

# STORMWATER MANAGEMENT PLAN

For the Town of Anthony for Compliance with  
Texas Pollutant Discharge Elimination System (TPDES) Permit  
Number TXR040000  
for Municipal Separate Storm Sewer System Discharges

July 2019

[Revised October 2021]



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## LIST OF ACRONYMS

|        |   |
|--------|---|
| BMP    | Best Management Practice                        |
| CFR    | U.S. Code of Federal Regulations                |
| CWA    | Clean Water Act                                 |
| EPA    | U.S. Environmental Protection Agency            |
| GIS    | Geographic Information System                   |
| HCFCDD | Harris County Flood Control District            |
| MCM    | Minimum Control Measure                         |
| MEP    | Maximum Extent Practicable                      |
| MS4    | Municipal Separate Storm Sewer System           |
| NOI    | Notice of Intent                                |
| NPDES  | National Pollutant Discharge Elimination System |
| O&M    | Operation and Maintenance                       |
| POTW   | Publicly Owned Treatment Works                  |
| SIC    | Standard Industrial Classification              |
| SWMP   | Stormwater Management Plan                      |
| SWPPP  | Stormwater Pollution Prevention Plan            |
| TCEQ   | Texas Commission on Environmental Quality       |
| TAC    | Texas Administrative Code                       |
| TOC    | Total Organic Carbon                            |
| TPDES  | Texas Pollutant Discharge Elimination System    |
| TSS    | Total Suspended Solids                          |

## 1.0 INTRODUCTION

### 1.1 REGULATORY BACKGROUND

In 1972, Congress amended the Federal Water Pollution Control Act (known as the Clean Water Act (CWA) to prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System ("NPDES") permit. The NPDES program is designed to track point sources and require the implementation of the necessary controls to minimize the discharge of pollutants.

In 1987, Congress amended the CWA to require implementation, in two phases, of a comprehensive national program for addressing stormwater discharges. The first phase of the program, "Phase I," was promulgated by EPA on November 16, 1990 (Federal Register, Volume 55, Page 47,990 [55 FR 47990]). Phase I requires NPDES permits for stormwater discharge from a large number of priority sources, that include municipal separate storm sewer systems ("MS4's") that serve populations of 100,000 or more and several categories of industrial activity, which include construction sites that disturb five or more acres of land.

On December 8, 1999, EPA promulgated the second phase of the stormwater regulatory program, "Phase II," (64 FR 68722). Phase II regulations address stormwater discharges from certain MS4's that serve populations of less than 100,000 (identified as "small MS4's"). In summary, the regulations require that all small MS4 operators located in Urbanized Areas (as defined by the latest U.S. census) must "develop, implement and enforce a Stormwater Management Program ("SWMP") designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality..." This information may be found in Title 40, Part 122 of the Code of Federal Regulations (40 CFR 122).

In Texas, authority to issue MS4 stormwater discharge permits have been delegated by EPA to the State of Texas. Under the authority of the Texas Water Code and the CWA, the Texas Commission on Environmental Quality ("TCEQ") issued a new Texas Discharge Elimination System ("TPDES") general permit effective January 24, 2019, to discharge waste from small MS4 systems to waters of the state (TPDES General Permit No. TXR040000). This permit supersedes and replaces TPDES General Permit No. TXR040000, issued December 13, 2013. As such, Operators of small MS4s that were covered under this previous TPDES general permit for small MS4s must reapply for permit coverage, or else obtain a waiver if applicable as per Part II.B of the current permit requirements and conditions.

### 1.2 PROGRAM RATIONALE

#### 1.2.1 Regulatory Requirements

As the Town of Anthony (hereinafter, "the Town") operates a small MS4 located within an urbanized area, as determined by the U.S. Census Bureau, it must obtain authorization for the discharge of stormwater runoff and is eligible for coverage under the TCEQ General Permit No. TXR040000.

The Phase II Rule defines a stormwater management program for a small MS4 as a program composed of six elements that, when implemented together, are expected to reduce pollutants discharged into receiving water-bodies to the Maximum Extent Practicable ("MEP"). These six program elements, or minimum control measures (MCM), are:

- Public Education, Outreach, and Involvement
- Illicit Discharge Detection and Elimination (IDDE)
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention and Good Housekeeping for Municipal Operations
- Industrial Stormwater Sources

The implementation and evaluation of these six minimum control measures cover the core of the Town’s Stormwater Management Program. Within each MCM category, specific Best Management Practices (“BMP’s”) were selected based on a number of factors, including recommendations for small MS4s from the EPA and TCEQ, Town staff and consultant recommendations, and the 303d listing of local water bodies. For each MCM the Town must:

- Select appropriate BMP's, which are various methods of reducing pollutants in stormwater runoff;
- Define measurable goals for each BMP;
- Establish an implementation schedule; and
- Assign a responsible person or persons for implementing all activities.

In order to acquire coverage under the general permit, this initial stormwater management plan shall be submitted with a Notice of Intent (NOI) to the TCEQ. Although modifications to this SWMP are permitted, the revisions shall be recapped in the annual report submitted to the TCEQ.

### 1.2.2 SWMP Development

Under contract with Parkhill, Smith & Cooper, Inc. by the Town of Anthony, a comprehensive BMP inventory was developed using various resources including the Environmental Protection Agency’s *National Menu of Best Management Practices for Stormwater Phase II* and examples from other MS4s. The BMP inventory provided an inclusive list of BMP’s for each Minimum Control Measure (MCM). Town of Anthony personnel reviewed the list and indicated which BMP’s were already in existence in the Town and also identified potential future BMP’s to achieve the goal of improved stormwater quality. Existing BMP’s were reviewed and compared with regulatory requirements in the draft permit for each MCM. Where existing programs and regulatory authority were incompatible, additional BMP’s were recommended. PSC and Town personnel completed a draft list of BMP’s to reduce pollutants to the Maximum Extent Practicable. This list was provided to Town Council for additional review.

The list of selected BMP’s was developed along with suitable Measurable Goals which are provided in Sections 3 through 7 of this document.

This Stormwater Management Plan is being submitted by the Town of Anthony as an update to a previous version dated July 2014.

### 1.2.3 Public Participation

As an applicant under the TCEQ General MS4 Permit, the Town of Anthony must comply with the following public noticing procedure:

- a. The applicant must submit the NOI and a SWMP to the TCEQ executive director.

- b. After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary determination on the NOI and SWMP.
- c. The notice must include:
  - (i) the legal name of the small MS4 operator;
  - (ii) identify whether the NOI is for a new MS4 or is a renewal of an existing operation;
  - (iii) the address of the applicant;
  - (iv) a brief summary of the information included in the NOI, such as the general location of the MS4 and a description of the classified receiving waters that receive the discharges from the MS4;
  - (v) the location and mailing address where the public may provide comments to the TCEQ;
  - (vi) the public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and
  - (vii) if required by the executive director, the date, time, and location of the public meeting.
- d. This notice must be published at least once in a newspaper of general circulation in the county or counties in which the small MS4 is located. This notice shall provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice shall allow the public to request a public meeting. A public meeting will be held if the TCEQ determines that there is significant public interest.
- e. The public comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held, the comment period will end at the closing of the public meeting. The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.
- f. If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant must publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.
- g. If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.
- h. The applicant must file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Office of Chief Clerk.
- i. The executive director, after considering public comment, shall approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.

