the characteristics and standards for discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit.

All definitions contained in Section 26.001 of the Texas Water Code and 30 TAC Chapter 305 shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

1. **Best Management Practices (BMPs)** - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution in discharges that reach waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2. **CWA** - the Clean Water 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. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.).
3. **Copermittee** - one of several entities authorized under a single individual permit that is only responsible for permit conditions relating to the discharge for which it is the operator.
4. **Daily maximum concentration** - the maximum concentration measured on a single day, by composite sample unless otherwise specified elsewhere in this permit, within a period of one calendar month.
5. **Discharge** - unless indicated otherwise, refers to discharges from the City of Lubbock's Municipal Separate Storm Sewer System (MS4).
6. **Flow-weighted composite sample** - a composite sample consisting of a mixture of aliquots collected at either:
  - a. a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge; or
  - b. a constant volume at varying time intervals, proportional to the discharge flow rate.
7. **Grab sample** - an individual sample collected in less than 15 minutes.
8. **Illicit connection** - any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
9. **Illicit discharge** - any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES or TPDES permit (other than the NPDES or TPDES permit for certain discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and other allowable non-stormwater discharges described in Part III, Section B.2.c. of this permit.
10. **Landfill** - an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
11. **Large or medium municipal separate storm sewer system (MS4)** - all MS4s that are either:
  - a. located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
  - b. located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or

- c. owned or operated by a municipality other than those described in paragraph (a) or (b) and that are designated by the EPA as part of the large or medium municipal separate storm sewer system.
- 12. **Major Outfall** - an outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).
  - 13. **Maximum Extent Practicable (MEP)** - the technology-based discharge standard for MS4 established by Section 402(p) of the Federal Clean Water Act.
  - 14. **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):
    - (i) owned or operated by a State, city, town, borough, county, parish, 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 section 208 of the CWA that discharges to waters of the United States;
    - (ii) designed or used for collecting or conveying stormwater;
    - (iii) which is not a combined sewer; and
    - (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 30 TAC § 305.2.
  - 15. **Outfall** – for the purpose of this permit, an outfall is a point or location where an MS4 discharges to waters of the U.S., and does not include an open conveyance that connects two municipal separate storm sewers.
  - 16. **Permittee** - any entity authorized by this permit to discharge to surface water in the state.
  - 17. **Point source** – for the purpose of this permit, 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.
  - 18. **Storm sewer** - unless otherwise indicated, a municipal separate storm sewer (MS4).

19. **Stormwater** - stormwater runoff, snow melt runoff, and surface runoff and drainage.
20. **Stormwater discharges associated with industrial activity** - defined in TPDES General Permit No. TXR050000.
21. **Stormwater Management Program, or SWMP** - a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system. For the purposes of this permit, the SWMP is considered a single document, but may actually consist of separate components (e.g. "chapters") for each permittee.
22. **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: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.
23. **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 nonnavigable, 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.
24. **Waters of the United States** - For the purposes of this permit, 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 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 CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States 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 Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

## **B. Monitoring And Reporting Requirements**

### **1. Self-Reporting**

- a. Monitoring results shall be provided at the intervals specified in the permit.
- b. As provided by state law, the permittees are subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the CWA, the Chapters 26, 27, and 28 of the TWC, and Texas Health and Safety Code, Chapter 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

### **2. Test Procedures**

- a. Unless otherwise specified in this permit, analytical procedures shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification.

### **3. Records of Results**

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

- b. Monitoring and reporting records, including the SWMP, requests for SWMP changes, reports, strip charts and records of calibration and maintenance, copies of all records required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittees or shall be readily available for review by a TCEQ representative for a period of three years from the date of the original record or sample, measurement, report, application, or the latest revisions, whichever is later. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
  - 1) date, time and place of sample or measurement;
  - 2) identity of individual who collected the sample or made the measurement.
  - 3) date and time of analysis;
  - 4) identity of the individual and laboratory who performed the analysis;
  - 5) the technique or method of analysis; and
  - 6) the results of the analysis or measurement and quality assurance/quality control records.
- d. 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 maybe instituted against a permittee.

4. Additional Monitoring by Permittees

If the permittee performs additional monitoring for any parameter at the outfalls included in Part IV of this permit using approved analytical methods as specified above, then all results of such monitoring shall be included in the calculation and reporting of the values submitted in the annual or other reports describing these discharges. Increased frequency of sampling shall be indicated on the reports.

5. Calibration of Instruments

All automatic flow measuring, flow recording devices or totalizing meters for measuring flows shall be accurately calibrated by a trained person prior to use and as often as necessary to ensure accuracy, but not less often than annually. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained by the permittees and shall be readily available for review by a TCEQ representative for a period of three years.

6. Compliance Schedule Reports

If a compliance schedule is included in this permit, reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in the compliance schedule shall be submitted no later than 14 days following each schedule date to the TCEQ Regional Office and to the Enforcement Division (MC-224).

7. Noncompliance Notification

- a. In accordance with 30 TAC §305.125(9), any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittees to the TCEQ. Report of such information shall be provided orally or by facsimile transmission (FAX) to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittees to the TCEQ Regional Office and to the Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- b. Unauthorized discharges of wastewater or any other waste from the MS4 which results from noncompliance with the SWMP shall be reported under Part V, Section B 7.a above.
- c. In addition to 7.a and b above, and if the permit contains numeric limitations, any violation which deviates from a permitted numeric limitation by more than 40% shall be reported by the permittees in writing to the TCEQ Regional Office and to the Enforcement Division (MC-224) within 5 working days of becoming aware of the noncompliance.
- d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC-224) as promptly as possible.
- e. Duty to Mitigate

The permittees shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

8. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

**C. PERMIT CONDITIONS**

1. General

- a. When a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.

