

Lubbock County, Texas Stormwater Management Program

Developed to comply with the requirements of Texas Pollutant Discharge Elimination System General Permit No. TXR040000 Permit Term: Beginning January 24, 2019

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> > **Prepared By:**



4000 Fossil Creek Boulevard Fort Worth, Texas 76137

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Acronyms

BMP	Best Management Practice
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
ISWM	Integrated Stormwater Management
MCM	Minimum Control Measure
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System

1.0 INTRODUCTION

1.1 Regulatory Requirement

The U.S Environmental Protection Agency (EPA) issued regulations in 1999 to protect stormwater quality in small municipalities located in urbanized areas. In Texas, the Texas Commission on Environmental Quality (TCEQ) was delegated the responsibility for implementing the regulations, commonly called the Phase II Stormwater Program. TCEQ issued the first permit for stormwater discharges from Phase II communities, commonly called small Municipal Separate Storm Sewer Systems (MS4s), under the Texas Pollutant Discharge Elimination System (TPDES) on August 13, 2007. Lubbock County was one of several hundred small MS4s that was covered under this first permit through December 13, 2013. The General Permit was amended and renewed to cover small MS4 communities through December 13, 2018. With the expiration of this permit and subsequent amendment and renewal of the General Permit on January 24, 2019, the County is required to review and update its Stormwater Management Program (SWMP) to comply with the renewed permit. The updated SWMP is to be submitted to TCEQ prior to July 23, 2019. Existing program elements will be reviewed and revised as necessary. New program elements that are required by the renewed permit will be implemented over the permit term.

Lubbock County has revised and updated this SWMP to comply with the revised requirements of the TPDES General Permit No. TXR040000, dated January 24, 2019. The SWMP retains some of the Best Management Practices (BMPs) from the previous permit term and includes new practices that are consistent with the level of authority the State grants the county. The County will implement these BMPs to reduce stormwater pollution to the "maximum extent practicable under state, federal and local law," as regulations require.

This SWMP sets measurable goals and provides a schedule for the implementation of the BMPs for each of the five minimum control measures ns4(MCMs) that are required by the Phase II Rule. The five required MCMs are:

- 1. Public Education, Outreach, and Involvement;
- 2. Illicit Discharge Detection and Elimination;
- 3. Construction Site Stormwater Runoff Control;
- 4. Post-Construction Stormwater Management in New Development and Redevelopment;
- 5. Pollution Prevention and Good Housekeeping for Municipal Operations.

This program requires that Lubbock County:

- Reduce the discharge of pollutants to the maximum extent practicable (MEP);
- Protect water quality;
- Satisfy the appropriate water quality requirements of the Clean Water Act; and,
- Manage stormwater quality activities through the Stormwater Management Program (SWMP).

The County will review the implementation progress each year and modify the Stormwater Management Program as necessary. Annual updates will be provided to the TCEQ.

1.2 Lubbock County

Lubbock County is in the Texas panhandle, south of Amarillo and east of Clovis, New Mexico at 33° 35' north latitude and 101° 52' west longitude. The County consists of approximately 901 square miles of flat land that slopes generally for the northwest to the southeast with elevations ranging from 2,900 to 3,400 feet above mean sea level. The climate is classified as semi-arid or steppe, BSk by the Köppen climate classification, with an average annual precipitation of 18.69 inches.

Lubbock County is located in the Brazos River Basin. The Blackwater Draw and Yellow House Draw converge in Lubbock County forming the North Fork Double Mountain Fork of the Brazos River. Buffalo Springs Lake and Lank Ransom Canyon are impounded just downstream from the confluence of the draws. In addition, approximately 920 playa lakes exist in the county covering approximately 5 square miles. These playa lakes are not used for interstate commerce or affect interstate or foreign commerce and are generally not classified as waters of the United States.

2.0 Permit Applicability and Coverage

2.1 Regulated Portion of Small MS4

The TPDES General Permit TXR040000 requires only the portion of the small MS4 that is located within the Urbanized Area(s) as defined by the US Census Bureau in the 2000 or 2010 Censuses to meet the stormwater requirements. Lubbock County's urbanized area consists of approximately 32 small, non-contiguous Urbanized Areas throughout the county according to the 2010 Census map. These urbanized areas are in the City of Abernathy, City of Shallowater, City of Wolfforth and City of Lubbock extraterritorial jurisdictions.

Lubbock County's SWMP addresses permit required best management practices (BMP) for the urbanized areas of the county. Some BMPs may be applied voluntarily to unincorporated areas outside the urbanized areas. Examples include illegal dumping enforcement, public education, and community reporting as described in the SWMP minimum control measures.