- j. Persons whose names and addresses appear legibly on the sign in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

### 1.3 THE PURPOSE OF THIS DOCUMENT

This document describes the Town's SWMP activities for the implementation period of January 2019 through January 2024. It includes all selected BMP's for each of the six minimum control measures, measurable goals for each BMP, an implementation schedule, and a listing of the officials responsible for implementation of all activities. This document provides a clear road map for implementing stormwater quality management activities to protect the health of the recreational public and the environment, meet Clean Water Act mandates through compliance with Phase II NPDES Permit requirements and applicable regulations, and to foster heightened public involvement and awareness.

### 1.4 ORGANIZATION OF THIS DOCUMENT

This document is organized into various sections as follows:

Section 1 – Introduction: This section provides background information on the stormwater regulatory program, defines the purpose of this document, and describes document organization.

Section 2 – Town Background: This section provides general information about the Town, including setting and character, form of government and legal authority.

Section 3 – Public Education, Outreach, & Involvement on stormwater impacts: This section describes the regulatory requirements, permit requirements, selected BMP's, measurable goals, implementation schedule, and responsible parties pertaining to MCM-1.

Section 4 – Illicit Discharge Detection and Elimination: This section describes the regulatory requirements, permit requirements, selected BMP's, measurable goals, implementation schedule, and responsible parties pertaining to MCM-3.

Section 5 – Construction Site Stormwater Runoff Control: This section describes the regulatory requirements, permit requirements, current Town programs, selected BMP's, measurable goals, implementation schedule, and responsible parties pertaining to MCM-4.

Section 6 – Post Construction Stormwater Management in New Development and Redevelopment: This section describes the regulatory requirements, permit requirements, current Town programs, selected BMP's, measurable goals, implementation schedule, and responsible parties pertaining to MCM-5.

Section 7 – Pollution Prevention/Good Housekeeping for Municipal Operations: This section describes the regulatory requirements, permit requirements, current Town programs, selected BMP's, measurable goals, implementation schedule, and responsible parties for MCM-6.

Section 8 – Industrial Storm Sewer Sources – This section describes the regulatory requirements for entities discharging industrial waste to storm sewer system. The Town of Anthony is a Level 1 entity and this section does not apply.

Section 9 – Authorization for Construction Activities where the Small MS4 is the site operator. This section describes the conditions and requirements that must be met where the MS4 is the site operator. This section is optional, and the Town will not be implementing it.

Section 10 – Recordkeeping and Reporting: This section describes the annual record keeping and reporting requirements of the permit.

END OF SECTION

## 2.0 TOWN BACKGROUND

### 2.1 SETTING AND CHARACTER

The Town of Anthony is located in an arid desert section of the northwest tip of Texas, approximately 22-miles north of the City of El Paso, El Paso County. The Town is bordered by: the Texas/New Mexico state line to the north and west, the El Paso corporate limits to the east and the small community of Vinton to the south. It should also be noted that the La Tuna Federal Correctional Institution (La Tuna FCI) is also located within the corporate limits of the Town on Anthony. All areas of the Town of Anthony eventually drain to the Rio Grande River. As depicted on Figure 1, there are three major flow paths that drain through the Town. The northern flow path is referred to as the Anthony Wash and the southern flow path is referred to as the Spur 6 Flow Path. Both of these flow paths originate in the higher elevations of the Franklin Mountains to the east of the Town of Anthony, run through the Town of Anthony corporate limits, and finally discharge into the Rio Grande River via the East Drain at the western edge of the Town. Stormwater from Flow Paths 47 and 48 as defined on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), maps published on February 5, 1986 and June 15, 1986 run through the eastern portions of the Town's corporate limits. It should be noted that these flows are impounded by La Tuna FCI and do not reach the river. These flow paths are considered arroyos that have been kept mostly in their natural condition except at certain points where the flow path crosses a roadway. The Town currently maintains several drainage structures located throughout the Town, consisting of inlets, ponds and channels.

- Anthony Wash  
The Anthony Wash is the most northern flow path and actually begins in New Mexico. The wash enters Texas and the Town of Anthony near the center of Town where it has been kept in its natural state. The channel is routed in a northeast direction and enters back into New Mexico. The wash discharges into the East Drain, in New Mexico, upstream of the Town of Anthony.
- Spur 6  
This flow path begins near the eastern corporate limits of the Town. The flow path only flows during storm events and is directed under IH-10 through TxDOT drainage structures into the Town. The flow path crosses Spur 6 in the Town at two separate locations through TxDOT drainage structures. The flow continues in an eastward direction and is directed under Texas Highway 20 through TxDOT drainage structures, under the Burlington Northern/ Santa Fe Railway and into the East Drain.
- Flow Paths 47 & 48  
This flow path begins in the upper portions of the Franklin Mountains and flows to the east through Anthony Canyon into the Town's eastern corporate limits. These flow paths are also natural arroyos that have been kept in their natural state. The flow paths come together just east of IH-10 and cross under the Interstate and are routed through TxDOT drainage structures. As previously stated the flow is impounded by a dam maintained by the La Tuna FCI.

The climate for the Town is dry and warm. The weather in Anthony is comfortable with hot summers averaging in the mid 90's and mild winters with average temperatures in the mid to low-60's. August is usually the wettest month with the majority of the annual rainfall occurring during summer. The average rainfall for the Town is about 9.4 inches per year. However, as with other areas in the southwest, the Town is subject to flash flooding during heavy storm events as water runs off of the mountains, toward the river.

The Town of Anthony slopes east to west with elevations in the 3800 to 3900 range. The Town covers approximately 6 square miles in area and the center is located at 31.9911 degrees latitude and -106.5968

degrees longitude. A range of major soil types are found in the area. Soil types include: Del Norte-Canutio association, undulating (DCB); Blue Point association, rolling (BPC); Del Norte-Canutio association, hilly (DCD); Pajarito association, level (PAA); Augustin association, undulating (AGB); Glendale silty loam (Ge). (USDA, 1971).

The 2010 US Census identifies a total population of approximately 5,011 individuals within the Town. The population of Anthony is 82.7% Hispanic or Latino, 7.8% White, 3.8% African American, 1.3% American Indian or Eskimo with the remaining 4.4% is mixed between Asian and other races. Most residents are employed within the El Paso area.

The Town serves the community with water and sewer service and bills residents accordingly.

## 2.2 RECEIVING WATERBODIES

Stormwater runoff from the Town drains through TxDOT maintained structures and Burlington Northern/Santa Fe Railroad property, to the East Drain which discharges into the Rio Grande south of Anthony. The Rio Grande runs through the southwest corner of Anthony's corporate limits at 31.9793 degrees latitude and -106.6186 degrees longitude. This water body is identified on the state's 303(d) list as impaired by bacteria. This section of the river is classified as 5c where additional data will be collected before scheduling the Total Maximum Daily Limit (TMDL). The receiving waterbody (2300 Rio Grande River Basin) has been identified as containing Snowbells (*Sterna Antillarum*) which is classified as an endangered aquatic or aquatic dependent specie.

