

TRANSPORTATION AND NATURAL RESOURCES

JOSEPH P. GIESELMAN, EXECUTIVE MANAGER

COPY



411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
(512) 854-9383
FAX (512) 854-4697

December 18, 2009

Texas Commission on Environmental Quality
Applications Review & Processing Team (MC148)
P.O. Box 13087
Austin, TX 78711-3087

Re: Notice of Change, Small MS4 Authorization No. TXR040327, Travis County, Texas

Dear Sir or Madame:

Enclosed is a Notice of Change (NOC) prepared for your review and approval to modify the Storm Water Management Program of Travis County, Texas. The specific changes requested are described in Attachment A to the NOC.

If you have any questions on this matter, please contact Mr. Dave Fowler of my staff by e-mail at dave.fowler@co.travis.tx.us or by telephone at (512) 854-7590.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph P. Gieselman", is written over a circular stamp or seal.

Joseph P. Gieselman
Executive Manager
Transportation & Natural Resources Department

Enclosures

- 1) Notice of Change
- 2) Attachment A – Changes to BMPs



**Notice of Change (NOC) to an Authorization
for Storm Water Discharges from Small
Municipal Separate Storm Sewer Systems
(MS4) under the TPDES Phase II MS4 General
Permit (TXR040000)**

TCEQ Office Use Only
Permit No.:
RN:
CN:

***** IMPORTANT *****

PLEASE READ THE FOLLOWING INFORMATION AND INSTRUCTIONS BEFORE FILLING OUT THIS FORM.

The form will be returned for one of the following reasons:

- 1) the permit number is not provided, invalid, or no longer active,
- 2) a wet ink signature of person meeting signatory requirements for permittee is not provided,
- 3) the current permittee is not the applicant, and;
- 4) a requested change in operator name is not a legal name change .

THIS FORM CANNOT BE USED FOR A CHANGE IN OPERATOR. REFER TO YOUR GENERAL PERMIT.

What is the Permit Number of the authorization to be changed?	TXR04 0327
--	-------------------

A. APPLICANT INFORMATION: Search Central Registry at www4.tceq.state.tx.us/crpub

1. Operator (Permittee)

a. What is the full Legal Name of the current Operator as on the authorization?
Travis County MS4

b. What is the TCEQ Central Registry Customer Number assigned to this Operator?	CN 600338388
---	---------------------

2. Permitted Site (required)

What is the TCEQ Central Registry Regulated Entity Number assigned for this permitted site?	RN 105592208
---	---------------------

B. REQUESTED CHANGE TO PERMITTED INFORMATION

What information has changed or needs corrected?
(Check one or more of the sections being updated and enter the new information in the corresponding section of this form.)

- Operator Legal Name Change with Texas Secretary of State (TX SOS).
(Note: Permits are not transferable. If a change in entity has occurred, this NOC is not attainable.)
- Address and contact information for Operator, Billing for Annual Fee or Site Mailing Address..
- Site Information (Regulated Entity)
(Note: Permits under a general permit are site specific. If a change in site location has occurred, this NOC is not attainable.)
- Change To The Approved SWMP

1. OPERATOR LEGAL NAME CHANGE

a. What is the NEW active Legal Name with TX SOS or on other legal document?
New Legal Name:

b. What is the TX SOS Filing Number for us to confirm this official name change? (This is only applicable to Limited Partnership or Corporations.)	
---	--

2. ADDRESS & CONTACT INFORMATION CHANGE

a. What mailing address and/or contact information has changed? (check one or more as applicable)

- | | |
|---|--|
| <input type="checkbox"/> Operator for permit correspondence | <input type="checkbox"/> Site (RE) Mailing Address and contact information |
| <input type="checkbox"/> Billing address/contact for Receiving Annual Fee Statement | |

b. If you selected more than one, is the information to be updated the same for each selection?

- Yes – Provide the updated information in the fields below.
- No – Attachment 1 of the NOC is attached to this form, to provide the different addresses.

ATTN or C/O:

Address:	Suite No./Bldg. No./Mail Code:
----------	--------------------------------

City:	State:	Zip Code:
-------	--------	-----------

Country Mailing Information (if outside USA).	Country Code:	Postal Code:
---	---------------	--------------

Phone No.: ()	Ext:	Fax No.: ()	E-Mail:
----------------	------	--------------	---------

3. REGULATED ENTITY (RE) SITE INFORMATION CORRECTION or UPDATE

a. Updated or Corrected description of the regulated MS4 boundaries:

We acknowledge the following district and municipal jurisdictions are located within the boundaries of the Travis County MS4: Shady Hollow MUD, Lost Creek MUD, City of Westlake Hills Extraterritorial Jurisdiction (ETJ).

b. Other update to regulated entity information. Please explain.

