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City of Corpus Christi, Texas MS4 NPDES Permit No. TXS000601

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NPDES Permit No. TXS000601

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

City of Corpus Christi;

Texas Department of Transportation - Corpus Christi District;

Corpus Christi Junior College District;

Port of Corpus Christi Authority; and

Texas A&M University - Corpus Christi

are authorized to discharge, in accordance with the Storm Water Management Program, monitoring requirements, and other provisions set forth in Parts I, II, III, IV*, V, VI, VII, and VIII herein,

from all portions of the City of Corpus Christi's Municipal Separate Storm Sewer System owned or operated by any permittee listed above, to waters of the United States.

This permit will become effective

This permit and the authorization to discharge under the National Pollutant Discharge Elimination System shall expire at midnight, on

Signed this day of

Dorothy Crawford
Municipal Permits Section (6W-PM)

Myron O. Knudson, P.E.
Director
Water Management Division (6W)

* Part IV is reserved, not included.

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

A. Permit Area. This permit covers all areas within the corporate boundary of the City of Corpus Christi served by municipal separate storm sewers owned or operated by the permittees.

B. Authorized Discharge.

1. Except for discharges prohibited under Part I.B.2, this permit authorizes all existing or new storm water point source discharges to waters of the United States from those portions of the Municipal Separate Storm Sewer System owned or operated by the permittees.
2. The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:
 - a. *Non-storm Water and Industrial Storm Water:* discharges of non-storm water; any Storm Water Discharge Associated with Industrial Activity; or other storm water discharges required to obtain an NPDES permit, except where such discharges are:
 - (1) regulated by a separate NPDES permit (or the discharger has applied for such permit); or
 - (2) identified by and in compliance with Part II.A.6.a.
 - b. *Spills:* discharges of material resulting from a spill. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittees shall take, or insure the responsible party for the spill takes, all reasonable steps to minimize or prevent any adverse effect on human health or the environment. See also Part II.A.7 and Part VI.E. This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittees nor relieve the party(ies) responsible for a spill from the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302.

C. Permittees' Responsibilities.

1. Each permittee is responsible for:
 - a. Compliance with permit conditions relating to discharges from portions of the Municipal Separate Storm Sewer System for which they are the operator;
 - b. Storm Water Management Program implementation on portions of the Municipal Separate Storm Sewer System for which they are the operator;
 - c. Compliance with annual reporting requirements as required in **Part V.C.**;
 - d. Collection of representative wet weather monitoring data required by **Part V.A.1.**, according to such agreements established between permittees; and
 - e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the Municipal Separate Storm Sewer System should interjurisdictional agreements allocating responsibility between permittees be dissolved or in default.
2. Permittees are jointly responsible for permit compliance on portions of the Municipal Separate Storm Sewer System where operational or Storm Water Management Program implementation authority over portions of the Municipal Separate Storm Sewer System is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

D. Discharge Goals. The following goals are established for discharges from the Municipal Separate Storm Sewer System:

1. No discharge of toxics in toxic amounts.
2. No discharge of pollutants in quantities that would cause a violation of State Water Quality Standards.
3. No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts.
4. No discharge of non-storm water from the municipal separate storm sewer system (except as provided in **Part I.B.2.**).
5. No degradation or loss of State-designated beneficial uses of receiving waters as a result of storm water discharges from the municipal separate storm sewer (unless authorized by the State in accordance with the State's Antidegradation Policy).

PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM

Each permittee shall contribute to the development, revision and implementation of a comprehensive Storm Water Management Program which includes pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Sewer System. The Storm Water Management Program shall be implemented in accordance with Section 402(p)(3)(B) of the Act, and the Storm Water Regulations (40 CFR Part 122.26).

Controls and activities in the Storm Water Management Program shall identify areas of permittees' jurisdiction, and program element applicability or specific area basis. The Storm Water Management Program shall include controls necessary to effectively prohibit the discharge of non-storm water into the Municipal Separate Storm Sewer System, and reduce the discharge of pollutants from the Municipal Separate Storm Sewer System to the Maximum Extent Practicable.

The Storm Water Management Program shall cover the term of the permit and shall be updated as necessary, or as required by the Director, to ensure compliance with the requirements of Section 402(p)(3)(B) of the Act. Modifications to the Storm Water Management Program shall be made in accordance with **Parts II.G., and III.** Compliance with the Storm Water Management Program and **Part III.** shall be deemed compliance with **Parts II.A, and II.B.** The Storm Water Management Program, and all approved updates made in accordance with **Part II.G.,** are hereby incorporated by reference.

Implementation of the Storm Water Management Program may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of **Part II** in lieu of creating duplicate program elements for each individual permittee. The Storm Water Management Program, taken as a whole, shall achieve the "effective prohibition" and "Maximum Extent Practicable" standards from Section 402(p)(3)(B) of the Act.