## 2.3 FORM OF GOVERNMENT

The Town of Anthony municipal government is a "mayor/alderman" form of government as provided by statute. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and state law, all powers of the Town are vested in an elective council, which enacts local legislation, adopts budgets, determines policies, and appoints the Town staff. The Mayor of Anthony executes the laws and administers the government of the Town.

## 2.4 LEGAL AUTHORITY

In accordance with Local Municipal Code 2.12, the Town of Anthony has a court system to enforce ordinances.

## 2.5 MUNICIPAL FACILITIES SUBJECT TO TPDES PERMITS

The Town of Anthony owns and operates two facilities that require TCEQ discharges. The first is the Anthony Wastewater Treatment Plant (WWTP); the second is the Anthony maintenance yard. The Anthony WWTP is currently operating under TPDES Permit No. WQ0010120001 (EPA I.D. No. TX009052), SIC code 4952. The Anthony maintenance yard, located at 1400 Antonio, currently does not have a TPDES permit; however, the Town is in the process of submitting this permit to TCEQ.

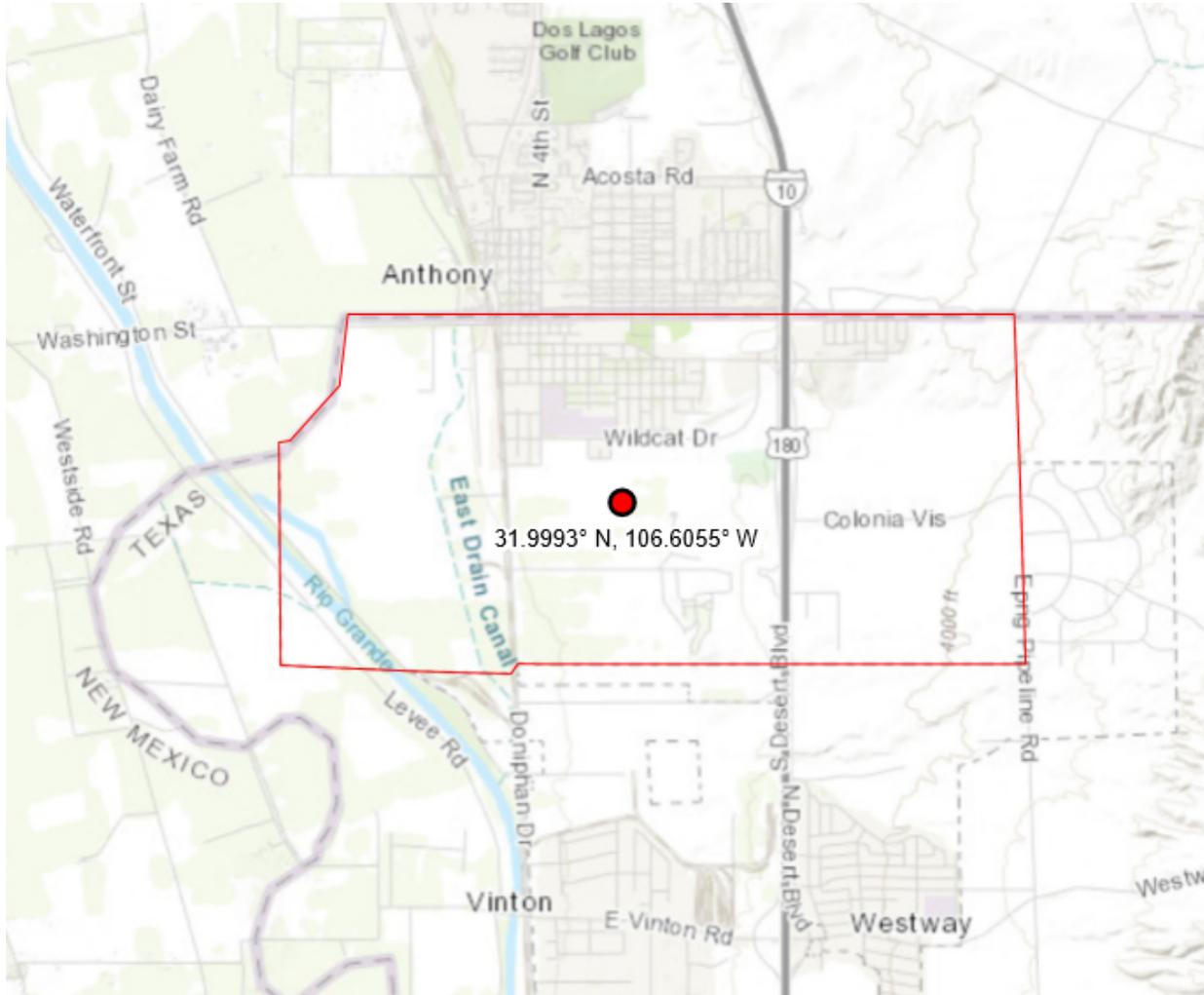
END OF SECTION



FIGURE 2-1



Vicinity Map



### **3.0 MCM-1 PUBLIC EDUCATION, OUTREACH, AND INVOLVEMENT**

The Public Education, Outreach, and Involvement minimum control measure is intended to ensure greater public support and compliance for the stormwater management program. Specifically, these efforts are to teach the public the importance of protecting stormwater quality, both for the benefit of the environment and human health. Involvement and participation by the public ensures that the program reflects community values and priorities and thus has the highest potential for success. The role of each community member, both at home and work, are a particular emphasis.

#### **3.1 REGULATORY REQUIREMENTS**

40 CFR 122.34 (b)(1) states that “The MS4 operator must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.”

40 CFR 122.34 (b)(2) states that “The MS4 operator must, at a minimum, comply with state, tribal, and local public notice requirements when implementing a public involvement/participation program.”

#### **3.2 SELECTED BMP'S**

The Town has developed a list of BMP's to start applying within its corporate limits. The program objective is to address high priority community-wide issues such as the effects of illegal dumping on stormwater pollution and the impact of illicit discharges on local water ways. The following BMP's will be implemented:

##### 3.2.1 Town of Anthony Website

Description: The Town website ([www.townofanthony.org](http://www.townofanthony.org)) will include a "Stormwater" section containing the adopted SWMP and annual reports. The Town will update the website to include 1 new annual report every year.

Measurable Goals: The Town will update the website to include 1 new annual report every year.

##### 3.2.2 Illegal Dumping Flyer

Description: The Town will distribute a flyer educating the public on the steps they can take to report illegal dumping to reduce pollutants in stormwater. The town will print 200 flyers which will be made available at City Hall year-round and will also be distributed at community events and organized cleanup efforts.

Measurable Goals: The Town will print 200 flyers which will be made available at City Hall year-round and will also be distributed at community events and organized cleanup efforts.

##### 3.2.3 Anti-Littering and Dumping Brochure

Description: The Town will distribute a flyer containing educational material on the hazards associated with illegal discharge and improper disposal of waste and the impact discharges can have on local waterways, the flyer will include steps which can be taken to dispose of waste properly and how to report illegal dumping activities. The Town will print 200 flyers which will be made available at City Hall year-round and will also be distributed at community events and organized cleanup efforts.