2.2 Categories of Regulated Small MS4s

Lubbock County is a Level 2 Operator according to the general permit definitions (Part II Section A 5(b)). Level 2 Operators include non-traditional small MS4s, such as counties, regardless of population served within the urbanized area. The State of Texas Constitution and State statutes do not grant Texas counties the ability to create and enforce ordinances to meet the TPDES permit requirements as Texas home rule cities do. Lubbock County will address the General Permit SWMP requirements to the extent allowable under current state and local law.

In accordance with the general permit TXR040000, Part II, Section E, Number 12, the SWMP will be available for review at the County Courthouse, located at 801 Broadway Street, Suite 101, Lubbock, Texas 79408.

2.3 Allowable Non-Stormwater Discharges

Lubbock County accepts the list of allowable non-stormwater discharges contained in the General Permit Part 11 Section C. The listed discharges may be discharged in the small MS4 and are not required to be addressed in the small MS4 minimum control measures, unless Lubbock County or TCEQ determines the discharges are significant contributors of pollutants or otherwise prohibits the discharges.

Lubbock County will track BMP activities, results, and changes to the SWMP through an annual report that will be submitted to the TCEQ within 90 days of the end of each permit year. The annual report will include factors required by Part IV, Section B, Number 2 of the general permit, including the status of the compliance with permit conditions, assessments of BMPs, and any changes to the SWMP, as assessed to keep Lubbock County in compliance with the general permit conditions.

2.4 Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements

No impaired waters are identified in Lubbock County at the time this SWMP is published. Lubbock County will annually review the EPA/TCEQ approved Clean Water Act (CWA) 303(d) list and the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* that lists category 4 and 5 water bodies not meeting Texas Surface Water Quality Standards. If future lists include water bodies in Lubbock County urbanized areas, Lubbock County will revise the SWMP to include the impaired water body and comply with the General Permit requirements included in Part II.D.4. (b). The county will also identify the newly listed water body(ies) in the annual report.

3.0 STORMWATER MANAGEMENT PROGRAM (SWMP) DESCRIPTION

Lubbock County developed and will implement this SWMP to the extend allowable under State and local law according to the requirements of Part III of the TPDES General Permit TXR040000. Lubbock County created the SWMP to prevent pollution in stormwater discharges to state and federal surface waters to the maximum extent practicable. The Lubbock County MS4 is classified as a small, non-traditional MS4, making Lubbock County a Level 2 Operator.

Legal Authority – Non-traditional MS4

The Texas Constitution and State statutes do not authorize Texas counties to create, enact, or enforce ordinances necessary to implement all the regulatory requirements of the General Permit. Lubbock County will enact the permit requirements to the extend allowable under state and local law. The SWMP indicates this in each applicable Minimum Control Measure (MCM).

Lubbock County determined it is not feasible to enter into inter-local agreements with adjacent MS4 operators to enforce the county stormwater program. The county will notify TCEQ Region 2 Field office or adjacent MS4 operators with enforcement authority to report discharges or incidents that the county does not have the authority to enforce.

Non-Contiguous Urbanized Areas – Non-traditional MS4

Lubbock County's MS4 consists of 32 non-contiguous urbanized areas distributed across the county. These areas are in the City of Abernathy, City of Shallowater, City of Wolfforth, and City of Lubbock extraterritorial jurisdictions. The county is approximately 901 square miles, resulting in large travel distances among the urbanized areas. These distances generally exceed the distances traveled in traditional municipal MS4s.

Drainage System – Non-traditional MS4

Lubbock County operates and maintains approximately 1,200 miles of county road drained by surface runoff, open ditch, and residential curb and gutter. The county does not own or maintain enclosed, underground drainage systems in the urbanized area of the county. The urbanized areas contain either curb and gutters or roadside ditches that discharge to open ditches or surface flow water downstream.

All but three urbanized areas drain to playa lakes. The playas are small closed basins where storm water is either evaporated or infiltrated. These playa lakes are not used for interstate commerce or affect interstate or foreign commerce and are generally not classified as waters of the United States. The three remaining urbanized areas surface drain to the Yellow House Draw through poorly defined opened channels with no defined outfalls. The Yellow House Draw downstream of the urbanized areas is an ephemeral stream that conveys runoff in a poorly defined channel. The open channel and surface flow drainage system the County utilizes provides greater opportunity for evaporation, infiltration, and natural stormwater treatment than the traditional municipal MS4 closed system.

Annexation and De-annexation – Non-traditional MS4

Counties, unlike cities, will not increase urbanized areas or storm drain infrastructure through annexation. City annexation will reduce county service area and urbanized area. Lubbock County urbanized area will only increase with development in the unincorporated areas of the county that increase population density. This growth will be identified during the US Census.

Development and Implementation Responsibility

Lubbock County Public Works Department developed the county SWMP to be consistent with other Texas county SWMPs. The Lubbock County Sanitation Department and Public Works Department will implement the SWMP as described in the MCMs. The Lubbock County Sheriff's Department, Facility Maintenance Department, Purchasing Department, Road and Bridge, and other county departments will support the SWMP implementation.