A. Storm Water Management Program Requirements.

1. *Structural Controls and Storm Water Collection System Operation:* The Municipal Separate Storm Sewer System and any storm water structural controls shall be operated in manner to reduce the discharge of pollutants to the Maximum Extent Practicable.
2. *Areas of New Development and Significant Redevelopment:* A comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant re-development after construction is completed shall be implemented. The goals of such controls shall be:
 - a. New development - limiting increases in the discharge of pollutants in storm water as a result of development, and
 - b. Re-development - reducing the discharge of pollutants in storm water.
3. *Roadways:* Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.
4. *Flood Control Projects:* Impacts on receiving water quality impacts shall be assessed for all flood management projects. The feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated.
5. *Pesticide, Herbicide, and Fertilizer Application:* Each permittee shall implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittee's employees or contractors, to public right of ways, parks, and other municipal property. Permittees with jurisdiction over lands not directly owned by that entity (e.g. incorporated city) shall implement programs to reduce the discharge of pollutants related to application and distribution of pesticides, herbicides, and fertilizers.

6. *Illicit Discharges and Improper Disposal:* Non-storm water discharges to the Municipal Separate Storm Sewer System shall be effectively prohibited.
 - a. In accordance with 40 CFR 122.26(d)(2)(iv)(B)(1), certain non-storm water discharges to the Municipal Separate Storm Sewer System need not be addressed as illicit discharges or improper disposal. The Storm Water Management Program shall identify any non-storm water discharges that the permittees do not prohibit, along with any conditions placed on such non-storm water discharges to the Municipal Separate Storm Sewer System. The permittees shall prohibit, on a case-by-case basis, any individual non-storm water discharge (or class of non-storm water discharges) otherwise allowed under this paragraph that is determined to be contributing significant amounts of pollutants to the Municipal Separate Storm Sewer System.
 - b. Each permittee shall prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry and wet weather overflows from sanitary sewers into the Municipal Separate Storm Sewer System. Each permittee shall limit the infiltration of seepage from sanitary sewers into the Municipal Separate Storm Sewer System.
 - c. The permittees shall ensure the implementation of a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables control program shall include source controls and, where necessary, structural controls.
 - d. The discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal wastes into separate storm sewers shall be prohibited. The permittees shall ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis.
 - e. A program to locate and eliminate illicit discharges and improper disposal into the Municipal Separate Storm Sewer System shall be implemented. This program shall include dry weather screening activities to locate portions of the Municipal Separate Storm Sewer System with suspected illicit discharges and improper disposal (described in **Part II.A.11.a.**). Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors. This program shall establish priorities and schedules for screening the entire Municipal Separate Storm Sewer System at least once per five years. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the municipality.
 - f. Each permittee shall require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within thirty (30) days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the Municipal Separate Storm Sewer System.
 - g. The permittees shall maintain, and update as necessary, a list of discharges to municipal separate storm sewers that has been issued a NPDES permit. The list shall include the name, location and NPDES permit number of the discharger.
7. *Spill Prevention and Response:* A program to prevent, contain, and respond to spills that may discharge into the Municipal Separate Storm Sewer System shall be implemented. The spill response program may include a combination of spill response actions by the permittees (and/or another public or private entity), and legal requirements for private entities within the permittees' jurisdiction.
8. *Industrial & High Risk Runoff:* A program to identify and control pollutants in storm water discharges to the

Municipal Separate Storm Sewer System 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 Municipal Separate Storm Sewer System shall be implemented. The program shall include:

- a. priorities and procedures for inspections and establishing and implementing control measures for such discharges;
 - b. a monitoring program (described in **Part II.A.11.c**) for facilities identified under this section; and
 - c. a list of industrial storm water sources discharging to the Municipal Separate Storm Sewer System shall be maintained and update as necessary.
9. *Construction Site Runoff:* A program to reduce the discharge of pollutants from constructions sites shall be implemented. This program shall include:
- a. requirements for the use and maintenance of appropriate structural and nonstructural control measures to reduce pollutants discharged to the Municipal Separate Storm Sewer System from construction sites;
 - b. inspection of construction sites and enforcement of control measures requirements;
 - c. appropriate education and training measures for construction site operators; and
 - d. notification of appropriate building permit applicants of their potential responsibilities under the NPDES permitting program for construction site runoff.
10. *Public Education:* A public education program with the following elements shall be implemented:
- a. a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the Municipal Separate Storm Sewer System;
 - b. a program to promote, publicize, and facilitate the proper management and disposal of used oil and household hazardous wastes.
 - c. a program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors.
11. *Monitoring Programs:* The following monitoring programs shall be implemented in addition to the monitoring required by **Part V.**:
- a. *The Dry Weather Screening Program* shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the Municipal Separate Storm Sewer System. All areas of the Municipal Separate Storm Sewer System must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). Sample collection and analysis need not conform to the requirements of 40 CFR Part 136.
 - b. *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 Municipal Separate Storm Sewer System. The wet weather screening program:

