



Texas (Sized) Pollutant Discharge Elimination System (TPDES) – Phase II MS4 Program Growth

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Outline

- Preparing for Growth
 - Changes to the TCEQ Phase II Small MS4 General Permit
 - Federal *MS4 General Permit Remand Rule*
 - Federal *Electronic Reporting Rule*
 - 2020 Decennial Census
- Identifying new Phase II MS4s in the 2020 Urban Areas
 - Traditional and non-traditional MS4s
 - Identification of contact information for each potential new MS4
- Communication with new and existing Phase II MS4s about the permit changes
- Texas Phase II MS4 universe changes over time
- Lessons learned and Tips for other states



Federal 2017 MS4 General Permit Remand Rule

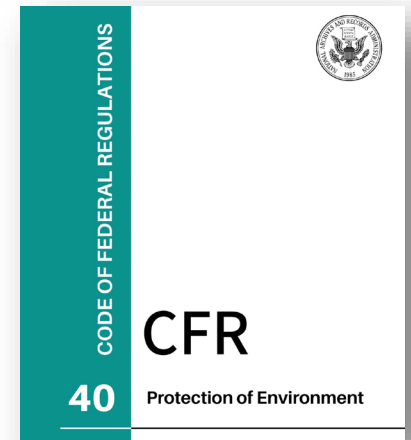
Includes options for states to administer their Phase II MS4 program,
40 CFR §122.28(d)

Option 1: Comprehensive General Permit Approach

- The general permit includes all “clear, specific, and measurable” requirements necessary to meet the MS4 permit standard “to reduce pollutants to the maximum extent practicable” (MEP)
- No additional requirements are established after permit issuance

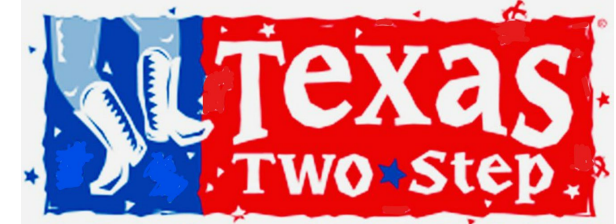
Option 2: Two-Step General Permit (Procedural Approach)

- *First Step:* The general permit includes “clear, specific, and measurable” requirements for some program areas for all MS4s
- *Second Step:* The state establishes additional requirements and BMPs for individual MS4s (this is in the SWMPs)



Previous Texas Phase II MS4 General Permit

Two-Step Permitting:



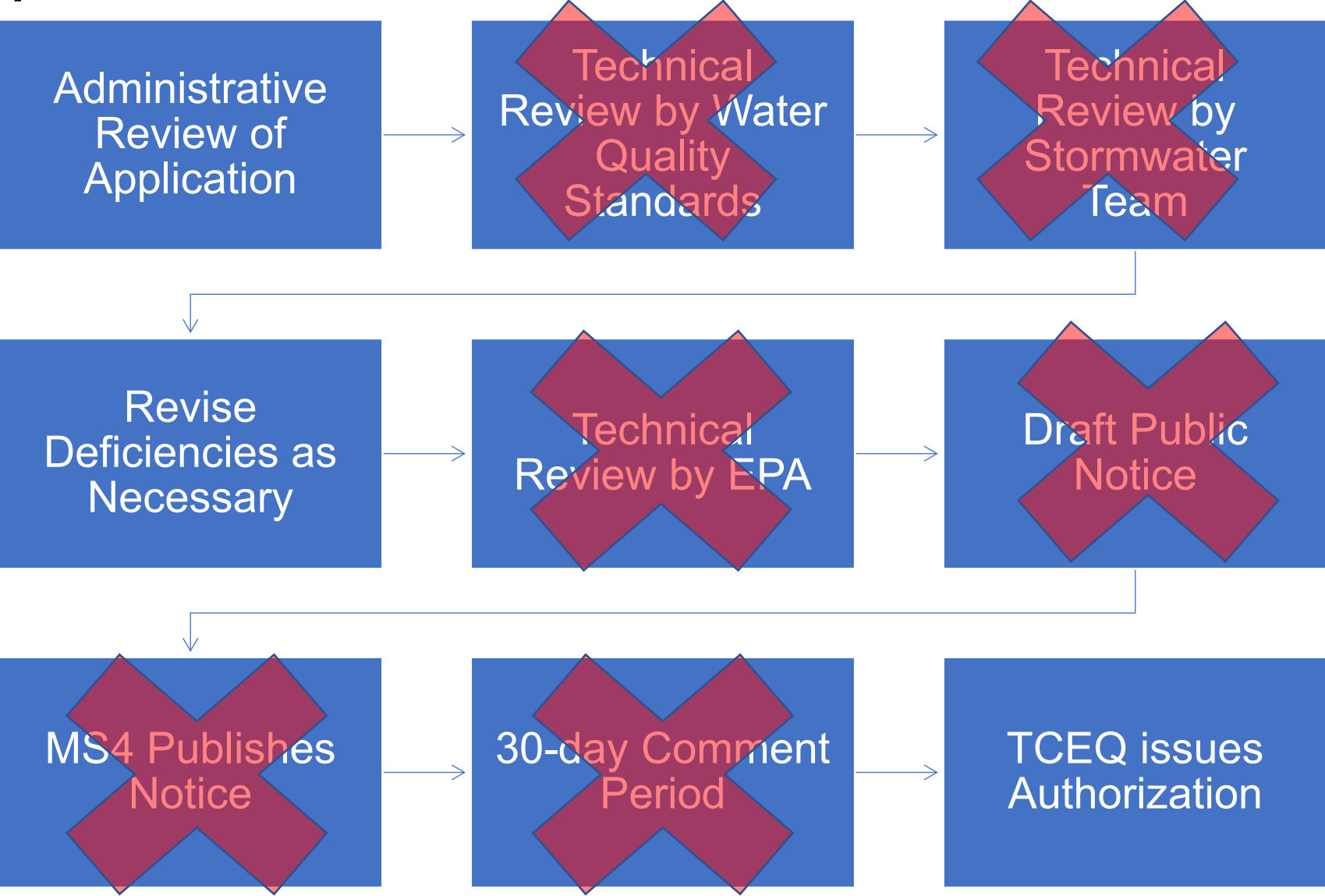
1. TCEQ issued statewide “base” general permit
 - Three permit cycles - 2007, 2013, 2019
2. MS4s wrote their own SWMP – with enforceable permit requirements
 - TCEQ and EPA reviewed each MS4’s NOI/SWMP
 - MS4s published notice of NOI/SWMP in newspaper
 - 30-day public comment period and opportunity for public meeting
 - TCEQ responded to public comments and held public meetings
 - TCEQ approved NOI/SWMP to authorize the MS4 under the general permit
 - MS4s implemented public notice process for NOCs that are not considered minor modifications

2024 MS4 General Permit Renewal

Move from Two-Step to Comprehensive Permit Type

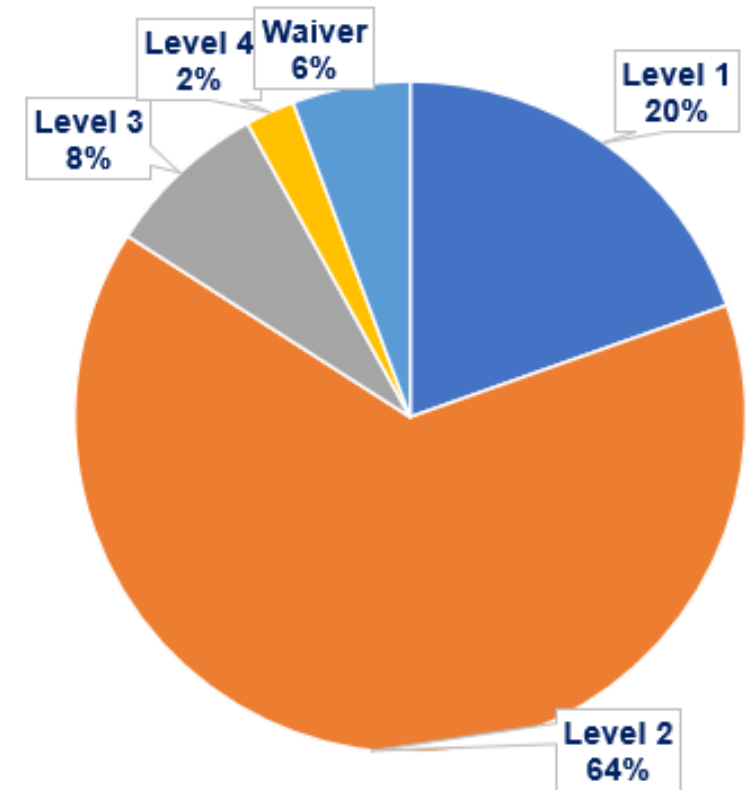
- Revised general permit to meet the Comprehensive Permit standard under the *Remand Rule*
- Prescribe specific requirements/BMPs for each MS4 to implement in their SWMP
- Includes all the “clear, specific, and measurable” requirements for MS4s
 - List of target audiences and pollutants or sources
 - Table of Activities/BMPs and associated Measurable Goals for each MCM
 - Specify frequency and minimum to pick from
 - “Menu” of BMPs for select MCMs
 - Requirements and level of effort increase with MS4 Level
- Removed public notice requirements for NOIs/NOCs
 - Savings of up to \$5,000 for MS4s