This updated SWMP describes existing programs from the 2014-2018 permit term that will be continued and revisions/additions to these programs that will be implemented over the 2019-2023 permit term to reduce pollutants and protect the County's stormwater quality. In order to evaluate the effectiveness of the existing SWMP, the existing BMPs, programs, and practices at the County were reviewed to determine their continued feasibility. In some cases, existing programs were combined or deleted because they were determined to not be feasible or had been superseded by a more efficient approach or technology (use of website to distribute educational materials, for example). Continued implementation of the SWMP is expected to result in reductions of pollutants discharged by the MS4 into receiving waters.

The Lubbock County SWMP addresses permit required BMPs in the unincorporated urbanized areas of the county. The County may implement certain SWMP elements in the larger unincorporated portions of the county. Lubbock County, as a Level 2 Operator, will implement the following five minimum control measures (MCM) to the extent allowable by current state and local law. Appendix A contains the BMP implementation schedule for each MCM listed below.

3.1 MCM 1 - Public Education, Outreach, and Involvement

The County has a comprehensive public education program in place which includes the distribution of educational information to the public, businesses, city employees, builders and engineers. Annual presentations are made to the County Commissioner's Court on the status of SWMP implementation. These meetings are subject to state/local public notice requirements meeting TCEQ minimum requirements for public involvement and public participation.

During the 2019-2023 permit term, the County hopes to streamline the distribution of its educational materials to the public, businesses, county employees, builders and engineers. For better efficiency and cost-effectiveness of the public education program, the County plans to improve and leverage its stormwater management web site, located on the Sanitation Department web page https://www.co.lubbock.tx.us/department/index.php?structureid=35.

The web platform provides access for a variety of stormwater-related educational materials including but not limited to: public educational materials, classroom educational materials, storm

water videos, and social media education and announcements. The County also plans to use existing public materials for education, such as those available from the EPA's Nonpoint Source Outreach Toolbox (www.epa.gov/nps/toolbox) or from other agencies and counties with similar public education goals. The County will also continue to use the web site to share contact information for citizens to contact proper county departments.

BMPs 1.1-1.5 specifically address the County's Public Education and Involvement program. The BMPs are documented in Appendix A.

3.2 MCM 2 - Illicit Discharge Detection and Elimination (IDDE)

Lubbock County implements an illicit discharge detection and elimination program to the extent allowed under current State and local law in the unincorporated urbanized areas. The Texas Constitution and Statutes do not give the county the ability to adopt ordinances, as cities do, to enforce an illicit discharge program. The County provides information about and seeks voluntary compliance with the general permit and refers cases of non-compliance to the TCEQ Region 2 office in Lubbock.

The County has the authority to monitor and enforce on-site sewage facilities (OSSF), such as septic systems, and illegal dumping. The County continues the OSSF construction permitting and inspection, as well as, corrective actions and enforcement of malfunctioning OSSF systems. The Lubbock County Sheriff's Department's Environmental Division address illegal dumping complaints, issues citations, and files criminal cases with the Lubbock District Attorney's Office when necessary.

Lubbock County's climate, topography, and storm drain system provide unique advantages and disadvantages to implement this MCM. Lubbock County maintains open, vegetated roadside ditches and surface flow to convey stormwater in the unincorporated urbanized areas. The county has no enclosed storm drain system. The semi-arid climate and pervious soils promote evaporation and infiltration of storm water in the open ditches. These ditches remain dry much of the year, allowing most illicit discharges to be detected and reported by Lubbock County residents and employees.

In addition, all but three of the 32 non-contiguous urbanized areas in the county drain to playa lakes. The small closed basin features retain the stormwater to be infiltrated and evaporated. These playa lakes are not used for interstate commerce or affect interstate or foreign commerce and are generally not classified as waters of the United States. The three remaining urbanized areas surface drain to the Yellow House Draw through poorly defined opened channels with no defined outfalls. The Yellow House Draw downstream of the urbanized areas is an ephemeral stream that conveys runoff in a poorly defined channel. The Lubbock County unincorporated urbanized areas do not have defined outfalls into waters of the US.

In order to meet the intent of the general permit, Lubbock County identified the receiving playa lake or draw for each non-contiguous unincorporated urbanized area. The county also identified the accessible downstream locations of these areas where an illicit discharge may be viewed before reaching the receiving playa lake or draw. These are shown in the Lubbock MS4 maps associated with this MCM.

BMPs 2.1-2.7 specifically address the County's Illicit Discharge and Elimination program. The BMPs are documented in Appendix A.