Measurable Goals: The Town will print 200 flyers which will be made available at City Hall year-round and will also be distributed at community events and organized cleanup efforts.

#### 3.2.4 City Hall Bulletin Board

Description: The Town will make educational material available at City Hall by keeping a bulletin board for walk-ins and visitors to have access to printed media to take as desired. The bulletin board will be updated to remove 100% of outdated material.

Measurable Goals: The bulletin board will be updated to remove 100% of outdated material.

#### 3.2.5 Social Media Outreach

Description: The Town will include 1 annual stormwater update on its “Facebook” page. This section will contain information about past or future citizen participation opportunities and will identify how these efforts affect stormwater. The Town Facebook page is followed by many residents and is used for public announcements and keeping the citizens and general public updated on Town issues.

Measurable Goals: The Town will include 1 annual stormwater update on its “Facebook” page.

#### 3.2.6 Citizen Complaint/Illegal Dumping Hotline

Description: The Town will operate a hotline for residents to phone in complaints. The hotline will field calls regarding environmental concerns, dumping activities, construction runoff, hazards, and nuisance conditions. Town personnel will investigate 100% of valid complaints. The hotline number will be included in 100% of the Town’s stormwater flyers, on the Town website and at City Hall.

Measurable Goals: The hotline number will be included in 100% of the Town’s stormwater flyers, on the Town website and at City Hall. 100% of valid calls will be investigated and recorded with findings and follow up actions.

#### 3.2.7 Town Cleanup Program

Description: The Town will hold 1 annual citizen participation opportunity, which falls under the “Keep Texas Beautiful” initiative. This opportunity encourages citizens, businesses, and organizations to participate in various types of cleanup efforts within the Town. The program emphasizes litter pick-up and maintenance of public streets, parks, and waterways.

Measurable Goals: The Town will hold 1 annual citizen participation opportunity, which falls under the “Keep Texas Beautiful” initiative.

Description: The Town will provide an annual training to educate 100% of MS4 personnel on construction phase inspection procedures. Education materials, and attendance list will be kept on file at City Hall.

Measurable Goals: Annual training will be held. Education materials, and attendance list will be kept on file at City Hall.

**Implementation, activities, measurable goals, schedules, and responsible parties for BMP's are presented in Table 3-1.**

END OF SECTION

|                                     |  | <b>Table 3-1 PUBLIC EDUCATION, OUTREACH, AND INVOLVEMENT</b> |      |      |      |      |
|-------------------------------------|--|--|------|------|------|------|
| <b>Best Management Practice</b>     | <b>Measurable Goals</b>  | <b>Deadline<br/>(December 31, annually)</b>                  |      |      |      |      |
|                                     |  | 2019   | 2020 | 2021 | 2022 | 2023 |
| Town of Anthony Website             | The Town website ( <a href="http://www.townofanthony.org">www.townofanthony.org</a> ) will include a "Stormwater" section containing the adopted SWMP and annual reports. The Town will update the website to include 1 new annual report every year.  | X  | X    | X    | X    | X    |
| Illegal Dumping flyer               | The Town will distribute a flyer educating the public on the steps they can take to report illegal dumping to reduce pollutants in stormwater. The Town will print 200 flyers which will be made available at City Hall year-round and will also be distributed at community events and organized cleanup efforts.   | X  | X    | X    | X    | X    |
| Anti-Littering and Dumping Brochure | The Town will distribute a flyer containing educational material on the hazards associated with illegal discharge and improper disposal of waste and the impact discharges can have on local waterways, the flyer will include steps which can be taken to dispose of waste properly and how to report illegal dumping activities. The Town will print 200 flyers which will be made available at City Hall year-round and will also be distributed at community events and organized cleanup efforts. | X  | X    | X    | X    | X    |
| City Hall Bulletin Board            | The Town will make educational material available at City Hall by keeping a bulletin board for walk-ins and visitors to have access to printed media to take as desired. The bulletin board will be updated to remove 100% of outdated material.   | X  | X    | X    | X    | X    |
| Social Media Outreach               | The Town will include 1 annual stormwater update on its "Facebook" page. This section will contain information about past or future citizen participation opportunities and will identify how these efforts affect stormwater. The Town Facebook page is followed by many residents and is used for public announcements and keeping the citizens and general public updated on Town issues.   | X  | X    | X    | X    | X    |

|   |  | <b>Table 3-1 PUBLIC EDUCATION, OUTREACH, AND INVOLVEMENT</b> |      |      |      |      |
|---|--|--|------|------|------|------|
| <b>Best Management Practice</b>           | <b>Measurable Goals</b>  | <b>Deadline<br/>(December 31, annually)</b>                  |      |      |      |      |
|   |  | 2019   | 2020 | 2021 | 2022 | 2023 |
|   |  |  |      |      |      |      |
| Citizen Complaint/Illegal Dumping Hotline | The Town will operate a hotline for residents to phone in complaints. The hotline will field calls regarding environmental concerns, dumping activities, construction runoff, hazards, and nuisance conditions. Town personnel will investigate 100% of valid complaints. The hotline number will be included in 100% of the Town’s stormwater flyers, on the Town website and at City Hall. | X  | X    | X    | X    | X    |
| Town Cleanup Event                        | The Town will hold 1 annual citizen participation opportunity, which falls under the “Keep Texas Beautiful” initiative. This opportunity encourages citizens, businesses, and organizations to participate in various types of cleanup efforts within the Town. The program emphasizes litter pick-up and maintenance of public streets, parks, and waterways.                               | X  | X    | X    | X    | X    |

\* For Applicability of the BMP the following abbreviations apply: Residents - R, Visitors - V, Public Service Employees - PSE, Businesses-B, Commercial and Industrial Facilities – CIF, and *Construction* Site Personnel – CSP

## 4.0 MCM-2 ILLICIT DISCHARGE DETECTION AND ELIMINATION

The Illicit Discharge Detection and Elimination minimum control measure is designed to reduce pollutants in stormwater runoff through identification and elimination of illicit and or inappropriate discharges and connections to the municipal separate storm sewer system.

### 4.1 REGULATORY REQUIREMENTS

40 CFR 122.34 (b) (3) states that “The MS4 operator must develop, implement, and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR Sec. 122.26(b) (2)) into your small MS4. (An illicit discharge is defined as “a point source discharge of pollutants to a separate storm drain system which is not composed entirely of stormwater and not authorized by an NPDES permit.”)

The MS4 operator must:

- Develop, if not already completed, a storm sewer system map showing the location of all outfalls and the names and locations of all waters of the United States that receive discharges from those outfalls;
- To the extent allowable under state, tribal, or local law, effectively prohibit, through an ordinance or other regulatory mechanism, non-stormwater discharges into your storm sewer system and implement appropriate enforcement procedures and actions;
- Develop and implement a plan to detect and address non-stormwater discharges, including illegal dumping, to your system; and
- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

The MS4 operator need to address the following categories of non-stormwater discharges or flows (i.e., illicit discharges) only if you identify them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from firefighting activities are excluded from the effective prohibition against non-stormwater and need only be addressed where they are identified as significant sources of pollutants to waters of the United States).”