Phase II MS4 General Permit Application Review Process *Before and After*



Tiered Permitting Approach

Level 1	<ul style="list-style-type: none">Up to 10,000*
Level 2	<ul style="list-style-type: none">10,000 to 40,000*Includes non-traditional MS4sAdditional Requirement in MCM 2
Level 3	<ul style="list-style-type: none">40,000 to 100,000*Additional Requirements in MCMs 2, 3, and 5
Level 4	<ul style="list-style-type: none">More than 100,000*Additional Requirements in MCMs 2, 3, 4, and 5Required to implement MCM 6



Federal *Electronic Reporting Rule*

- Electronic applications and reporting required for general permits by December 2025, 40 CFR Part 127
 - TCEQ is using EPA's NPDES electronic application and reporting system (Net-MS4) for the 2024 general permit renewal
 - In production August 2024
 - No more *paper* applications or reports
 - TCEQ worked with EPA to develop and set up Texas' Phase II MS4 General Permit in EPA's Net-MS4 system

Addressing the 2020 U.S. Decennial Census

- TCEQ begins the renewal process for the general permit (TXR040000) two years in advance.
- July 12, 2023, the federal Phase II MS4 Regulations were revised to remove references to “urbanized areas” and instead include the “**urban area with a population of 50,000 or more people**” definition.
- TCEQ revised general permit language in the same way to refer to “2020 urban areas with a population of 50,000 or more people”



The MS4 must be fully or partially located within an urban area with a population of at least 50,000 people as determined by the 2000, 2010, or 2020 Decennial Censuses

How TCEQ Identified New MS4s

- Using layers provided by EPA for new areas based on the 2020 Census
 - Followed EPA procedures for establishing list of incorporated places (cities and counties) within the new 2020 urban areas with a **population of 50,000 or more** in Texas
 - Filtered out our existing universe
- Using TCEQ GIS resources to identify districts (*a common form of non-traditional MS4s in Texas*) within the new 2020 urban areas with a population of 50,000 or more for:
 - Identified “*Water Districts*” tracked by TCEQ
 - Filtered out existing MS4s and non-regulated districts such as River Authorities
- Used publicly available data layers for *education facilities, prisons, and military bases* to identify more non-traditional MS4s
 - Filtered out existing MS4 and non-regulated entities such as private universities
- Collaborated efforts with consultants and other MS4s independently working to identify new MS4s

Data Matching and Finding Contacts

- Cities and counties
 - **70** potentially regulated **cities and counties** were identified.
- Prisons, military bases, and universities
 - Conducted research online using agency webpages to identify the mailing address and contact information for all potentially newly regulated prison and universities
 - **20 prisons, 12 military bases, and 42 universities** potentially regulated entities were identified
- Special districts
 - Reviewed the TCEQ Water Districts Database contact information for districts, however, this data was determined to be too out of date for most.
 - Sought contact data from external databases with our State Comptroller that had more recent contact information for district contacts



Data Matching and Finding Contacts

- Connecting our districts data with external databases for contact information
 - The names from each database were automatically compared and matched through a merging tool in Excel
 - 671 out of 1,009 Water Districts were matched automatically and reviewed
 - For districts with no contact information found in the external databases, manually searching districts webpages and consultants' websites for current contact information was necessary
 - Our current **districts** list is **1,009** which was reduced from an original list of roughly 1,300 districts within the 2020 Urban Areas
 - Excluding Harris County, the list is further reduced to **504** districts, of which we had 330 matches with contact information in external databases



Major Hurdles With Data



Some internal databases were not up to date with current contact information for districts.



Available external databases (Texas Comptroller) had additional entities beyond the districts that included over 200,000 lines of contact information to sort through.