4. CHANGE TO THE APPROVED SWMP

Check the applicable item(s) to be changed or updated and complete the section for each item. Reference the attachment for each item.

Add the 7th Minimum Control Measure (MCM) to the approved SWMP. Complete Attachment 2 of the NOC and the following question: Are you seeking to use the 7th MCM only in the regulated (urbanized) area?

Yes - Attach the MCM with Attachment 2 of the NOC.

No - Attach the MCM with Attachment 2 of the NOC and indicate YES to the following certification:

I certify that the MS4 is in compliance with all of the MCMs listed in this general permit, in the MS4's additional area where the 7th MCM will be utilized. YES

Failure to indicate YES to this certification will result in denial.

Notice to update the approved SWMP adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP.

Are the revisions to the approved SWMP attached? Yes, under attachment A

Request to update the approved SWMP, replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP.

Are the revisions to the approved SWMP attached? Yes, under attachment _____

Other requested changes to the approved SWMP requiring TCEQ approval.

Are the revisions to the approved SWMP attached? Yes, under attachment A

C. APPLICATION CONTACT

If TCEQ needs additional information regarding this application, who should be contacted?

1. Name: Dave Fowler	Title: Environmental Project Manager	Company: Travis County TNR
2. Phone No.: (512) 854-7590 Ext:	Fax No.: (512) 854-4626	E-Mail: dave.fowler@co.travis.tx.us

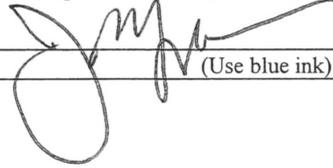
D. CERTIFICATION

Operator Certification:

I, Joseph P. Gieselman Executive Manager, TNR
Typed or printed name (REQUIRED) Title (REQUIRED)

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 there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under **30 Texas Administrative Code §305.44** to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature:  _____
(Use blue ink) (REQUIRED)

Date: 12/19/09 _____
(REQUIRED)

ATTACHMENT A - Travis County MS4 Notice of Change (NOC), December 2009

Changes to BMP measurable goals, dates, contacts, procedures, details in Years 2 and 3

MCM/ Table	BMP	Major Task Description	Measurable Goal	Due Date	Changes and Explanation
1	OSSF Outreach	OSSF Brochure	Complete Brochure	8.12.09 (end Yr 2)	Revise due date from 8.12.09 to 8.12.10 – Explanation: Additional time is required to complete Task, which will not substantially affect the successful completion of the BMP within the Permit Term.
1	Construction Outreach	Stakeholder Input	Solicit and receive comments	8.12.09 (end Yr 2)	Revise due date from 8.12.09 to 8.12.10 – Explanation: Additional time is required to complete Task, which will not substantially affect the successful completion of the BMP within the Permit Term.
1	Construction Outreach	Erosion Sediment Control Brochure	Complete Brochure	8.12.09 (end Yr 2)	Revise due date from 8.12.09 to 8.12.10 – Explanation: Additional time is required to complete Task, which will not substantially affect the successful completion of the BMP within the Permit Term.
1	SWMP Web Site	Web Site	Publish Web Site	8.12.09 (end Yr 2)	Revise due date from 8.12.09 to 8.12.10 – Explanation: Additional time is required to complete Task, which will not substantially affect the successful completion of the BMP within the Permit Term.
2	Inlet Markers	Provide opportunity for volunteer groups in the County to participate in installing storm drain inlet markers	Projects and inlet markers installed annually	Annual	Revise Major Task description to: Provide opportunity for volunteer groups to install storm drain inlet marker, with County assistance (materials, technical guidance) as resources allow. Explanation: Travis County believes this is an effective BMP and should remain in the SWMP. However, the amount of resources and traffic safety requirements necessary to manage a volunteer inlet marker installation project in the County right-of-way is significant, and is more than the County can implement consistently at this time. Therefore, the County prefers to keep this BMP in the SWMP, but primarily for volunteer groups with significant resources, willing to take the lead to initiate and perform such projects with County approval and limited support, such as providing marker materials. The County is also looking at the possibility of requiring such markers up-front on new construction, if it is feasible, in the Code changes being considered for MCM 5.
3A	OSSF Program	Review and inspect maintenance contracts and reports for aerobic systems, and review semi-annual integrity testing of commercial systems.	Contracts inspected/ renewed Commercial test results reviewed /NOV's issued/ cases filed	Annual	Revise Major Task description to: Monitor aerobic and commercial OSSF systems requiring maintenance contracts and maintenance reports provided to the County. Revise Measurable Goal to: Total OSSF system maintenance contracts, including commercial systems, monitored annually Explanation: This revised task description and measurable goal is more accurate for the work performed for this BMP. This BMP is a monitoring review function which tracks the number of OSSF systems permitted by the County which require maintenance contracts (mostly aerobic systems), including commercial systems. Such systems are required to submit maintenance reports three times annually to the County. These reports are reviewed, and any concerns or discrepancies are noted and followed up, with inspections and enforcement if necessary. The