### 4.2 ALLOWABLE NON-STORMWATER DISCHARGES

The following non-stormwater sources may be discharged from the small MS4 and are not required to be addressed in the MS4's Illicit Discharge and Detection or other minimum control measures, unless they have been determined by the MS4 Operator or the TCEQ to be significant contributors of pollutants to the MS4:

- water line flushing (excluding discharges of hyper chlorinated water, unless the water is first dechlorinated, and discharges are not expected to adversely affect aquatic life);
- runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- discharges from potable water sources;
- diverted stream flows;
- rising ground waters and springs;
- uncontaminated ground water infiltration;
- uncontaminated pumped ground water;
- foundation and footing drains;
- air conditioning condensation;
- water from crawl space pumps;
- individual residential vehicle washing;
- flows from wetlands and riparian habitats;
- dechlorinated swimming pool discharges;
- street wash water;
- discharges or flows from firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- other allowable non-stormwater discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1);
- non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General permit (CGP); and
- other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.

The Town of Anthony has not identified any of these discharges to be significant contributors of pollution to the Town MS4. Therefore, they will not be specifically addressed in the Town's Stormwater Management Plan. However, if the outfall screening procedures indicate that any of these allowable discharges are contributors of pollutants to the MS4, the SWMP will be amended to include BMP's for those discharges.

#### 4.3 ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

The Town of Anthony encourages the public to notify Town officials of possible illicit discharges by contacting the citizen complaint/illegal dumping hotline, or the local authorities. Once a complaint has been reported, code enforcement will document and conduct a site inspection of the location reported as needed. To determine the source of an illicit discharge one of the following techniques can be utilized.

## TRACING THE SOURCE OF AN ILLICIT DISCHARGE

| <b>Techniques</b>    | <b>Best Applications</b>  | <b>Limitations</b>  |
|----------------------|---|---|
| <b>Dye Testing</b>   | <ul style="list-style-type: none"> <li>• Discharge limited to very small drainage area (less than 10 properties ideal)</li> <li>• Discharge caused by a connection from an individual property</li> <li>• Commercial or industrial land uses</li> </ul> | <ul style="list-style-type: none"> <li>• May be difficult to gain access to some properties</li> <li>• May require prior notice</li> </ul>  |
| <b>Video Testing</b> | <ul style="list-style-type: none"> <li>• Continuous discharge</li> <li>• Discharge limited to a single pipe segment</li> <li>• Entities with their own equipment for other investigations (water supply or sewer pipes)</li> </ul>                      | <ul style="list-style-type: none"> <li>• Relatively expensive equipment</li> <li>• Cannot capture non-flowing discharges</li> <li>• Often cannot capture discharges from submerged pipes</li> </ul> |
| <b>Smoke Testing</b> | <ul style="list-style-type: none"> <li>• Cross-connection with the sanitary sewer</li> <li>• Identifying other underground sources caused by damage to the storm drain</li> </ul>   | <ul style="list-style-type: none"> <li>• Poor notification to public can cause alarm</li> <li>• Cannot detect all illicit discharges</li> </ul>   |

## REMOVING THE ILLICIT DISCHARGE

Because there are various sources of illicit discharges to the storm sewer system, there are different kinds of actions the Town may have to take to remove those sources and prevent future illicit discharges.

The Town will use judgement about what mix of compliance assistance and enforcement actions are appropriate in a given situation. Typically, the Town responds to the discovery of a violation in a graduated manner, beginning with efforts to obtain voluntary compliance and escalating to increasingly severe enforcement actions if compliance is not obtained.

When home or business owners are not aware of the existence of illegal connections between their buildings and the storm sewer systems. In these cases, providing the responsible party with information about the connection, its environmental consequences, the applicable regulations, and how to remedy it may be enough to secure voluntary compliance. Enforcement based upon the findings of the Public Works Stormwater official may be necessary to proceed with the enforcement steps through the Town Municipal Code.

## PREVENTING AND RESPONDING TO ILLEGAL DUMPING

It is often difficult to identify and locate the individual(s) responsible for illegal dumping; therefore, the Town program to address illegal dumping focuses on education and Prevention, backed up by enforcement to the extent possible.

Site maintenance and control measures will be taken to clean up areas where illegal dumping has taken place, and controls such as signs or access restrictions will be used, as appropriate, to prevent further dumping.

The Town targeted enforcement strategy includes Town prohibition against illegal dumping backed up by local enforcement authorities and surveillance of known illegal-dumping locations.

#### RESPONDING TO ILLICIT DISCHARGE

Contact is made with the Public Works Department administrative staff from a citizen complaint or Town Staff reporting a potential Illicit discharge. The public works administrative staff will take the initial information on the spill event and create a service request. Administrative staff receiving the call will fill out as much information as available. Field verification will occur within the first 24 hours of the reported incident if possible. A reported incident that is perceived to be immediately dangerous to life or health will be acted upon immediately. This process shall include the following:

- Notification of Sheriff's Department
- Notification of Code Enforcement

And may include the following:

Depending upon the situation, many other notifications and/or involvement may be required or appropriate. Examples of which include notifications to The Environmental Protection Agency and TCEQ.

If the product in question does not pose an immediate threat to life, property, or the environment it is not considered a hazardous material and no criminal activity is suspected, the Town may elect not to contact the local law enforcement. Field staff will do proper containment of the discharge and, if needed proper disposal of the mitigation materials will occur. If the spill is too large for field staff to contain, a contracted spill containment company will be contacted for mitigation.

The purpose of a response on the part of the Town of staff shall be to ensure the safety of all persons halt the spread of the substance whenever possible. If criminal activity is suspected, the Town of Anthony Code Enforcement and police authority will be contacted for their involvement.

#### 4.4 SELECTED BMP'S

The following BMP's will be implemented:

##### 4.4.1 Storm Sewer Map

Description: The Town has created a storm sewer map which contains the location of all outfalls and the names and locations of all waters of the United states that receive discharges from those outfalls as well as potential hotspots for sanitary system discharges and other noted illicit discharge detection sites. The Town of Anthony maps, FEMA Flood insurance Rate Maps, and civil plans submitted by local developers were used as sources of information to develop the map. Once per year, the map will be revised to include newly constructed storm sewer infrastructure (outfalls, storm drains, piping) to the existing MS4 map. A copy of the map will be kept at City Hall.

Measurable Goals: Once per year, the map will be revised to include newly constructed storm sewer infrastructure (outfalls, storm drains, piping) to the existing MS4 map.

##### 4.4.2 Non-Stormwater Discharge Ordinance

Description: The Town will develop and adopt an ordinance by Year 5 that will effectively prohibit non-stormwater discharges into the storm sewer system and will include appropriate enforcement procedures and actions for failing to comply. Town residents and businesses will be notified of the ordinance implementation via the Town website and other appropriate Public Notice measures.

Measurable Goals: The ordinance will be developed and adopted.

#### 4.4.3 IDDE Program

Description: The Town follows a program to detect and address non-stormwater discharges, including illegal dumping to the storm sewer system, will be developed, and implemented. The IDDE program is part of this SWMP. Once per year, review 25% of procedures in the IDDE program and update outdated or incorrect information at least once before the end of Year 5.