- (1) shall screen the Municipal Separate Storm Sewer System, as specified in the Storm Water Management Program.
 - (2) shall specify the sampling and non-sampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136.
- c. The *Industrial and High Risk Runoff Monitoring Program* shall include monitoring for pollutants in storm water discharges to the Municipal Separate Storm Sewer System from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittees determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System.
- (1) Except as provided in (2) below, the monitoring program shall include the collection of quantitative data on the following constituents:
 - (a) any pollutants limited in an existing NPDES permit for a subject facility;
 - (b) oil and grease;
 - (c) chemical oxygen demand (COD);
 - (d) pH;
 - (e) biochemical oxygen demand, five-day (BOD₅);
 - (f) total suspended solids (TSS);
 - (g) total phosphorous;
 - (h) total Kjeldahl nitrogen (TKN);
 - (i) nitrate plus nitrite nitrogen; and
 - (j) any information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv).

Data collected by the industrial facility to satisfy the monitoring requirements of an NPDES or State discharge permit may be used to satisfy this requirement. Permittees may require the industrial facility to conduct self-monitoring to satisfy this requirement.

(2) Alternative Certification: In lieu of monitoring, 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 storm water and are not expected to be exposed to storm water for the certification period. Where the permittees accept a "no exposure" certification, the permittees shall conduct at least one site inspection of the facility every five years to verify the "no exposure" exemption.

- B. Area-specific Storm Water Management Program Requirements.** Reserved.
- C. Deadlines for Program Compliance.** Except as provided in **Part III.**, full implementation of the Storm Water Management Program shall be required 90 days from the **effective** date of the permit.
- D. Roles and Responsibilities of Permittees.** The Storm Water Management Program together with any interagency agreements shall clearly identify the roles and responsibilities of each permittee.
- E. Legal Authority.** Each permittee shall ensure legal authority to control discharges to and from those portions the Municipal Separate Storm Sewer System over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:
1. Control the contribution of pollutants to the Municipal Separate Storm Sewer System by Storm Water Discharges Associated with Industrial Activity and the quality of storm water discharged from sites of industrial activity;

2. Prohibit illicit discharges to the Municipal Separate Storm Sewer System;
3. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the Municipal Separate Storm Sewer System;
4. Control through interagency agreements among permittees the contribution of pollutants from one portion of the Municipal Separate Storm Sewer System 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. Storm Water Management Program Resources. Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the Storm Water Management Program.

G. Storm Water Management Program Review and Updates.

1. *Storm Water Management Program Review:* The permittees shall participate in an annual review of the current Storm Water Management Program in conjunction with the preparation of the annual report required under **Part V.C.**
2. *Storm Water Management Program Updates:* The permittees may change the Storm Water Management Program during the life of the permit in accordance with the following procedures:
 - a. The Storm Water Management Program shall not be changed by the permittees without the prior approval of the Director, unless in accordance with **Part II.G.2.b., 2.c., and 2.d.**
 - b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made by the permittees at any time upon written notification to the Director.
 - c. Changes replacing an ineffective or unfeasible Best Management Practice specifically identified in the Storm Water Management Program with an alternate Best Management Practice may be requested at any time. Unless denied by the Director, the change shall be deemed approved and may be implemented by the permittees 60 days from submittal of the request. Such requests must include the following:
 - (1) an analysis of why the Best Management Practice is ineffective or infeasible (including cost prohibitive);
 - (2) expectations on the effectiveness of the replacement Best Management Practice; and
 - (3) an analysis of why the replacement Best Management Practice is expected to achieve the goals of the Best Management Practice to be replaced.
 - d. Changes resulting from schedules contained in **Part III.** may be requested following completion of an interim task or final deadline. Unless denied by the Director, proposed changes meeting the criteria contained in the applicable **Part III.** schedule shall be deemed approved and may be implemented by the permittees 60 days from submittal date.
 - e. Change requests or notifications must be made in writing, signed in accordance with **Part VI.H.** by all directly effected permittees, and include a certification that all permittees were given an opportunity to comment on the proposed changes prior to submittal to the Director.

3. *Storm Water Management Program Updates Required by the Director:* The Director may require changes to the Storm Water Management Program as needed to:
 - a. address impacts on receiving water quality caused by, or contributed to by, discharges from the Municipal Separate Storm Sewer System;
 - b. include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or
 - c. include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Act.

Changes requested by the Director shall be: made in writing; set forth the time schedule for the permittees for development; and offer the permittees the opportunity to propose alternative program changes to meet the objective of the request. All changes to the Storm Water Management Program required by the Director shall be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate, 40 CFR 122.63.

4. *Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation:* The permittees shall implement the Storm Water Management Program on all new areas added to their portion of the Municipal Separate Storm Sewer System (or for which they become responsible for implementation of storm water 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.