					inspection and enforcement part of this BMP and the measurable goals for such, will be recorded under the third Major Task listed for this BMP (complaint response, improper O&M, inspection, enforcement, etc.)
3B	Industrial Site Monitoring & Outreach	Develop and maintain an inventory of industrial sites and perform outreach to educate and ensure compliance	Maintain inventory and perform outreach on 30% of sites by Year 3, 60% by year 4, and 100% by Year 5.	Years 3 - 5	<p>Revise Measurable Goal to:</p> <p>Maintain inventory, conduct on-site evaluations, and provide technical assistance of industrial sites. Minimum effort shall include the mailing of outreach materials to known industrial operations in Years 3 and 4, 50 site evaluations in Year 3 and 75 evaluations in each of Years 4 and 5. Outreach material mailings will also be reported in Public Education MCM.</p> <p>Explanation: Achievement of outreach at 100% of sites in our MS4 jurisdiction is not manageable as a goal, given the unknown quantity of such sites. Our current inventory identifies approximately 200 industrial sites. Instead, Travis County proposes to prioritize efforts based on SIC Codes, TCEQ compliance-related data, and other information. An ongoing IDDE effort will continually target facilities for site evaluation. Over time, this effort and presence in the community, coupled with other IDDE detection BMPs, mailing outreach materials, responding to citizen complaints, and coordinated efforts with other jurisdictions will maintain a robust program consistent with the Small MS4 permit requirement.</p>
4, 5	SWP3 and Post Const. Regulations	Implement Inter-local Agreements or other mechanisms with SWP3 and Post-Construction requirements for subdivision and non-construction, for municipal ETJs with smallest populations.	Complete activity	Years 3 - 5	<p>Revise Major Task Description to:</p> <p>Implement Inter-local Agreements (ILAs) or other mechanisms with SWP3 and Post-Construction requirements for subdivision and non-subdivision construction, for select municipal ETJs, based upon need or to improve efficiency.</p> <p>Revise Measurable Goal to:</p> <p>Record number of Inter-local Agreements (ILAs) executed each year and the parties to each agreement.</p> <p>Explanation: Travis County has sufficient enforcement authority and powers throughout areas of the MS4 (all unincorporated areas of the County). More explicit authority over stormwater management was granted through law in 2009 by the Texas Legislature. Therefore, an ILA with each and every municipality in its ETJ is not necessary. After executing ILAs with major jurisdictions (Austin, LCRA), Travis County intends to execute additional ILAs that could benefit the County and selected municipalities to divide the labor of overlapping SWMP duties, to eliminate duplication and to further eliminate program implementation gaps. It is proposed that we annually report on the results of these efforts.</p>
4, 5	SWP3 & Post-Const. Regs	Revise Codes and Standards	Complete revisions	8.12.09 (end Yr 2)	<p>Revise due date to 8.12.11 for revisions to be completed throughout the county's jurisdiction.</p> <p>Explanation: Travis County has made substantial progress on this BMP. The County successfully obtained additional and more explicit authority from the Texas Legislature, effective June 19, 2009. As a first phase of Code revisions, Travis County projects it will adopt standards in early 2010 equivalent to the LCRA's Highland Lakes Watershed Ordinance, to be effective in approximately 25% of the County (Lake Travis watershed). In combination with the approximately 50% of the MS4 now being covered by City of Austin ETJ programs for MCM 4 and 5, this will result in 75% coverage of the MS4 by Year 3 for these BMPs. Revising Development Permit Codes and Standards to fully implement MCM 4 and 5 in the remaining areas of the MS4 will require a second phase effort with more extensive public input process and more time to write new Codes and standards.</p>
4, 5	SWP3 & Post-Const. Regs	Revise LCRA Inter-local Agreement	Complete revisions	8.12.09 (end Yr 2)	<p>Revise due date to 8.12.10</p> <p>Explanation: This inter-local agreement effort is well underway and should be complete before</p>