Measurable Goals: Once per year, review 25% of procedures in the IDDE program and update outdated or incorrect information at least once before the end of Year 5.

#### 4.4.4 Employee Training

Description: The Town will provide an annual training to educate 100% of MS4 personnel on illicit discharge tracing and removal procedures. Education materials, and attendance list will be kept on file at City Hall.

Measurable Goal: Annual training will be held. Education materials, and attendance list will be kept on file at City Hall.

#### 4.4.5 Citizen Complaint/Illegal Dumping Hotline

Description: The Town will operate a hotline for community members to report illegal dumping. The hotline will field calls regarding environmental concerns, dumping activities, construction runoff, hazards, and nuisance conditions. Town personnel will investigate 100% of valid complaints. The hotline number will be included in 100% of the Town's stormwater flyers, on the Town website, and at City Hall.

Measurable Goal: The hotline number will be included in 100% of the Town's stormwater flyers, on the Town website and at City Hall. 100% of valid calls will be investigated and recorded with findings and follow up actions.

#### 4.4.6 Used Oil Recycling Program

Description: The Town will establish a citizen collection station by Year 1 which will be available for community use 5 days a week year-round. The Town will maintain annual inventory of collected oil which could have otherwise been improperly disposed.

Measurable Goal: The Town will maintain annual inventory of collected oil.

**Implementation, activities, measurable goals, schedules, and responsible parties for BMP's are presented in Table 4-1.**

END OF SECTION

|   |   | <b>Table 4-1 ILLICIT DISCHARGE DETECTION AND ELIMINATION</b> |      |      |      |      |
|---|---|--|------|------|------|------|
| <b>Best Management Practice</b>           | <b>Measurable Goals</b>   | <b>Deadline<br/>(December 31, annually)</b>                  |      |      |      |      |
|   |   | 2019   | 2020 | 2021 | 2022 | 2023 |
|   |   |  |      |      |      |      |
| Storm Sewer Map                           | The Town has created a storm sewer map which contains the location of all outfalls and the names and locations of all waters of the United states that receive discharges from those outfalls as well as potential hotspots for sanitary system discharges and other noted illicit discharge detection sites. The Town of Anthony maps, FEMA Flood insurance Rate Maps, and civil plans submitted by local developers were used as sources of information to develop the map. Once per year, the map will be revised to include newly constructed storm sewer infrastructure (outfalls, storm drains, piping) to the existing MS4 map. A copy of the map will be kept at City Hall. | X  | X    | X    | X    | X    |
| Non-Stormwater Discharge Ordinance        | The Town will develop and adopt an ordinance by Year 5 that will effectively prohibit non-stormwater discharges into the storm sewer system and will include appropriate enforcement procedures and actions for failing to comply. Town residents and businesses will be notified of the ordinance implementation via the Town website and other appropriate Public Notice measures.  |  |      |      |      | X    |
| IDDE Program                              | The Town follows a program to detect and address non-stormwater discharges, including illegal dumping to the storm sewer system, will be developed, and implemented. The IDDE program is part of this SWMP. Once per year, review 25% of procedures in the IDDE program and update outdated or incorrect information at least once before the end of Year 5.  | X  | X    | X    | X    | X    |
| Employee Training                         | The Town will provide an annual training to educate 100% of MS4 personnel on illicit discharge tracing and removal procedures. Education materials, and attendance list will be kept on file at City Hall.  | X  | X    | X    | X    | X    |
| Citizen Complaint/Illegal Dumping Hotline | The Town will operate a hotline for community members to report illegal dumping. The hotline will field calls regarding environmental concerns, dumping activities, construction runoff, hazards, and nuisance conditions. Town personnel will investigate 100% of valid complaints. The hotline number will be included in 100% of the Town’s stormwater flyers, on the Town website, and at City Hall.  | X  | X    | X    | X    | X    |

|                                 |  | <b>Table 4-1 ILLICIT DISCHARGE DETECTION AND ELIMINATION</b> |      |      |      |      |
|---------------------------------|--|--|------|------|------|------|
| <b>Best Management Practice</b> | <b>Measurable Goals</b>  | <b>Deadline<br/>(December 31, annually)</b>                  |      |      |      |      |
|                                 |  | 2019   | 2020 | 2021 | 2022 | 2023 |
|                                 |  |  |      |      |      |      |
| Used Oil Recycling Program      | The Town will establish a citizen collection station by Year 1 which will be available for community use 5 days a week year-round. The Town will maintain annual inventory of collected oil which could have otherwise been improperly disposed. | X  | X    | X    | X    | X    |

\* For Applicability of the BMP the following abbreviations apply: Residents - R, Visitors - V, Public Service Employees - PSE, Businesses-B, Commercial And Industrial Facilities – CIF, and Construction Site Personnel – CSP.

## **5.0 MCM-3 CONSTRUCTION SITE STORMWATER RUNOFF CONTROL**

The purpose of construction site runoff controls is to prevent soil and construction waste from entering stormwater. Sediment is usually the main pollutant of concern; during a short period of time, construction sites can contribute more sediment to creeks than can be deposited naturally over several decades. The resulting siltation and the contribution of other pollutants from construction sites can cause physical, biological, and chemical harm to local waterways.

### **5.1 REGULATORY REQUIREMENTS**

40 CFR 122.34 (b)(4) states that “The MS4 operator must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to your small MS4 from construction activities that result in a land disturbance of greater than or equal to 1 acre. Reduction of stormwater discharges from construction activity disturbing less than 1 acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb 1 acre or more. If the NPDES permitting authority waives requirements for stormwater discharges associated with small construction activity in accordance with 40 CFR Sec. 122.26(b)(15)(i), you are not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.

Your program must include the development and implementation of, at a minimum:

- An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state, tribal, or local law;
- Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- Procedures for site plan review that incorporate consideration of potential water quality impacts;
- Procedures for receipt and consideration of information submitted by the public; and
- Enforcement of control measures.

### **5.2 CONSTRUCTION SITE STORMWATER RUNOFF CONTROL PROGRAM**

The Town of Anthony hereby requires operators of small and large construction activities to select, install, implement, and maintain stormwater control measures which prevent illicit discharges from construction sites onto local waterways. This SWMP along with the Town of Anthony Municipal Code and any other applicable Local, State and Federal laws shall be followed for any development within the municipal boundary as stipulated in the Municipal Code.

Construction site operators which intend to develop within the municipal jurisdiction of the Town, are required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the TPDES CGP TXR150000, which at a minimum addressed the following:

- A. Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants
- B. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.
- C. Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, the BMPs must minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters AND minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater AND minimize the discharge of pollutants from spills and leaks.

The following discharges are prohibited:

- A. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
- B. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
- C. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- D. Soaps or solvents used in vehicle and equipment washing; and
- E. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

Operators must follow site plan review procedures described in the Town Municipal Code and must apply for a site grading permit and receive approval from the Town administrator before they may begin construction. A SWPPP will be required to be kept on site for the duration of the construction activities. The Town code enforcement officer or other designated Town representative will conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements and the operators SWPPP. If the site is found to be in violation of the requirements a fee and penalty will be implemented per the Municipal code and the Town discretion depending on the severity of the violation.

