

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF A PUBLIC MEETING AND A PROPOSED RENEWAL WITH AMENDMENT OF GENERAL PERMIT TXR040000 AUTHORIZING THE DISCHARGE OF STORMWATER

The Texas Commission on Environmental Quality (TCEQ or commission) proposes to renew and amend Texas Pollutant Discharge Elimination System General Permit TXR040000. This general permit authorizes the discharge of stormwater and certain types of non-stormwater to surface water in the state from small (Phase II) municipal separate storm sewer systems (MS4s). The proposed general permit applies to the entire state of Texas. General permits are authorized by Texas Water Code, §26.040.

PROPOSED GENERAL PERMIT. The executive director has prepared a draft general permit renewal with amendments of the existing general permit that authorizes the discharge of stormwater and certain types of non-stormwater from small MS4s. The proposed changes to the general permit include but are not limited to changing the permitting approach from a “two-step general permit” to a “comprehensive general permit” as described under the federal *2017 National Pollutant Discharge Elimination System (NPDES) MS4 General Permit Remand Rule (81 FR 89320, Dec. 9, 2016)*. All the proposed changes to the general permit are described in the fact sheet.

The general permit specifies which small MS4s must obtain permit coverage, which are eligible for a waiver from permit coverage based on population, and which must obtain individual permit coverage. Discharges from small MS4s of stormwater and certain types of non-stormwater are eligible for authorization under the general permit only if the small MS4 is located within an urban area with a population of at least 50,000 people, as defined by the United States Census Bureau for the 2000, 2010, or 2020 Decennial Censuses. Small MS4s located outside of an urban area with a population of at least 50,000 people may be designated by the TCEQ as requiring authorization and may also be permitted under the general permit. Non-stormwater discharges that are not specifically listed in the general permit are not authorized. No significant degradation of high-quality waters is expected and existing water uses will be maintained and protected.

Operators of small MS4s seeking authorization under this general permit would be required to submit a Notice of Intent within 180 days following the effective date of this general permit. A Stormwater Management Program must be developed according to the conditions of the comprehensive general permit to reduce the discharge of pollutants from the small MS4 to the maximum extent practicable.

The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) according to General Land Office regulations and has determined that the action is consistent with applicable CMP goals and policies.

A copy of the proposed general permit and fact sheet will be available for a minimum of 30 days for viewing and copying at the TCEQ Office of the Chief Clerk located at the TCEQ Austin office, at 12100 Park 35 Circle, Building F. These documents will also be available at the TCEQ's 16 regional offices and on the TCEQ website at https://www.tceq.texas.gov/permitting/stormwater/ms4/WQ_ms4_small_TXRO4.html.

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PUBLIC COMMENT AND PUBLIC MEETING. You may submit public comments on this proposed general permit in writing or orally at the public meeting held by the TCEQ. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the proposed general permit. A public meeting is not a contested case hearing.

The hybrid in-person and virtual public meeting will be held at 1:30 p.m., September 18, 2023, in TCEQ's complex at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

Information for registering and attending the public meeting virtually is available at https://www.tceq.texas.gov/permitting/stormwater/stormwater_stakeholders_group.html.

Written public comments must be received by the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by the end of this comment period on September 18, 2023.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at https://www.tceq.texas.gov/permitting/stormwater/ms4/WQ_ms4_small_TXRO4.html. El aviso de idioma alternativo en español está disponible en https://www.tceq.texas.gov/permitting/stormwater/ms4/WQ_ms4_small_TXRO4.html.

MAILING LISTS. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the TCEQ Office of the Chief Clerk. You may request to be added to: 1) the mailing list for this specific general permit; 2) the permanent mailing list for a specific county; or 3) both. Clearly specify the mailing lists to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address previously mentioned. Unless you otherwise specify, you will be included only on the mailing list for this specific general permit.

INFORMATION. If you need more information about this general permit or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information about the TCEQ can be found at our website at <https://www.tceq.texas.gov>.

Persons with disabilities who need special accommodations at the public meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Further information may also be obtained by calling TCEQ's Water Quality Division, Stormwater Team, at (512) 239-4671.

Si desea información en español, puede llamar al 1-800-687-4040.

Issuance Date: August 18, 2023