3.3 MCM 3 - Construction Site Stormwater Runoff Control

Lubbock County will provide stormwater construction inspections in unincorporated urbanized areas in the county to the extent allowed by state and local law. The Texas Constitution and Statutes do not provide Texas counties the authority to create ordinances to enforce construction site stormwater runoff control. Lubbock County will inform construction site operators in these areas of the TCEQ stormwater general permit for construction activities requirements. The County will report any construction site operators that do not voluntarily abide by these requirements to the TCEQ Area 2 office in Lubbock. The County may extend this service to other unincorporated areas of the county as staff deems necessary.

Lubbock County will include TCEQ stormwater general permit for construction activities requirements in Lubbock County Contracts. The County will provide construction oversight and inspections for these projects.

BMPs 3.1-3.3 specifically address the County's Construction Site Stormwater Runoff Control program. The BMPs are documented in Appendix A.

3.4 MCM 4 -Post-Construction Stormwater Management in New Development and Redevelopment

Lubbock County implements post construction stormwater management in new development and redevelopment to the extent allowable under state and local law in the unincorporated urbanized areas. The Texas Constitution and Statutes do not provide Texas counties the authority to create ordinances to enforce post-construction stormwater management.

Lubbock County allows the use of open ditches and surface flow to convey stormwater in new development and redevelopment projects. This practice encourages natural stormwater treatment through vegetative filtration, evaporation, infiltration, and evapotranspiration. Lubbock County will continue to encourage this practice in future development. In addition, most unincorporated urbanized areas are relatively flat and drain to playa lakes. The open ditches have small slopes resulting in less erosive velocities within the vegetated open channel. The playa lakes provide retention of stormwater.

BMP 4.1 specifically addresses the County's post-construction stormwater management. The BMP is documented in Appendix A.

3.5 MCM 5 - Pollution Prevention and Good Housekeeping for Municipal Operations.

Lubbock County operates and maintains its facilities in a manner to prevent or minimize pollutant runoff from county activities and county owned properties. County staff reviewed General Permit Part III Section B 5.(a) and (b). The County does not own or operate composting facilities, hazardous waste disposal facilities, hazardous waste handling and transfer facilities, incinerators, landfills, materials storage yards, pesticide storage facilities, golf courses, swimming pools, recycling facilities, salt storage facilities, or solid waste handling and transfer facilities. In addition,

County Staff reviewed the county facilities and concluded, no facilities meet the requirements for the TPDES multi-sector general permit.

The County has no facilities located in the MS4 regulated area. The county owns and maintains two buildings used for public meeting spaces in the unincorporated area. These facilities are:

- Roosevelt Community Center 1404 CR 3300, Lubbock, TX 79403
- County Line Community Center 17905 North FM 179, Shallowater, TX 79363

The remaining facilities the County owns and operates, other than the roadway system and associated open drainage ditches, are all within the incorporated limits of Lubbock, Shallowater, Wolfforth, Idalou, and Slaton.

The County does not own or operated material storage facilities for material such as caliche, flexible base, topsoil, select fill, asphalt binder, aggregate, etc. The County contracts with material suppliers to deliver material to sites to prevent storage and minimize stormwater runoff from stored material.

BMPs 5.1- 5.6 specifically addresses the County's pollution prevention and good housekeeping measures. The BMPs are documented in Appendix A

3.6 BMPs, Measurable Goals and Implementation Schedule

County Staff used a two-step process to select the BMPs included in Lubbock County's SWMP for the 2019-2023 permit term. The first step in selecting BMPs included an evaluation of existing practices and current BMPs. The second step included meetings with County staff to identify additions or revisions to BMPs necessary to meet the reissued permit language.

The County's initial SWMP was reviewed prior to the 2019-2023 permit term. County staff identified the BMPs, programs, and practices to be continued. These BMPs are included in the SWMP as a continuation of existing programs. Upon examination of the County's program, it was also determined that several BMPs needed to be updated and new BMPs would be required to meet the standards established in the 2019-2023 Phase II MS4 permit to the extent allowed under State law.

In accordance with the permit requirements, measurable goals have been developed to evaluate the success of the County's SWMP in protecting water quality and reducing pollutants to the maximum extent practicable. Goals for additions or revisions to existing BMPs were selected with a consideration toward achieving steady implementation, assessing the ability to measure and track progress, and working within the available budgetary and staff resources. Goals for existing BMPs to continue were set primarily by documentation requirements since these programs are already in practice.

An implementation schedule is included for all BMPs in Appendix A. The County has selected the Fiscal Year reporting option. Therefore, the 2019 annual report will be due after the 2019 Fiscal Year (ending on September 30, 2019) and the schedule included in Appendix A starts with this date as the first reporting year for measurable goal completion. The schedule includes the subsequent four fiscal years. Unless otherwise noted, the due date for each goal is the end of each fiscal year during the permit cycle - September 30th. It is noted that the tasks for FY 2023

(October 2022 – September 2023) may be required to be completed prior to the end of the fiscal year if the subsequent TPDES permit is issued before the end of the reporting period.