Prior to land annexation, the permittees shall include a schedule for extending the Storm Water Management Program to the annexed areas in the Storm Water Management Program. At least 30 days prior to transfer of operational authority or responsibility for Storm Water Management Program implementation, all parties shall prepare a schedule for transfer of responsibility for Storm Water Management Program implementation on the effected portions of the Municipal Separate Storm Sewer System.

- H. Retention of Storm Water Management Program Records.** The permittees shall retain the Storm Water Management Program developed in accordance with **Parts II.** and **III.** for at least 3 years after coverage under this permit terminates.

PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE

A. Schedules. The permittees shall comply with the following schedules for Storm Water Management Program implementation, augmentation, and permit compliance.

1. Implementation and Augmentation of City of Corpus Christi's Storm Water Management Program.

| Storm Water Management Program Component | Activity | Compliance Date |
|--|--|-------------------|
| Planning - Part II.A.2 | Submit an approvable guidance document that provides technical criteria for controls designed to minimize the discharge of pollutants from areas of new development and significant redevelopment after construction is complete. Criteria to address environmentally sensitive areas (e.g., wetlands, coastal areas) and to be applied during project planning and design stages. | March 1, 1996 |
| | Submit certification of the City of Corpus Christi's formal adoption of guidance document and control requirement. | March 1, 1997 |
| Flood Control - Part II.A.4 | Submit an approvable guidance document that provides technical criteria for the assessment of water quality impacts from new flood control projects. Criteria to be applied during project planning and design stages. | March 1, 1997 |
| | Submit certification of the City of Corpus Christi's amendment to Master Plan to include criteria and assessment requirement. | March 1, 1998 |
| | Submit summary report of evaluations conducted for existing flood control devices to determine feasibility of retrofitting to benefit water quality. | March 1, 1998 |
| Illicit Discharges and Improper Disposal - Part II.A.6 | Submit a list of non-storm water discharges (40 CFR 122.26(d)(2)(iv)(B)(1)) allowed or not allowed to discharge to the MS4, along with any limitations on allowed discharges, and reasons for determinations. | March 1, 1996 |
| | Submit certification of City of Corpus Christi's formal adoption of ordinance regarding non-storm water discharges not allowed to discharge to the MS4. | March 1, 1996 |
| | Submit list of pretreatment industries, other industries and commercial facilities, and random facility categories subject to the Illicit and Improper Disposal Inspection Program. | March 1, 1996 |
| | Submit checklist for the Illicit and Improper Disposal Inspection Program. | September 1, 1996 |
| | Submit certification of Illicit and Improper Disposal Inspection Program implementation. | March 1, 1998 |
| Industrial and High Risk Runoff - Part II.A.8 | Submit list of municipal landfills, other TSDs for municipal waste, hazardous waste TSDs, EPCRA Section 313, and any other facilities of concern currently discharging to the MS4 subject to the Industrial and High Risk Inspection Program. | March 1, 1996 |
| | Submit written procedures developed for the Industrial and High Risk Inspection Program. | March 1, 1997 |
| | Submit certification of Industrial and High Risk Inspection Program implementation. | March 1, 1998 |
| Construction - Part II.A.9 | Submit an approvable guidance document that provides technical criteria for controls designed to minimize the discharge of pollutants from construction. | March 1, 1996 |
| | Submit certification of City of Corpus Christi's formal adoption of guidance document and control requirement. | March 1, 1997 |
| | Submit notification of Site Operator and City Inspector Training Program implementation. | September 1, 1997 |

| Storm Water Management Program Component | Activity | Compliance Date |
|--|--|-------------------|
| | Submit certification of Construction Inspection Program implementation. | September 1, 1997 |
| Monitoring - Part II.11 | Submit plan for City's sampling and non-sampling techniques to be used for initial screening and follow-up procedures for Wet Weather Screening Program. | September 1, 1995 |
| | Submit certification of Wet Weather Screening Program implementation. | March 1, 1996 |
| | Submit list of municipal landfills, other TSDs for municipal waste, hazardous waste TSDs, EPCRA Section 313, and any other facilities of concern currently discharging to the MS4 subject to the Industrial and High Risk Monitoring Program. | March 1, 1996 |
| | Submit list of municipal landfills, other TSDs for municipal waste, hazardous waste TSDs, EPCRA Section 313, and any other facilities of concern currently discharging to the MS4 that are exempt from monitoring due to "no exposure" certification, and subject to a site inspection a minimum of once every five years. | March 1, 1996 |
| | Submit certification of Industrial and High Risk Monitoring Program implementation. | March 1, 1997 |

2. City of Corpus Christi's Permit Condition Compliance.

| Permit condition | Activity | Compliance Date |
|--|--|-------------------|
| Roles and Responsibilities of Permittees - Part II.D | Submit copy of signed interagency agreements between the City of Corpus Christi and the Port of Corpus Christi Authority and the Corpus Christi Junior College District. | September 1, 1995 |
| Monitoring Floatables - Part V.B | Submit certification of Floatable Monitoring Program implementation. | March 1, 1996 |