4, 5	SWP3: Post-Const Permit Application and Plan Review	Development Permit Checklist	Complete and implement Checklist Record total permits applications reviewed annually	8.12.08 (end Yr 1)	the revised due date. The scope of this BMP was increased to include actual adoption of the LCRA Highland Lakes Watershed Ordinance into the County Code, as described above. Revise implementation start date to 5.01.09 . Revise implementation date for 100% of applications to 8.12.09 (end of Year 2) Revise Measurable Goal to: Complete and implement Checklist. Document Storm Water Notice compliance on 25% of eligible permit applications by (end of) Yr 2, 50% by Yr 3, 75% Yr 4, 100% Yr 5. Explanation: Since all development permit applicants (100%) are now required to fill out the Checklist informing them of storm water and other regulatory requirements, it is a priority to fully document all eligible projects receiving County development permits are complying with storm water notice requirements (NOI, CSN).
4, 5	Permit Application and Plan Review	Develop and implement a plan review system for SWP3 and post-construction BMP requirements for all projects. Review all projects 5 ac or greater by Year 3; all 3 ac or greater by Year 4; all non-single family residential projects (SFR) and SFR over 1 ac by Year 5.	Record number of projects reviewed, permitted annually.	Years 3 – 5	Revise to second sentence of major task description to: Review 95% of all projects 5 ac or greater by Year 3; 95% of all 3 ac or greater by Year 4; 95% of all non-single family residential projects (SFR) and SFR over 1 ac by Year 5. Explanation: Travis County anticipates that a small subset of projects may not require plan review and the revised task description takes this into account.
5	Post-Const BMP Maint. Regs	Revise Codes and Standards	Complete revisions	8.12.09 (end Yr 2)	Revise due date to 8.12.11 for revisions to be completed throughout the county's jurisdiction. Explanation: Travis County has made substantial progress on this BMP. The County successfully obtained additional and more explicit authority from the Texas Legislature, effective June 19, 2009. As a first phase of Code revisions, Travis County projects it will adopt standards in early 2010 equivalent to the LCRA's Highland Lakes Watershed Ordinance, to be effective in approximately 25% of the County (Lake Travis watershed). In combination with the approximately 50% of the MS4 now being covered by City of Austin ETJ programs for MCM 4 and 5, this will result in 75% coverage of the MS4 by Year 3 for these BMPs. Revising Development Permit Codes and Standards to fully implement MCM 4 and 5 in the remaining areas of the MS4 will require a second phase effort with more extensive public input process and more time to write new Codes and standards.
5	Post-Const BMP Inspection and Maintenance	Conduct Inspections and any required maintenance for any BMPs in the MS4 accepted by the County per adopted criteria	Total County BMPs inspected/ maintained annually	Annual Years 2-5	Revised Major Task description to: Monitor completed BMPs in the MS4 per adopted criteria. Inspect and conduct follow-up and enforcement with responsible parties as necessary. Revised Measurable Goals description to: Total BMPs inspected/ Total given notice for maintenance required/Total enforced annually
6	EHS Program	Continue EHS Plans for	Record Semi-annual	Annual	Explanation: The revised Task and MGs more accurately describe the intent of this BMP, which is for the monitoring of Non-County owned structural BMPs maintained by private responsible parties. The MCM 6 BMP for Structural Control Maintenance is intended for the operation, monitoring, and maintenance of County-owned structural BMPs. Revise Measurable Goal to:

	Service Centers	Inspections and compliance status with BMPs		Record annual compliance inspections, additional follow-up inspections, and compliance status with BMPs Explanation: Rather than performing 2 formal EHS compliance inspections per year, the County has determined that one comprehensive EHS inspection per year is adequate if paired with an unlimited number of follow-up inspections on individual EHS items to ensure compliance with those items. The EHS inspection contains other regulatory items in addition to storm water pollution prevention.	
6	Structural Control Maintenance	Review and revise EHS Plans for structural control maintenance as necessary	Complete activity	8.12.09 (end Yr 2)	Revise Major Task to add sentence: Complete inventory list of all County-owned structural controls associated with County roads, parks, and facilities which require maintenance.
6	Structural Control Maintenance	Conduct structural control maintenance per EHS Plan procedures and schedule	Total storm water structural controls maintained annually	Annual	Revise Major Task to: Conduct structural control monitoring and maintenance per EHS Plan and County-owned BMP inventory list. Revise Measurable Goal to: Total County-owned structural controls inspected/maintained annually