3.7 Measurable Goal Evaluation Process

The selected measurable goals for each BMP will be evaluated on an annual basis. Implementation of each BMP will be tracked as appropriate during each permit year in order to provide documentation of the BMP activities. Relative success at achieving the measurable goals, as well as an assessment of the effectiveness of each BMP, will also be evaluated on an annual basis. In most cases, the measurable goals continue the implementation of programs from the previous permit cycle. Therefore, documentation of the BMPs associated with each program is the primary goal for each year.

4.0 RECORDKEEPING AND REPORTING

4.1 Recordkeeping

The County will maintain all records, a copy of the TPDES general permit, and all data used to complete the Notice of Intent (NOI) for this permit, for a period of at least three years, or for the term of this permit, whichever is longer. A current copy of the SWMP and a copy of the general permit requirements will be maintained on the County's Sanitation Department web page and at the Lubbock County Courthouse, 801 Broadway Street, Suite 101, Lubbock, Texas 79408.

The County will make the compiled records, including the NOI and SWMP, available for public viewing on the County's Sanitation Department web page, as well as at the Courthouse. The SWMP will be available for viewing during normal office hours, and available supporting documents will be able to be viewed within ten working days following the request from the public. Other records will be provided within 10 working days, unless the request requires an unusual amount of time or effort to assemble. In such a case, Texas law regarding the Public Information Act will be followed. Reasonable charges, in accordance with Texas law, may be levied by the County for researching and preparing any requested materials.

4.2 Annual Report

The County will submit an annual update report to the Executive Director of the TCEQ by the reporting deadline each year of the permit term. The deadline occurs 90 days after the end of each fiscal year (FY), starting with FY 2019, which will cover the period from October 2018 - September 2019. The following table documents the dates for each permit year and deadline for the annual report.

Permit Year	Fiscal Year	Dates	Annual Report Due
Year 1	2019	Oct. 1, 2018 – Sept. 30, 2019	Jan. 2, 2020
Year 2	2020	Oct. 1, 2019 – Sept. 30, 2020	Jan. 4, 2021
Year 3	2021	Oct. 1, 2020 – Sept. 30, 2021	Jan. 3, 2022
Year 4	2022	Oct. 1, 2021 – Sept. 30, 2022	Jan. 2, 2023
Year 5	2023	Oct. 1, 2022 – Sept. 30, 2023	Jan. 2, 2024

 Table 4-1
 Permit Year and Annual Report Submittal Dates

The annual report will address the requirements listed in the permit. Generally, the report will document the stormwater-related activities for the previous year, evaluate the success of each BMP relative to its measurable goal(s), and discuss plans for the upcoming year, including modifications to the SWMP if necessary. Modifications may include replacement of previously selected BMPs, alteration of the implementation schedule, or other changes allowed by the permit. The County will maintain copies of the annual reports on the County Sanitation Department webpage and at the County Courthouse, 801 Broadway Street, Suite 101, Lubbock, Texas 79408.

4.3 Plan Updates

This plan may be updated by the County at any time. When considering eliminating a BMP, it is necessary to review the information in Appendix B to determine if the removal of the BMP will result in non-compliance for any of the minimum control measures. This would occur if the BMP is the only BMP that provides compliance for a specific permit provision. In such a case, the BMP will need to be replaced with a new BMP that continues to meet the relevant permit requirement.

5.0 **DEFINITIONS**

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

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

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

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

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

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

Minimum Control Measures (MCM) The EPA's Minimum Control Measures for the NPDES establish the minimum conditions that must be addressed for City's the storm water program, but the rule also provides flexibility to account for unique local conditions of the MS4 entity.

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

Non-traditional Small MS4 – A small MS4 that often cannot pass ordinances and may not have the enforcement authority like a traditional small MS4 would have to enforce the stormwater management program. Examples of non-traditional small MS4s include counties, transportation authorities, municipal utility districts, drainage districts, military based, prisons, and universities.

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

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

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

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

Permittee - The MS4 operator authorized under the general permit.

Permitting Authority - For the purposes of the general permit, the TCEQ.

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

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

Redevelopment - Alterations of a property that changes the "footprint" of a site or building in such a way that there is a disturbance of equal to or greater than one 5,000 square feet of land. This term does not include such activities as exterior remodeling.

Small Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than 5,000 square feet and less than five (5) acres of land. Small construction activity also includes the disturbance of less than 5,000 square feet of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than 5,000 square feet and less than five (5) acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar stormwater conveyance. Small construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities.