- b. This permit is granted on the basis of the information supplied and representations made by the permittees during action on an application in accordance with 30 TAC Chapter 50 and the application process in accordance with 30 TAC Chapter 281, and relying upon the accuracy and completeness of that information and those representations in accordance with 30 TAC Chapter 305. After notice in accordance with 30 TAC Chapter 39 and opportunity for a hearing in accordance with 30 TAC §§ 55.21 - 55.31, Subchapter B, "Hearing Requests, Public Comment," this permit may be modified, suspended, or revoked, in whole or in part in accordance with 30 TAC Chapter 305 Subchapter D, during its term for cause; including, but not limited to, the following:
    - 1) violation of any terms or conditions of this permit, or
    - 2) obtaining this permit by misrepresentation or failure to disclose fully all relevant facts.
  - c. The permittees shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittees
  - d. shall also furnish to the Executive Director, upon request, copies of records required to be maintained as a provision of the permit.
2. Compliance
- a. Acceptance of the permit by a permittee to whom it is issued constitutes acknowledgment and agreement that the permittee will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
  - b. The permittees have a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation or suspension, or for denial of a permit renewal application or of an application for a permit for another facility.
  - c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
  - d. Before beginning any change in the permitted activity that may result in noncompliance with any permit requirements, authorization from the Commission must be obtained.
  - e. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and the TWC § 7.302. The filing of a request by a permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.



- f. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, or 308, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).
3. Inspections and Entry
  - a. Inspection and entry shall be allowed as prescribed in Chapters 26, 27, and 28 of the TWC, and Texas Health and Safety Code Chapter 361.
  - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002.
4. Permit Amendment or Renewal
  - a. The permittees shall give notice to the Executive Director as soon as possible of any planned revisions to the SWMP that would require amendment of the permit.
  - b. The permittees shall apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. Authorization to continue such activity will terminate upon the Commission's denial of the application.
  - c. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittees, the Commission may require the permittees, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
  - d. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge, and that standard or prohibition is more stringent than a numeric

limitation that was established for that pollutant in this permit, then this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittees shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of a system authorized by this permit. Such notification should be sent to the Applications Review and Reporting Team (MC-148) of the Water Quality Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application for Transfer).

6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal which requires a permit or other authorization pursuant to the Texas Health and Safety Code.

7. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

8. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**D. OPERATIONAL REQUIREMENTS**

1. Upon request by the Executive Director, the permittees shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules.
2. The permittees shall provide a readily accessible sampling point and, where required by the permit, a flow measuring device or other acceptable means by which discharge flow may be determined, at point sources and outfalls with discharge monitoring requirements.
3. The permittees shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under Texas Water Code § 7.302(b)(6).

4. Documentation

For all written notifications to the Commission required of the permittees by this permit, the permittees shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for applications, effluent data, permits, and other data specified in 30 TAC § 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice.

5. Facilities which generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.

6. Proper Operation and Maintenance

The permittees shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by a permittee to achieve compliance with the conditions of this permit and with the requirements of stormwater management programs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

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**PART VI: OTHER REQUIREMENTS**

- A.** *Within two years of the date of permit issuance*, the permittees shall submit a revised SWMP to the TCEQ Stormwater & Pretreatment Team (MC-148), that includes all of the requirements listed in Part III, Section B of this permit, including a proposed compliance schedule to meet the deadlines for implementing new requirements listed in Part III, Section C of this permit.
- B.** Test methods utilized shall be sensitive enough to detect the following parameters at the minimum analytical level (MAL) specified below:

<u>POLLUTANTS</u>	<u>MAL (mg/L)</u>
Cadmium, total	0.001
Chromium, total	0.003
Copper, total	0.002
Nickel, total	0.002
Lead, total	0.0005
Zinc, total	0.005
Atrazine	0.0005

When an analysis of an discharge sample for any of the parameters listed above indicates no detectable levels above the MAL and the test method detection level is as sensitive as the specified MAL, a value of zero (0) shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. This applies to determinations of daily maximum concentration, calculations of loading and daily averages, and other reportable results.

When an analysis of an discharge sample for a parameter indicates no detectable levels and the test method detection level is not as sensitive as the MAL specified in the permit, or an MAL is not specified in the permit for that parameter, the level of detection achieved shall be used for that measurement when determining calculations and reporting requirements for the self-reporting form. A zero (0) may not be used.

- C.** Monitoring results shall be provided at the intervals specified in the permit.
- D.** For the purposes of this permit, the following definitions apply to this permit term:

Year One: The period beginning upon date of issuance and lasting for 364 days

Year Two: The period beginning one year from date of issuance and lasting for 364 days

Year Three: The period beginning two years from date of issuance, and lasting for 364 days

Year Four: The period beginning three years from date of issuance, and lasting for 364 days

Year Five: The period beginning four years from date of issuance and lasting through permit expiration.

- E. For the purpose of this permit, the following definition applies: “ground water infiltration” means uncontaminated ground water that enters an MS4 (including sewer service connection and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. This does not include, and is distinguished from, “inflow.” For the purpose of this permit, “inflow” is defined as water that enters the MS4 (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage.
- F. Permit coverage may be terminated for a single permittee, in accordance with TCEQ rules, without terminating coverage for other co-permittees. If a co-permittee applies for its own separate individual permit with the same terms and conditions as the current permit, then a renewal application is required for the separate permit and an application for a new permit or major amendment is not required. If a co-permittee applies for an individual permit along with different co-permittees, then a major amendment application is required.