3. Implementation and Augmentation of Texas Department of Transportation - Corpus Christi District's Storm Water Management Program.

| Storm Water Management Program Component | Activity | Compliance Date |
|--|--|-----------------|
| Planning - Part II.A.2 | Submit an approvable guidance manual that provides design criteria for permanent controls that minimize the discharge of pollutants from areas of new development and significant redevelopment after construction is complete. Criteria to address environmentally sensitive areas (e.g., wetlands, coastal areas). | April 1, 1995 |
| | Submit certification of Texas Department of Transportation - Corpus Christi's formal adoption of design guidance manual and permanent control requirements. | March 1, 1996 |

- B. Compliance with effluent limitations.** Reserved
- C. Reporting compliance with schedules.** No later than 14 days following a date for a specific action (interim milestone or final deadline) identified in the above schedules, the permittees shall submit a written notice of compliance or noncompliance to the Director in accordance with **Part V.E.**
- D. Updating Storm Water Management Program.** The permittees shall update the Storm Water Management Program, as appropriate, in response to changes required by **Part III.A.** Updates shall be in accordance with **Part II.G.2.**

PART V. MONITORING AND REPORTING REQUIREMENTS.

A. Storm Event Discharges.

1. *Representative Monitoring:* Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System.
 - a. Monitoring Requirements: Refer to Table V.A.1.a.
 - b. Monitoring Locations: Refer to Table V.A.1.b.
 - c. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Director, use of an alternate monitoring location (except for outfalls with numeric effluent limitations) may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, the permit must be modified prior to substitution of alternate monitoring locations. Six samples shall be collected during the first year of monitoring at substitute outfalls.
2. *Representative Monitoring - Rapid Bioassessment Option:* The permittees have the option of developing and implementing a rapid bioassessment monitoring program.
 - a. The permittees shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies (e.g. State Fish and Game Commission).
 - b. Permittees utilizing the rapid bioassessment monitoring option shall conduct monitoring of the separate storm sewer system as described in **Part V.A.1.**, except the monitoring for years 2, 3, and 5 are no longer required. All other requirements of **Part V.A.1., A.3., and A.4.** remain unchanged.
 - c. If the permittees elect to develop and implement a rapid bioassessment monitoring program, the permittees shall submit an approvable monitoring program to the Director no later than one year from the effective date of this permit. An approvable program must include:
 - (1) monitoring of at least two waterbodies receiving storm water discharges from the Municipal Separate Storm Sewer System plus a reference site located within the same ecological region as the Municipal Separate Storm Sewer System;
 - (2) monitoring of each station at least twice per year, with monitoring conducted at essentially the same time periods each year; and
 - (3) concurrent (e.g. within a day or two) monitoring of the reference site each time a station located in the receiving waters of the Municipal Separate Storm Sewer System is monitored.

Unless disapproved by the Director within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittees may implement the alternate rapid bioassessment program.
 - d. The permittees shall notify the Director and State (addresses provided in **Part V.E.**), in writing, at least 14 days prior to commencing an alternate rapid bioassessment monitoring program.
3. *Storm Event Data:* For **Part V.A.1.** and any additional sampling conducted for **Part V.A.5.**, quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the

Table V.A.1.a parameters, the permittees shall maintain records of the storm events which generated the sampled runoff: date and duration (in hours); rainfall measurements or estimates (in inches); the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.

4. *Sample Type, Collection, and Analysis:* The following requirements apply only to samples collected for **Part V.A.1 and A.5.**
 - 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 may be taken.
 - b. Grab samples taken during the first two hours of discharge shall be used for the analysis (if required) of pH, temperature, cyanide, oil & grease, fecal coliform, fecal streptococcus, total phenols, residual chlorine, and (at the permittee's option) volatile organics. For all other parameters, data shall be reported for flow weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.
 - c. Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

The required 72 hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived where the permittees document that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.
 - d. Analysis and collection of samples shall be done in accordance the methods specified at 40 CFR Part 136. Where an approved 40 CFR Part 136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit.
5. *Seasonal Loadings and Event Mean Concentrations.* All necessary sampling data shall be collected to provide estimates for each major outfall of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in **Table V.A.1.a**. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations shall be included in the **Annual Report** for **year four** of the permit.

B. Floatables Monitoring. Permittees shall conduct floatables surveys on at least **100** sites per year. The intent of the survey is to document the effectiveness of the litter control programs for the Municipal Separate Storm Sewer System. Surveys shall be done in accordance with the following procedures:

1. Select temporary representative sampling sites in ditches, streams, or channel. Visually count all floatable material (excluding natural vegetation), trash, and refuse (e.g.: plastic trash bags, bottles, car batteries, shopping carts, etc.) located in the sampling site, visible on the channel bottom, along banks (up to high water mark), or suspended in vegetation located in the sample site. Sites shall be: random; 100 feet in length; and sampled prior to any litter pickup.
2. The permittee shall maintain the following records and include a summary of results and trends in the **Annual Report**: location of the sample site; total site "counts"; months since the last trash and floatables pick-up from the sampled section of the Municipal Separate Storm Sewer System.