Small Municipal Separate Storm Sewer System (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer;

(iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; (v) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system; and (vi) Which does not include very discrete systems such as those serving individual buildings. For the purpose of this permit, a very discrete system includes storm drains associated with municipal office and education complexes, where the complexes serve a transient (nonresidential) population, and where the buildings are not physically interconnected to an MS4 that is also operated by that public entity.

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

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

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

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

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

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

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

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) all interstate waters, including interstate wetlands;
- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

- (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
- (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
- (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

6.0 **REFERENCES**

Texas Commission on Environmental Quality, TPDES General Permit No. TXR040000, General Permit to Discharge Under the Texas Pollutant Discharge Elimination System, January 2019.

North Central Texas Council of Governments, Stormwater Management Program Webpage, <u>http://www.nctcog.org/envir/SEEclean/Stormwater/index.asp</u>.

United States Environmental Protection Agency, National Pollutant Discharge Elimination System Stormwater Website, <u>http://cfpub.epa.gov/npdes/home.cfm?program_id=6</u>

Appendix A

BMP Implementation Schedule by Minimum Control Measure (MCM)

Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
	Lubbock County has relationships with many organizations to reach the public in the	Year 1-2	Meet with outside organizations, discuss, and identify PSA partner opportunities.	September 30, 2020
BMP 1.1 PSAs on Stormwater Management	unincorporated urbanized areas and beyond. Example organizations included Texas Agrilife Extension Service, Citys of Wolfforth, Lubbock, Shallowater, Abernathy, TxDOT, High Plains Groundwater District, Texas Tech University, and many others. The County will work with the outside organizations to develop and distribute public service announcements to reach citizens, employees, and businesses in the MS4 regulated areas.	Year 2-5	Produce and distribute two PSAs annually.	May 31 September 30
		Year 1-2	Update County SWMP on the Website and add link to adjacent MS4 operators.	April 30, 2020
BMP 1.2 Educational Materials on Website	cational page https://www.co.lubbock.tx.us/department/index.ph	Year 2	 Incorporate educational material related to stormwater in the Sanitation web page. Possible topics include impacts polluted stormwater can have on water quality, hazards of illegal discharges, steps to reduce pollutants in storm water, illegal dumping, other MS4 topics 	September 30, 2020
		Year 3-5	Review and update web links, educational material, and related documents on the Sanitation page annually at a minimum.	September 30
		Year 2	Post approved SWMP on Sanitation page no later than 30 days after the approval date.	April 30, 2020
		Year 1-5	Post annual report on Sanitation page no later than 30 days after due date.	February 1

 Table 6-1
 MCM 1- Public Education and Public Outreach BMPs

Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
BMP 1.3 Social Media Posts	Lubbock County will post stormwater related topics to the Lubbock County facebook page targeting County citizens, employees, and businesses.	Year 1-5	Post quarterly stomwater related topics.	October 31 January 31 April 30 July 31
BMP 1.4 Public Notices	Lubbock County Commissioner's Court meetings are subject to state/local public notice requirements and meet TCEQ minimum requirements for public involvement and public participation.	Year 1-5	Bring one SWMP item before Commissioner's Court annually.	September 30
BMP 1.5 Event Participation	Lubbock County participates in community clean- up programs.	Year 1-5	Conduct one annual cleanup event with support of Sheriff's office and Road and Bridge Department.	September 30

Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
BMP 2.1 MS4 Map	Lubbock County will continue developing a stormwater management map of the EPA-delineated urbanized areas in accordance with TCEQ requirements.	Year 1-2	Create MS4 map that identifies the location of playa lakes and draws that receive water from the urbanized areas in unincorporated Lubbock County. The map also identifies accessible inspection points for each urbanized area. No outfalls are present in the Lubbock County unincorporated urbanized areas.	March 10, 2020
		Year 3-5	Evaluate census data and update map for 2020 Census data once the data is available.	September 30
BMP 2.2 County Employee Education	Lubbock County Provides good housekeeping and pollution prevention training for employees in municipal activities. The training program consists of educational materials developed by providers such as Texas Agrilife Extension, TCEQ, EPA, and other organizations. Sanitation Staff will train employees about pollution prevention techniques, illicit discharges, and good housekeeping practices.	Year 1-5	Conduct one training session a year for county staff with at target of 75% County Road and Bridge staff each year.	September 30
BMP 2.3 MS4 Staff Training	County stormwater staff will attend training on MS4 and other stormwater issues. The training may include workshops, classes, seminars, professional membership meetings or other platforms provided by TCEQ, EPA, Texas Agrilife Extension, or other organizations	Year 1-5	The Environmental and Safety Director, Director of Public Works, or a designee will attend one training each year.	September 30