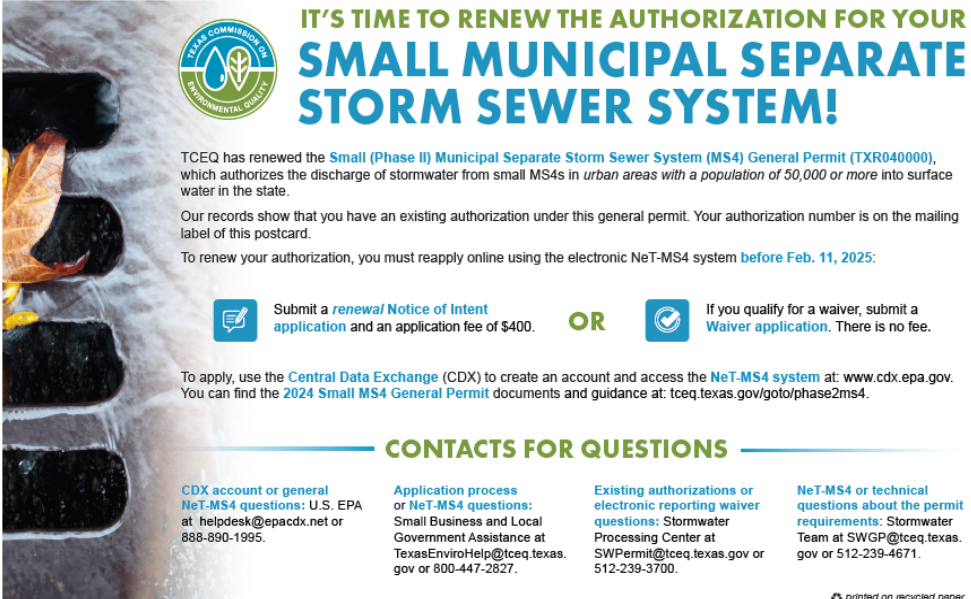
Some mailed postcards were returned due to incorrect addresses or delivery issues resulting in additional manual research for the correct address.



Entity websites can be difficult to navigate and do not include any substantive contact information.

Communicating 2020 Census Changes to New and Existing MS4s

- Stakeholder meetings
- Presentations given to the public
 - TCEQ Environmental Trade Fair and Conference
 - TCEQ Water Quality and Stormwater Seminar
 - MS4 seminars
- Small Business and Local Government (SBLGA) resources
- TCEQ newsletter
- Mailout postcards and letters
- Phone calls





IT'S TIME TO RENEW THE AUTHORIZATION FOR YOUR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM!

TCEQ has renewed the **Small (Phase II) Municipal Separate Storm Sewer System (MS4) General Permit (TXR040000)**, which authorizes the discharge of stormwater from small MS4s in *urban areas with a population of 50,000 or more* into surface water in the state.

Our records show that you have an existing authorization under this general permit. Your authorization number is on the mailing label of this postcard.

To renew your authorization, you must reapply online using the electronic NeT-MS4 system **before Feb. 11, 2025**:

 Submit a **renewal Notice of Intent application** and an application fee of \$400. **OR**  If you qualify for a waiver, submit a **Waiver application**. There is no fee.

To apply, use the **Central Data Exchange (CDX)** to create an account and access the **NeT-MS4 system** at: www.cdx.epa.gov. You can find the **2024 Small MS4 General Permit** documents and guidance at: tceq.texas.gov/goto/phase2ms4.