C. Annual Report. Each permittee shall contribute to the preparation of an annual system-wide report to be submitted by no later than **March 1**. The report shall cover the previous calendar year from **August 1 to July 31** and include the following separate

sections, with an overview for the entire Municipal Separate Storm Sewer System and subsections for each permittee:

1. The status of implementing the Storm Water Management Program (status of compliance with any schedules established under this permit included);
2. Proposed changes to the Storm Water Management Program;
3. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26(d)(2)(iv) and (d)(2)(v);
4. A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
5. Annual expenditures for the reporting period, with a breakdown for the major elements of the Storm Water Management Program, and the budget for the year following each annual report;
6. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
7. Identification of water quality improvements or degradation.

Preparation and submittal of a system-wide annual report shall be coordinated by the **City of Corpus Christi**. The report shall indicate which, if any, permittees have failed to provide required information on the portions of the Municipal Separate Storm Sewer System for which they are responsible to the **City of Corpus Christi** 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 Municipal Separate Storm Sewer System 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 VI.H.** and include a statement or resolution that the permittees' governing body or agency (or delegated representative) has reviewed or been appraised of the content of the Annual Report.

D. Certification and Signature of Reports. All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with **Part VI.H.**

E. Reporting, Where and When to Submit.

1. Representative monitoring results (Part V.A.1) obtained during the reporting period running from **August 1 to July 31** shall be submitted on Discharge Monitoring Report Forms along with the Annual Report required by **Part V.C.** A separate Discharge Monitoring Report Form is required for each monitoring period (season) specified in Part V.A.1.
2. Signed copies of Discharge Monitoring Reports required under **Part V.**, the Annual Report required by **Part V.C.**, and all other reports required herein, shall be submitted to:
 - U.S. EPA, Region 6
 - Water Management Division
 - Enforcement Branch (6W-EA)
 - 1445 Ross Avenue
 - Dallas, Texas 75202-2733
3. Requests for Storm Water Management Program updates, changes in monitoring locations, or application for an individual permit shall be submitted to:
 - U.S. EPA, Region 6
 - Water Management Division
 - Municipal Permits Section (6W-PM)
 - 1445 Ross Avenue

Dallas, Texas 75202-2733

4. Additional Notification. In addition, the permittees shall provide copies of Discharge Monitoring Reports, Annual Reports, requests for Storm Water Management Program updates, or changes in monitoring locations, and all other reports required herein, to:

Texas Natural Resource Conservation Commission
Office of Water Resource Management
Permitting Section
P.O. Box 13087
Austin, Texas 78711-3087

Table V.A.1.a. - Representative Monitoring Requirements.

| Parameters | Report for Each Season ² | | | Sample Types | | Monitoring Frequency ¹ |
|---|-------------------------------------|---------|---------|--------------|-----------|-----------------------------------|
| | Minimum | Average | Maximum | Grab | Composite | |
| Biochemical Oxygen Demand (BOD ₅)(mg/l) | | Yes | Yes | | Yes | 1/season ² |
| Chemical Oxygen Demand (COD) (mg/l) | | Yes | Yes | | Yes | 1/season |
| Oil and Grease (mg/l) | | Yes | Yes | Yes | | 1/season |
| Total Suspended Solids (TSS) (mg/l) | | Yes | Yes | | Yes | 1/season |
| Total Dissolved Solids (TDS) (mg/l) | | Yes | Yes | | Yes | 1/season |
| Total Nitrogen (mg/l) | | Yes | Yes | | Yes | 1/season |
| Total Kjeldahl Nitrogen (TKN) (mg/l) ³ | | Yes | Yes | | Yes | 1/season |
| Total Nitrate (mg/l) | | Yes | Yes | | Yes | 1/season |
| Total Ammonia (mg/l) | | Yes | Yes | | Yes | 1/season |
| Total Phosphorus (mg/l) | | Yes | Yes | | Yes | 1/season |
| Dissolved Phosphorus (mg/l) | | Yes | Yes | | Yes | 1/season |
| Total Cadmium (ug/l) | | Yes | Yes | | Yes | 1/season |
| Total Chromium (ug/l) | | Yes | Yes | | Yes | 1/season |
| Total Copper (ug/l) | | Yes | Yes | | Yes | 1/season |
| Total Cyanide (ug/l) | | Yes | Yes | | Yes | 1/season |
| Total Lead (ug/l) | | Yes | Yes | | Yes | 1/season |
| Total Nickel (ug/l) | | Yes | Yes | | Yes | 1/season |
| Total Zinc (ug/l) | | Yes | Yes | | Yes | 1/season |
| Fecal Coliform (colonies/100 ml) | | Yes | Yes | Yes | | 1/season |
| Fecal streptococcus (colonies/100 ml) | | Yes | Yes | Yes | | 1/season |
| Ph (S.U.) | Yes | | Yes | Yes | | 1/season |
| Hardness (as CaCO ₃) (mg/l) | Yes | Yes | Yes | Yes | | 1/season |
| Temperature (°C) | Yes | Yes | Yes | Yes | | 1/season |

| Parameters | Report for Each Season ² | | | Sample Types | | Monitoring Frequency ¹ |
|-----------------|-------------------------------------|---------|---------|--------------|-----------|-----------------------------------|
| | Minimum | Average | Maximum | Grab | Composite | |
| Diazinon (ug/l) | | Yes | Yes | | Yes | 1/season |