 Table 6-2
 MCM 2 - Illicit Discharge Detection and Elimination

Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
BMP 2.4 Public	County staff and citizen reporting apparent discharges and water pollution in area ditches and playa lakes is a reasonable means to detect	Year 1-2	Update Lubbock County Sanitation web page to include contact information and instructions to report illicit discharges.	April 30, 2020
Reporting Illicit Discharge Detection and Elimination	employee reported illicit discharges in a timely fashion. The County will notify TCEQ Region 2 Field Office of all identified illicit dischargers that	Year 2-5	Investigate and document 100% of reported illicit discharges. A summary of the responses will be included in the annual report.	September 30
BMP 2.5	Lubbock County maintains spill response equipment and trains the Road & Bridge, Fleet Maintenance and Facilities employees to respond to spills and illicit discharges.	Year 1-5	Provide one spill prevention and/or spill response training session per year to 75% of Road & Bridge employees. The training will consist of material from outside sources such as TxDOT, TCEQ, EPA, or others.	September 30
Spill Response		Year 1-5	Document county spill response equipment, maintenance, and number of spill responses in annual report	September 30
		Year 2-5	Maintain 100% of spill response equipment issued to employees. Staff will document the spill response equipment issued.	September 30
BMP 2.6 Source Investigation and Elimination – Onsite Sewage Facility (OSSF)	The State of Texas authorizes Lubbock County to enforce rules regarding the installation and operation of on-site sewerage facilities and public health violations that may contribute to bacteria loading in State waters. The Sanitation Department investigates OSSF complaints, maintains records of actions taken, and reports the number of open investigations and sights brought into compliance.	Year 1-5	Prepare and review one annual OSSF report.	September 30

Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
BMP 2.7	Lubbock County Sheriff's Department Environmental Division (806) 775-1182 accepts illegal dumping calls, investigates illegal dumping complaints, issues citations, and files criminal cases with the Lubbock District Attorney's Office for cases in the county. Sanitation staff will coordinate with the Sheriff's Department Environmental Division to annually report activities including number of illegal dumping cases, number of cleanups, number of citations,	Year 1-5	Environmental and Safety Director and Sheriff's Environmental staff will coordinate reporting procedures, documentation and actions annually.	September 30
Source Investigation and Elimination – Illegal Dumping		Year 2-5	Sanitation Department and Sheriff's Environmental Division staff will discuss the number of illegal dumping cases, number of cleanups, number of citations, and number of criminal cases that occurred in the county each fiscal year.	September 30
	and number of criminal cases that occurred in the county.	Year 2-5	Sanitation Department will document the listed actions in the annual report.	September 30

Best Management Practices	BMP Description	Permit Year Implemented	Water Runoff Control BMPs Measurable Goals	Deadline
BMP 3.1 Distribute General TCEQ Compliance Information	Lubbock County will implement TCEQ stormwater construction measures to the extent allowed under State law. The county does not have rule/ordinance making authority granted to home rule cities. The County will provide general information about the TCEQ requirements to construction site operators.	Year 1-2	 Review the Lubbock County Sanitation and Public Works web pages and update the Residential Construction in Unincorporated Areas and Development and Construction sections to: Notify construction site operators that construction activities are subject to TCEQ General Permit TXR150000 Stormwater Discharges Associated with Construction Activities. Notify individuals and businesses that have a construction project that disturbs one acre or more and drains into unincorporated Lubbock County to mail a copy of the Construction Site Notice or Notice of Intent to: <i>contact information</i> Direct construction site operators to available stormwater BMP information. 	April 30, 2020
		Year 2-5	with 100% of the Lubbock County Subdivision Plat Applications received. The county will document this data and report the number of plat applications annually.	September 30

Table 6-3 MCM 3 - Construction Site Storm Water Runoff Control BMPs

Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
BMP 3.2 Construction Plan Review Procedures	The County Public Works department staff and/or consultants will review county road construction documents to ensure the county follows all TCEQ Construction General Permit rules and regulations for their road construction contracts.	Year 1-5	Review 100% of the county road construction plans and specifications to confirm compliance with TCEQ Construction General Permit. Staff will document reviews and prepare an annual report summarizing the reviews.	September 30
	Lubbock County construction site inspections will include all contracted county road construction projects and one voluntary construction site inspection in the urbanized unincorporated area of	Year 1-5	Inspect 100% of the contracted county road construction projects. Staff will document inspections, infractions, follow up inspections and actions for the annual report.	September 30
BMP 3.3 Construction Site Inspection and Enforcement	Lubbock County annually. If no site is identified in the urbanized areas, staff will attempt to locate one site in the remaining unincorporated areas. Staff will confirm site operators have submitted the NOI, have a functional SWPPP, have erosion control materials, are controlling construction waste, and are in general compliance with TCEQ requirements. The County will notify TCEQ if entrance to a site is denied, if a request to review records is denied, or if significant violations persist.	Year 2-5	Conduct one voluntary construction inspection in unincorporated Lubbock County annually. Staff will document inspections, infractions, follow up inspections and document for the annual report.	September 30

