

STORMWATER POLLUTION CONTROL ORDINANCE UPDATES

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Public Works & Transportation – Environmental Management

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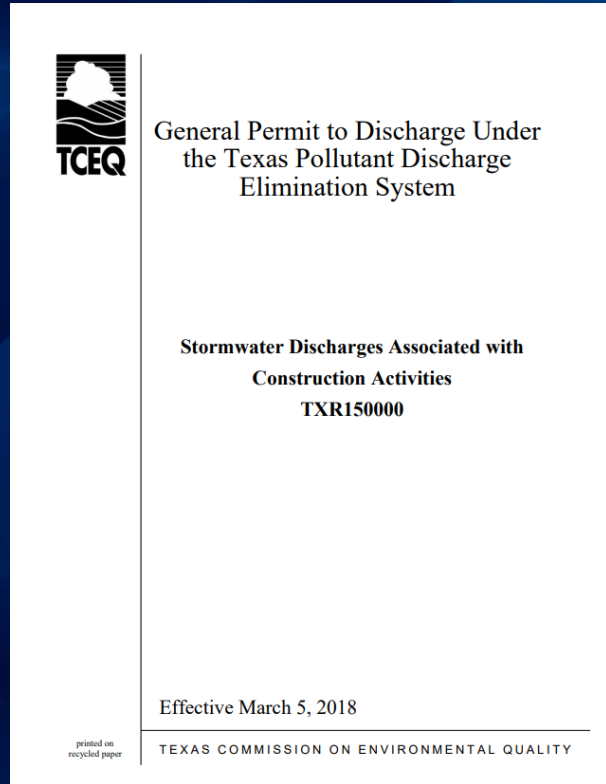


PURPOSE

- Ordinance updates are necessary to:
 - Update city rules to comply with state and federal stormwater regulations – Construction General Permit (CGP) and Multi-Sector General Permit (MSGP)
 - Include regulations associated with city-created programs (Automotive Related Businesses (ARB)) and new MS4 permit requirements (Post-Construction, TMDLs)
 - Establish new enforcement remedies or update as necessary
 - Improve flow; clarify language



APPLICABLE PERMITTING



- Construction General Permit (CGP)
 - Authorizes and outlines the allowable and non-allowable stormwater and non-stormwater discharges associated with regulated small and large construction activities into surface waters of the state.

APPLICABLE PERMITTING

Texas Commission on Environmental Quality

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



GENERAL 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

This permit supersedes and replaces
TPDES General Permit No. TXR050000, issued August 14, 2011.

Facilities that discharge stormwater associated with industrial activity

located in the state of Texas

may discharge to surface water in the state

only according to effluent limitations, monitoring requirements and other conditions set forth in this general 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 Commission of the TCEQ (Commission). The issuance of this general permit does not grant to the permittee(s) the right to use private or public property for conveyance of wastewater along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general 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(s) to acquire property rights as may be necessary to use the discharge route.

This permit and the authorization contained herein shall expire at midnight, five years from the permit effective date.

EFFECTIVE DATE: August 14, 2016

ISSUED DATE: July 13, 2016

Bryan L. Shaw
For the Commission

- Multi-Sector General Permit (MSGP)
 - Authorizes and outlines the allowable and non-allowable stormwater and non-stormwater discharges associated with regulated industrial activity.
 - Sector specific

APPLICABLE PERMITTING



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

TPDES PERMIT NO.
WQ0004635000
[For TCEQ office use only – EPA
I.D. No. TXS000301]

This is a renewal of TPDES
Permit No. WQ0004635000,
issued on April 26, 2012.

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 Arlington
P.O. Box 90231, MS 13-0150
Arlington, TX 76004

The University of Texas at Arlington
PO Box 90231 MS 01-0300
Arlington, TX 76004

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

including all areas, except for any agricultural lands, located within the corporate boundary of the City
of Arlington that are served by, or otherwise contributing to discharges to the MS4 owned or operated
by the permittees, located in Tarrant County, Texas, 76001-76007, 76010-76019, 76094, and 76096

via the MS4 to various ditches and tributaries that eventually reach Lake Arlington, Joe Pool Lake,
and Lower West Fork Trinity River in Segment Numbers 0828, 0838, and 0841 of the Trinity 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 15, 2019

For the Commission

- Municipal Separate Storm Sewer System (MS4) Permit
 - City specific
 - Authorizes allowable and non-allowable stormwater discharges within the MS4.
 - Outlines program and resources requirements for the MS4.
 - Stormwater Management Program (SWMP)