CONTACTS FOR QUESTIONS

CDX account or general NeT-MS4 questions: U.S. EPA at helpdesk@epacdx.net or 888-890-1995.	Application process or NeT-MS4 questions: Small Business and Local Government Assistance at TexasEnviroHelp@tceq.texas.gov or 800-447-2827.	Existing authorizations or electronic reporting waiver questions: Stormwater Processing Center at SWPermit@tceq.texas.gov or 512-239-3700.	NeT-MS4 or technical questions about the permit requirements: Stormwater Team at SWGP@tceq.texas.gov or 512-239-4671.
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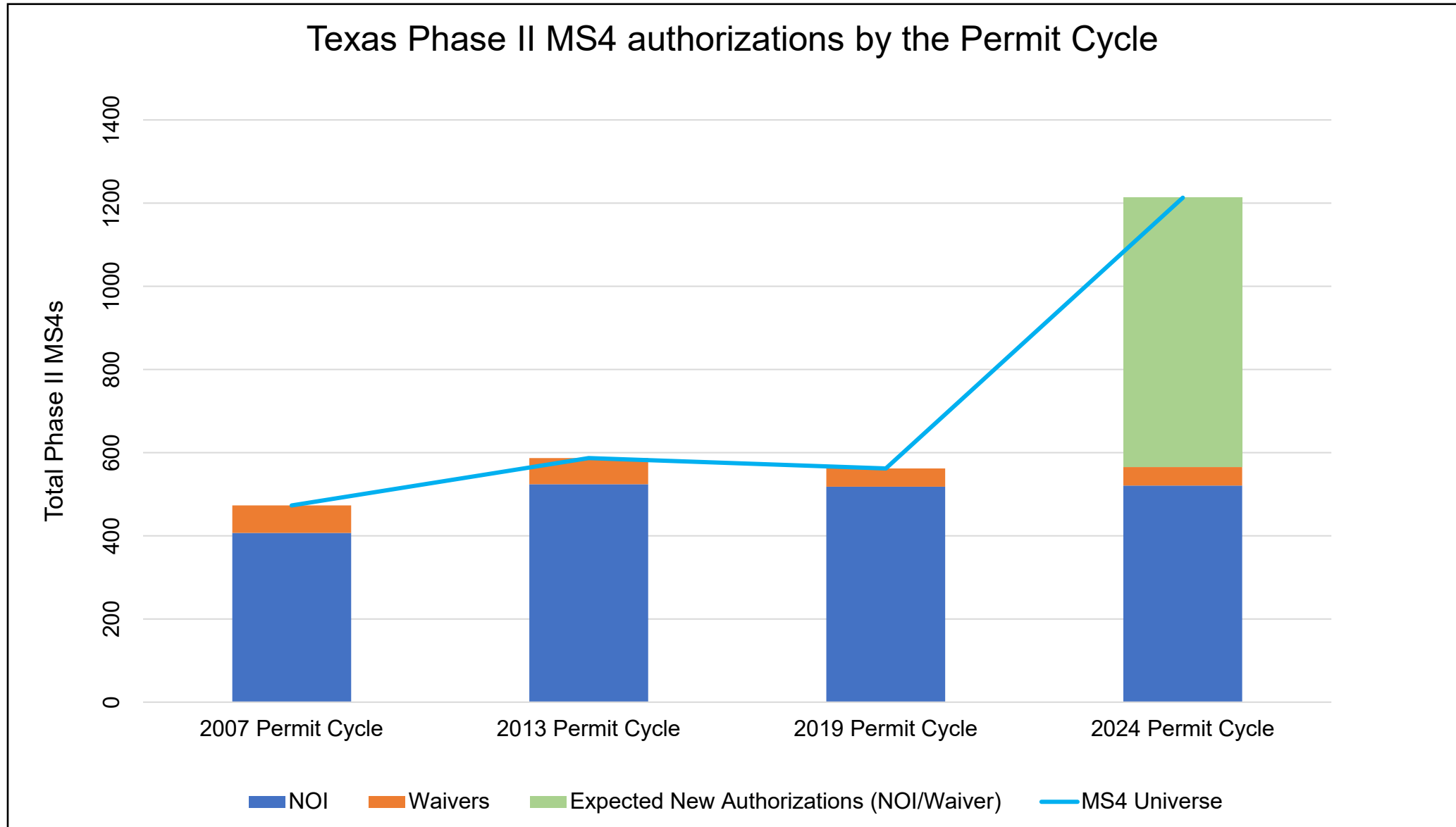
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Letters sent to Potentially New MS4s

- Letters are being mailed to all potentially identified new Phase II MS4 notifying them:
 - Their MS4 was identified as a potentially regulated small MS4
 - They need to send us confirmation and certain general information
 - They must read the permit and apply for coverage or a waiver as applicable
- In previous Census cycles, these mailouts resulted in some recipients contacting TCEQ to challenge their status as a regulated small MS4
 - Such as a special district that exists only on paper and does not own or operate any storm sewer systems
 - TCEQ anticipates that similar communication will come back for some portion of the mailouts sent out based on the 2020 Census



Phase II MS4 Universe Growth



* Based on TCEQ's current databases and preliminary research findings

Lessons Learned and Tips for Other States

- Consider resources – staff and money
 - If these are limited, think creatively
- Keep up to date with rulemaking, federal and state regulations, etc.
- Begin renewal process and development of NeT-MS4 or state electronic system early
- Communicate with partnering agencies and regulated community/stakeholders
- Develop guidance documents and other resources for new and existing MS4s
 - SWMP template
 - Annual Report template
- Conduct in-person and/virtual training





Questions?