¹ Monitoring frequency for each year of permit term unless monitoring under Alternative Rapid Bioassessment Option (See Part V.A.2.)

² Seasonal monitoring periods are: May-Jun (wet); July (dry); Aug-Oct (wet); Nov-Apr (dry).

³ Total ammonia plus organic nitrogen.

Table V.A.1.b - Representative Monitoring Locations.

| Outfall | Location | Description | Responsible Permittee |
|----------------|--|---|------------------------------|
| 001 | Station is a manhole site on a grass strip at the end of Florence Street, at Florence Street and Viola Avenue, in the City of Corpus Christi. | Station R1 - Florence at Viola: is monitoring a forty-two inch reinforced concrete pipe; drains 84 acres; 100% of the area drained is existing Residential land use. | City of Corpus Christi |
| 002 | Station is an outfall into a ditch, adjacent to Belmeade and Gollihar Road, approximately 250 ft. from parking, in Cullen Park, in the City of Corpus Christi. | Station R2 - Cullen Park (Belmeade at Gollihar): is monitoring a forty-two inch reinforced concrete pipe; drains 64 acres; 100% of the area drained is existing Residential land use. | City of Corpus Christi |
| 003 | Station is a manhole site on a grass strip at the intersection of Monette Drive and South Staples Street, in the City of Corpus Christi. | Station C1 - Staples at Monette: is monitoring a forty-eight inch reinforced concrete pipe; drains 37 acres; 100% of the area drained is existing Commercial land use. | City of Corpus Christi |
| 004 | Station is a manhole site in the center of McBride Lane 250 ft. north of Steel Street, in the City of Corpus Christi. | Station I1 - McBride near Steel: is monitoring a sixty inch reinforced concrete pipe; drains 162 acres; 100% of the area drained is existing Industrial land use. | City of Corpus Christi |
| 005 | Station is a curb inlet on the south side of Ambassador Row, near the intersection with Columbia Street, in the City of Corpus Christi. | Station I2 - Ambassador Row at Columbia: is monitoring a thirty inch reinforced concrete pipe; drains 20 acres; 100% of the area drained is existing Industrial land use. | City of Corpus Christi |

PART VI. STANDARD PERMIT CONDITIONS

- A. Duty to Comply.** The permittees must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- B. Penalties for Violations of Permit Conditions.**
1. *Criminal Penalties.*
 - a. **Negligent Violations:** The Act provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
 - b. **Knowing Violations:** The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
 - c. **Knowing Endangerment:** The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.
 - d. **False Statement:** The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309(c)(4) of the Act).
 2. *Civil Penalties.* The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.
 3. *Administrative Penalties.* The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:
 - a. **Class I penalty:** Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$25,000.
 - b. **Class II penalty:** Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.
- C. Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR 122.6 and any subsequent amendments.
- D. Need to Halt or Reduce Activity Not a Defense.** 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 this permit.
- 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.

- F. Duty to Provide Information.** The permittees shall furnish to the Director, within a time specified by the Director, any information which the Director may request to determine compliance with this permit. The permittees shall also furnish to the Director upon request copies of records required to be kept by this permit.
- G. Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Director, he or she shall promptly submit such facts or information.
- H. Signatory Requirements.** All Discharge Monitoring Reports, storm water management programs, reports, certifications or information either submitted to the Director or that this permit requires be maintained by the permittees, shall be signed by:
1. for a municipality, State, or other public agency: by either a principal executive officer or ranking elected official; or
 2. a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director.
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
 - c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written authorization satisfying the requirements of this paragraph must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
 3. Certification: Any person signing documents under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- I. Penalties for Falsification of Monitoring Systems.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the Act.
- J. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act or section 106 of CERCLA.
- K. Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- M. Requiring an Individual Permit.**

1. The Director may require any permittee authorized by this permit to obtain an individual NPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this permit shall automatically terminate. Individual permit applications shall be submitted to the address of the appropriate Regional Office shown in Part V.E. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Director, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.
2. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application as specified by 40 CFR 122.26(d) with reasons supporting the request to the Director. Individual permit applications shall be submitted to the address of the appropriate Regional Office shown in Part V.E. The request may be granted by the issuance of a individual permit if the reasons cited by the owner or operator are adequate to support the request.

N. State/Environmental Laws.

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

O. Proper Operation and Maintenance. The permittee 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 the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water 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.