OUTLINE OF UPDATES

- By Article
 - Current ordinance contains 13 separate articles
 - Updated ordinance contains 12 separate articles
 - 2 consolidated and 1 added
- Changes for improved clarity
 - Articles: 1, 2, 3, 7, 8, 10, 11, and 12
 - Changes to language for clarity, flow, better comprehension, etc.
- Compliance Changes
 - Articles: 4, 5, 6, and 9
 - Comply with state and federal regulations, provide for enforcement remedies, include language for programs not previously covered



COMPLIANCE CHANGES

- Article 4: Construction Activities
 - 4.01 – Responsibility
 - 4.02-4.04 – Mirrored Construction General Permit (CGP) requirements; included clearer final stabilization language
 - 4.05-4.06 – Post-Construction Requirements (NEW)
 - Post-construction language not previously included in ordinance
 - Fulfills requirement established by TCEQ that the MS4 is responsible for ensuring the long-term maintenance of post-construction best management practices (BMPs)
 - New program creation is necessary to identify and track BMPs and to inspect BMPs annually to ensure maintenance and proper reporting.
 - Will require some internal process changes (an outline of necessary changes has been developed.)
 - Education is always the first goal, but a compliance mechanism must be in place.



COMPLIANCE CHANGES

- Article 5: Industrial Activities
 - 5.01 – Responsibility
 - 5.02 – 5.06 – Mirrored Multi-Sector General Permit (MSGP) requirements as necessary
 - 5.07 – Water Quality Monitoring Requirements including Total Maximum Daily Loads (TMDLs) (NEW)
- Current MSGP expires on August 14, 2021
 - Final draft approved by EPA
 - No changes in the draft that will impact ordinance revisions before next MSGP expiration



COMPLIANCE CHANGES

- Article 6: Automotive Related Businesses (NEW)
 - Includes previous “Used Oil Regulation” language from Article 3: Specific Prohibitions
 - Establishes purpose
 - Applicability (which activities will be regulated)
 - General operating requirements
 - General prohibitions for stormwater discharges
 - Auto salvage specific prohibitions & bulk storage requirements
 - Responsibility for cleanup costs, damages
 - Does not cover used tires (tires are regulated by TCEQ)



COMPLIANCE CHANGES

- Article 9: Enforcement Remedies
 - Updated existing administrative enforcement remedies
 - Written and verbal warnings
 - Notices of Violation (NOVs)
 - Consent Orders, Abatement Orders, Compliance Orders, etc.
 - New section outlining judicial enforcement remedies (civil and criminal) and fines
 - Eliminates the need for current article 10 and 11
 - 9.03 – Supplemental Enforcement Action
 - 9.03 C – Public Nuisances
 - Remediation of nuisances
 - 9.03 D – Administrative Liability



POST-CONSTRUCTION RELATED PROGRAM CHANGES

(CITY)

- Long-Term Maintenance and Operation of Post-Construction BMPs
 - Scope: 2003 to present; Historical BMPs (if found and require maintenance)
 - Location verifications of BMPs and database creation.
 - Update Maintenance Agreement format to include a list of all BMPs.
 - Maintenance agreements stored and tracked by Environmental Management along with Stormwater Management Site Plan (SWMSP).
 - Ensure SWMSP checklist and requirements are updated as appropriate.
 - Provide inspection checklist template for qualified professional (QP).
 - Annual inspections by responsible party's QP and City of Arlington personnel (as needed).



POST-CONSTRUCTION RELATED PROGRAM CHANGES

(RESPONSIBLE PARTIES)

- Include a list of Post Construction BMPs with Stormwater Management Site Plan (SWMSP) (or Site Plans for <12,000 sq. ft.)
 - These will also appear in the Maintenance Agreement.
- Include and Operations and Maintenance (O&M) Plan for each BMP with the SWMSP.
- Responsible parties for each site will use a qualified professional to inspect BMPs yearly and submit an inspection report (annual deadline TBD).



COMMUNICATING CHANGES TO THE REGULATED COMMUNITY

- Post-Construction
 - Specific and individualized communication with property owners once location of BMPs are verified.
 - Update City website with information on post-construction program requirements.
 - What it is; what it applies to; maintenance requirements; annual inspection and reporting requirements; etc.
 - Provide access to BMP checklists
 - Infographics or explainer videos although qualified professionals will be required for inspections.



DEADLINE FOR ORDINANCE APPROVAL

- Approval of ordinance updates must occur by December 2021 to comply with TCEQ requirements set forth in the City's new MS4 permit (approved August 2019).





QUESTIONS?