Site inspections will be conducted at least once during the active construction period. The inspection may be un-announced and will check for compliance with the following:

- A. Verification of an approved SWPPP is kept on site
- B. BMPs are implemented and followed
- C. Compliance with applicable Town Ordinances
- D. Project scope matches construction effort permitted

The Inspector will issue a written inspection report listing compliance or any violations after the site visit is concluded. This inspection report shall be kept on site for any future inspections that may occur. If the site is found to be out of compliance, operations shall cease until the site is brought to compliance and applicable fees are paid to the Town and the Inspector has re-issued an inspection report designating the site to be in compliance.

### 5.3 SELECTED BMP'S

The following BMP's will be implemented:

#### 5.3.1 Construction Site Stormwater Runoff Ordinance

Description: The Town of Anthony Municipal Code requires construction sites to follow local ordinances which include the development of a grading, drainage and stormwater management plans signed and sealed by an engineer licensed in the state of Texas as part of a grading permit for site development. Once per year, the Town will review 100% of procedures in the municipal code and will update outdated or incorrect information once by Year 5.

Measurable Goals: Once per year, the Town will review 100% of procedures in the municipal code and will update outdated or incorrect information once by Year 5.

#### 5.3.2 Construction Plan Reviews

Description: The Town of Anthony contracted with an Engineering firm to streamline the plan review process for local developments. Developers must submit for review civil drawings prior to construction. The Engineering firm reviews the plans to ensure they meet the appropriate stormwater requirements including permit coverage under TCEQ (if required), the SWPPP, and appropriate BMP's. The Town Engineer will review 100% of submitted Drawings and specifications and provide a letter of review to the Town administrator certifying that the plans have been reviewed for compliance to drainage regulations for each set of plans reviewed. The Town will keep a record of permitted projects and active construction activities.

Measurable Goals: The Town Engineer will review 100% of submitted Drawings and specifications and provide a letter of review to the Town administrator certifying that the plans have been reviewed for compliance to drainage regulations for each set of plans reviewed. The Town will keep a record of permitted projects and active construction activities.

#### 5.3.3 Construction Site Inspections

Description: The Town will develop site inspection and enforcement procedures to implement the construction site pollution prevention program by Year 4. Responsibility for implementation of the program will be assigned and appropriate personnel trained. 100% of permitted construction sites will be inspected at least once for MS4 and municipal code compliance. The Town will document inspection findings

Measurable Goals: Conduct a minimum of one site inspection per active construction site within the municipal limits.

#### 5.3.4 Citizen Complaint/Illegal Dumping Hotline

Description: The Town will operate a hotline for community members to communicate concerns and complaints. The hotline will field calls regarding environmental concerns, dumping activities, construction runoff, hazards, and nuisance conditions. Town personnel will investigate 100% of valid complaints. The hotline number will be included in 100% of the Town's stormwater flyers, on the Town website and at City Hall.

Measurable Goals: The hotline number will be included in 100% of the Town's stormwater flyers, on the Town website and at City Hall. 100% of valid calls will be investigated and recorded with findings and follow up actions.

#### 5.3.5 MS4 Staff Training

Description: The Town will provide an annual training to educate 100% of MS4 personnel on construction phase inspection procedures. Education materials, and attendance list will be kept on file at City Hall.

Measurable Goals: Annual training will be held. Education materials, and attendance list will be kept on file at City Hall.

**Implementation, activities, measurable goals, schedules, and responsible parties for BMP's are presented in Table 5-1.**

END OF SECTION

| <b>Table 5-1 CONSTRUCTION SITE STORMWATER RUNOFF CONTROL</b> |   |   |      |      |      |      |
|--|---|---|------|------|------|------|
| <b>Best Management Practice</b>                              | <b>Measurable Goals</b>   | <b>Deadline<br/>(December 31, annually)</b> |      |      |      |      |
|  |   | 2019  | 2020 | 2021 | 2022 | 2023 |
| Construction Site Stormwater Runoff Ordinance                | The Town of Anthony Municipal Code requires construction sites to follow local ordinances which include the development of a grading, drainage and stormwater management plans signed and sealed by an engineer licensed in the state of Texas as part of a grading permit for site development. Once per year, the Town will review 100% of procedures in the municipal code and will update outdated or incorrect information once by Year 5.   |   |      |      |      | X    |
| Construction Plan Reviews                                    | The Town of Anthony contracted with an Engineering firm to streamline the plan review process for local developments. Developers must submit for review civil drawings prior to construction. The Engineering firm reviews the plans to ensure they meet the appropriate stormwater requirements including permit coverage under TCEQ (if required), the SWPPP, and appropriate BMP's. The Town Engineer will review 100% of submitted Drawings and specifications and provide a letter of review to the Town administrator certifying that the plans have been reviewed for compliance to drainage regulations for each set of plans reviewed. The Town will keep a record of permitted projects and active construction activities. | X   | X    | X    | X    | X    |
| Construction Site Inspections                                | The Town will develop site inspection and enforcement procedures to implement the construction site pollution prevention program by Year 4. Responsibility for implementation of the program will be assigned and appropriate personnel trained. 100% of permitted construction sites will be inspected at least once for MS4 and municipal code compliance. The Town will document inspection findings.  |   |      |      | X    | X    |
| Citizen Complaint/Illegal Dumping Hotline                    | The Town will operate a hotline for community members to communicate concerns and complaints. The hotline will field calls regarding environmental concerns, dumping activities, construction runoff, hazards, and nuisance conditions. Town personnel will investigate 100% of valid complaints. The hotline number will be included in 100% of the Town's stormwater flyers, on the Town website and at City Hall.  | X   | X    | X    | X    | X    |
| MS4 Staff Training   | The Town will provide an annual training to educate 100% of MS4 personnel on construction phase inspection procedures. Education materials, and attendance list will be kept on file at City Hall.  | X   | X    | X    | X    | X    |

\*For Applicability of the BMP the following abbreviations apply: Residents - R, Visitors - V, Public Service Employees - PSE, Businesses-B, Commercial And Industrial Facilities – CIF, and Construction Site Personnel – CSP

## **6.0 MCM-4 POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT**

The Post Construction Runoff Control minimum control measure is intended to increase the inclusion of site planning and design considerations which will reduce runoff, and thus stormwater pollution, from developed sites.

### **6.1 REGULATORY REQUIREMENTS**

40 CFR 122.34 (b)(5) states that “The MS4 operator must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to 1 acre, including projects less than 1 acre that are part of a larger common plan of development or sale, that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts.

The MS4 operator must:

- Develop and implement strategies that include a combination of structural and/or nonstructural BMP's appropriate for your community;
- Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state, tribal, or local law; and
- Ensure adequate long-term operation and maintenance of BMP's.

### **6.2 POST-CONSTRUCTION WATER RUNOFF PROGRAM**

The Town of Anthony Municipal Code requires all private and public drainage structures and ditches sized and designed to carry the calculated stormwater conveyance based on accepted engineering principles. Unless said improvements are formally accepted by the Town through due process by easement or other officially approved method, then the land owner will assume, and be responsible for, the continuous and perpetual operation, maintenance, and supervision of such improvements. The stipulation applies for any retention pond, detention pond, drainage way, permanent stormwater structure, or feature designed to convey stormwater. This SWMP along with the Town of Anthony Municipal Code and any other applicable Local, State and Federal laws shall be followed for any development within the municipal boundary as stipulated in the MUNICIPAL CODE.