P. Monitoring and Records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The time(s) analyses were initiated;
 - e. The initials or name(s) of the individual(s) who performed the analyses;
 - f. References and written procedures, when available, for the analytical techniques or methods used; and

- g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
- Q. Monitoring Methods.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- R. Inspection and Entry.** The permittee shall allow the Director or an authorized representative of EPA, or the State, upon the presentation of credentials and other documents as may be required by law, to:
 - 1. Enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 - 2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
 - 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance or parameters at any location.
- S. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- T. Additional Monitoring by the permittee.** If the permittee monitor more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.
- U. Archeological and Historical Sites.**
 - 1. Where municipal excavation and/or construction projects implementing requirements of this permit will result in the disturbance of previously undisturbed land, the permittee shall, thirty (30) days prior to commencing land disturbance, submit the following to the State Historic Preservation Officer (SHPO) for evaluation of possible effects on properties listed or eligible for listing on the National Register of Historic Places:
 - a. a description of the construction or land disturbing activity and the potential impact that this activity may have upon the ground, and
 - b. a copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.

The address of the SHPO is:

Texas State Historic Preservation Officer
Department of Antiquities Protection
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

2. If the permittee receives a request for an archeological survey or notice of adverse effects from the SHPO, the permittee shall delay such activity until:
 - a. a determination of no adverse effect has been made, or
 - b. measures to minimize harm to historic properties have been agreed upon.
3. If the permittee does not receive notification of adverse effects or a request for an archeological survey from the SHPO within thirty (30) days, the permittee may proceed with the activity.

PART VII. PERMIT MODIFICATION.

A. Modification of the Permit. The permit may be reopened and modified during the life of the permit to address:

1. changes in the State's Water Quality Management Plan, including Water Quality Standards;
2. changes in State or Federal statutes or regulations;
3. add a new permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System;
4. changes in portions of the Storm Water Management Program that are considered permit conditions; or
5. other modifications deemed necessary by the Director to meet the requirements of the Act.

All modification to the permit will be made in accordance with 40 CFR 122.62, 122.63, and 124.5.

B. Termination of Coverage for a Single Permittee. Permit coverage may be terminated, in accordance with the provisions of 40 CFR 122.64 and 124.5, for a single permittee without terminating coverage for other permittees.

C. Modification of Storm Water Management Program. Only those portions of the Storm Water Management Program specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the permittees; replacement of an ineffective or infeasible Best Management Practice (BMP) implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP; and changes required as a result of schedules contained in **Part III** shall be considered minor changes to the Storm Water Management Program and not modifications to the permit. (See also **Part II.G.**)

D. Changes in Monitoring Outfalls. Changes in monitoring outfalls, other than those with specific numeric effluent limitations (as described in **Part V.A.1.c.**), shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

PART VIII. DEFINITIONS

All definition contained in Section 502 of the Act 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:

- A. **"Best Management Practices"** ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of 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.
- B. **"CWA" or "Act"** means Clean Water Act (formerly referred to as 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. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
- C. **"Co-permittee"** means a permittee to a permit that is only responsible for permit conditions relating to the discharge for which it is operator.
- D. **"Core Municipality"** means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).
- E. **"Director"** means the Regional Administrator or an authorized representative.
- F. **"Discharge"** for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
- G. **"Flow-weighted composite sample"** means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
- H. **"Illicit connection"** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- I. **"Illicit discharge"** means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
- J. **"Individual Residence"** refers, for the purposes of this permit, to single or multi-family residences. (e.g. single family homes and duplexes, townhomes, apartments, etc.)
- K. **"Landfill"** means 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.
- L. **"Land application unit"** means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
- M. **"Large or medium municipal separate storm sewer system"** means all municipal separate storm sewers that are either:
 - (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
 - (ii) 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
- (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.
- N. "MEP"** is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for MS4 established by Section 402(p) of the Act.
- O. "MS4"** is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to a Large or Medium Municipal Separate Storm Sewer System.
- P. "Municipal Separate Storm Sewer"** means 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, storm water, 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 storm water; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.
- Q. "Part '#"'** refers, unless otherwise indicated, to Part "#" of this permit.
- R. "Permittee"** refers to any "person," as defined at 40 CFR 122.2, authorized by this NPDES permit to discharge to Waters of the United States.
- S. "Point Source"** means 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 discharges. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- T. "Storm sewer"** unless otherwise indicated, means a municipal separate storm sewer.
- U. "Storm Water"** means storm water runoff, snow melt runoff, and surface runoff and drainage.
- V. "Storm Water Discharge Associated with Industrial Activity"** is defined at 40 CFR 122.26(b)(14).
- W. "Storm Water Management Program"** refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this permit, the Storm Water Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- X. "SWMP"** is an acronym for "Storm Water Management Program."
- Y. "Time-weighted composite"** means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
- Z. "Waters of the United States"** is defined at 40 CFR 122.2.