Best Management Practices	BMP Description	BMP Description Permit Year Implemented Measurable Goals		Deadline
BMP 4.1 Pervious Drainage Systems	The Subdivision Regulations of Lubbock County allow developers, builders, and residents in unincorporated areas to install open vegetated drainage ditches and channels to convey stormwater. The unlined ditches and channels promote infiltration and natural stormwater filtration.	Year 1-5	Lubbock County will maintain the Subdivision Regulations allowing open channel construction. County staff will document any changes in the regulations in the annual report.	September 30

Table 6-4 MCM 4 - Post-Construction Site Stormwater Management for New Development and Redevelopment BMPs

Table 6-5	MCM 5 - Pollution	Prevention/Good H	lousekeeping fo	or Municipal O	perations BMPs
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Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
BMP 5.1 County Owned Facility Inventory	Lubbock County has no facilities in the MS4 regulated area other than roads and roadside ditches. The county maintains two facilities in the unincorporated area for public meetings. The remaining Lubbock County facilities are located within the city limits of Lubbock, Shallowater, Wolfforth, Idalou, and Slaton. Lubbock County will monitor future county construction and inventory any facilities constructed in the regulated area.	Year 1-5	Conduct an annual review of the county facilities list and capital improvement plan to determine if any county facilities are constructed in the regulated area. Staff will document any additions in the annual report.	September 30

Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
BMP 5.2 County Employee Education	As described in BMP2.2 Lubbock County Provides good housekeeping and pollution prevention training for employees in Public Works, Facility Maintenance and Sanitation activities. The training program consists of educational materials developed by providers such as Texas Agrilife Extension, TCEQ, EPA. Sanitation Staff will train employees about pollution prevention techniques, illicit discharges, and good housekeeping practices.	Year 1-5	Conduct one training session a year for county staff with at target of 75% County Road and Bridge staff each year. Staff will document this training in BMP 2.2	September 30
BMP 5.3 Disposal of Waste Material	Lubbock Road and Bridge staff routinely blade the county roads and remove accumulated dirt and grass from roadside ditches. This material is used to fill in other areas in county right of way. Equipment operators are instructed to inspect the site and remove trash and objectionable materials and dispose of them in accordance with 30 TAC Chapters 330 or 335 as applicable.	Year 1-5	Conduct one training each year for equipment operators to ensure all trash and objectionable material is disposed of properly. Staff will document each training session.	September 30
	Lubbock County staff will coordinate with Facilities	Year 1	Public Works staff will incorporate TPDES General Permit requirements in 100% of the road construction documents.	September 30
BMP 5.4 Contractor Requirements and Oversight	Maintenance, Public Works, and Purchasing to require all county construction contractors to abide by TCEQ stormwater requirements and good housekeeping BMPs by including necessary language in each contract.	Year 2	Staff will meet with Facilities Maintenance, Public Works, and Purchasing to identify upcoming contracts and to develop contract language.	September 30
		Year 2-5	Include stormwater good housekeeping requirements in 100% of the Lubbock County construction contracts. Staff will document the number of contracts issued annually.	September 30

Best Management Practices	BMP Description	Permit Year Implemented	Measurable Goals	Deadline
BMP 5.5 Municipal Operation and Maintenance Activities	Lubbock County will monitor all county facilities in the unincorporated areas annually to confirm maintenance activities meet the requirements of the general permit.	Year 1-5	Conduct annual site visits to County facilities in the unincorporated areas. Document visits and observations in the annual report.	September 30
BMP 5.6 Identifying County Owned Facilities with Chemical Pollutants of Concern	Lubbock County will review county owned facilities and identify facilities storing more than 55 gallons or 500 pounds of chemical pollutants of concern posing a potential discharge. County staff will conduct annual visits to the identified facilities to identify pollutants of concern locations, visually inspect chemical locations, and identify any spills or potential issues. County staff will prepare a chemical list documenting the identified chemical pollutants of concern.	Year 1-2	County staff will identify county owned facilities containing 55 gallons or 500 pounds or more of chemical pollutants of concern. Staff will prepare a chemical list documenting the identified chemicals.	September 30, 2020
		Year 3-5	County staff will visit each county owned facility identified in years 1 and 2, visually inspect the chemical locations for spills and potential issues and document the findings in the chemical list.	September 30
BMP 5.7 Structural Control Measures	Road and Bridge staff routinely blade the county roads and clean roadside ditches. This work maintains the ditch capacity ensuring the drainage system functions properly.	Year 1-5	Lubbock County will clean ditches on 10 miles of county roadway each year. Staff will document the length of ditch cleaned annually. Staff will document the length of ditch cleaned annually. Staff will include this in the annual report.	September 30