Pursuant to the TPDES General Permit TXR040000, The Town Municipal Code, and this SWMP the Town hereby is authorized to conduct inspections of private and public drainage in effort to ensure the long-term operation and maintenance of structural stormwater control measures installed is being conducted by the responsible party. The owner or operator of any new development or redeveloped site within the municipal jurisdiction is hereby required to develop and implement a maintenance plan addressing maintenance requirement for any structural control measures installed on site. The responsible party is required to maintain records of operation and maintenance performed, such as at the offices of the owner or operator and made available for review by the Town by request. Inspections conducted will be to verify that proper maintenance is being performed and the wellbeing of the community is not impacted. Structures which are found to be out of compliance with an O&M plan will be required to bring the structure to compliance in effort to avoid further enforcement action as laid out in the Town Municipal Code. The Town is indemnified and shall be held harmless from any and all costs, expenses, suits, demands, liabilities, or damages, including attorney's fees and costs of suit, that may be incurred or result of enforcement action.

## 6.3 SELECTED BMP'S

The following BMP's will be implemented:

### 6.3.1 Post Construction Water Runoff Ordinance

Description: The Town of Anthony Municipal Code requires construction sites to follow local ordinances which include the development of a grading, drainage and stormwater management plans signed and sealed by an engineer licensed in the state of Texas as part of a grading permit for site development. Once per year, the Town will review 100% of procedures in the municipal code and will update outdated or incorrect information once by Year 5.

Measurable Goals: Once per year, the Town will review 100% of procedures in the municipal code and will update outdated or incorrect information once by Year 5.

### 6.3.2 As-Built Plan Reviews

Description: Developers must submit a complete set of drawings of the paving, drainage, water, and sewer improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature and seal of the design engineer and the date. The Town Engineer reviews the plans to ensure they meet the appropriate stormwater requirements including permit coverage under TCEQ (if required), the SWPPP, and appropriate BMP's. The Town Engineer will review 100% of submitted As-Built Drawings and provide a letter of review to the Town administrator certifying that the plans have been reviewed for compliance to drainage regulations for each set of plans reviewed. The Town will keep a record of permitted projects and active construction activities.

Measurable Goals: The Town Engineer will review 100% of submitted As-Built Drawings and provide a letter of review to the Town administrator certifying that the plans have been reviewed for compliance to drainage regulations for each set of plans reviewed. The Town will keep a record of permitted projects and active construction activities.

### 6.3.3 Retention/Detention Pond Inspections

Description: The Town will develop post construction site inspection and enforcement procedures to ensure control measures on private or public sites are properly maintained for public wellbeing. 100% of retention/detention pond constructed in active construction sites will be inspected in accordance with the developed procedures. Town Personnel will maintain a log of facilities inspected; inspection findings & follow up activities.

Measurable Goals: Town Personnel will maintain a log of facilities inspected; inspection findings & follow up activities.

**Implementation, activities, measurable goals, schedules, and responsible parties for BMP's are presented in Table 6-1.**

END OF SECTION

|  |  | <b>Table 6-1 POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT</b> |      |      |      |      |
|--|--|---|------|------|------|------|
| <b>Best Management Practice</b>          | <b>Measurable Goals</b>  | <b>Deadline<br/>(December 31, annually)</b>   |      |      |      |      |
|  |  | 2019  | 2020 | 2021 | 2022 | 2023 |
| Post Construction Water Runoff Ordinance | The Town of Anthony Municipal Code requires construction sites to follow local ordinances which include the development of a grading, drainage and stormwater management plans signed and sealed by an engineer licensed in the state of Texas as part of a grading permit for site development. Once per year, the Town will review 100% of procedures in the municipal code and will update outdated or incorrect information once by Year 5.  |   |      |      |      | X    |
| As-Built Plan Reviews                    | Developers must submit a complete set of drawings of the paving, drainage, water, and sewer improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature and seal of the design engineer and the date. The Town Engineer reviews the plans to ensure they meet the appropriate stormwater requirements including permit coverage under TCEQ (if required), the SWPPP, and appropriate BMP's. The Town Engineer will review 100% of submitted As-Built Drawings and provide a letter of review to the Town administrator certifying that the plans have been reviewed for compliance to drainage regulations for each set of plans reviewed. The Town will keep a record of permitted projects and active construction activities. |   | X    | X    | X    | X    |
| Retention/Detention Pond Inspections     | The Town will develop post construction site inspection and enforcement procedures to ensure control measures on private or public sites are properly maintained for public wellbeing. 100% of retention/detention pond constructed in active construction sites will be inspected in accordance with the developed procedures. Town Personnel will maintain a log of facilities inspected; inspection findings & follow up activities   | X   | X    | X    | X    | X    |

\*For Applicability of the BMP the following abbreviations apply: Residents - R, Visitors - V, Public Service Employees - PSE, Businesses-B, Commercial And Industrial Facilities – CIF, and Construction Site Personnel – CSP

## **7.0 MCM-5 POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS**

The purpose of the minimum control measure for Municipal Operations/Good Housekeeping Practices is to assure that the Town's delivery of public services occurs in a manner protective of stormwater quality. In this way the Town may serve as a model to the community.

### **7.1 REGULATORY REQUIREMENTS**

40 CFR 122.34 (b)(6) state that "The MS4 operator must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Using training materials that are available from EPA, your state, tribe, or other organizations, your program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance."

### **7.2 OPERATION AND MAINTENANCE PROGRAM**

The Town of Anthony maintains an inventory of facilities and stormwater controls that it owns and operates within the regulated area. The Town public works team maintains the facilities and documents maintenance efforts using an inspection log for record keeping purposes. The Town staff is trained annually as required by TPDES General Permit TXR040000, for pollution prevention and good housekeeping practices.

### **7.3 SELECTED BMP'S**

The following BMP's will be implemented:

#### 7.3.1 Inventory of Municipal Facilities

Description: Create an inventory of facilities and stormwater controls owned and operated by the municipality within the regulated area by Year 1. The Town will review 100% of the inventory annually and update the list to include newly constructed facilities.

Measurable Goals: The Town will review 100% of the inventory annually and update the list to include newly constructed facilities.

#### 7.3.2 O&M of Facilities

Description: Create an Operation and Maintenance Plan for facilities which is complies with General Permit requirements by Year 5.

Measurable Goals: Create and implement a O&M by Year 5.

#### 7.3.3 Annual Facility Inspections

Description: Conduct annual inspections of 100% of facilities to ensure pollution prevention methods implemented in the O&M plan are effective. Pollutants of concern such as metals, chlorides, hydrocarbons, sediment, and trash which could be discharged from O&M activities will be identified and removed as required by TPDES General Permit TXR040000.

Measurable Goals: Conduct a routine inspection annually to identify any discharged pollutants and verify adequacy of pollution prevention methods.

#### 7.3.4 MS4 Staff Training

Description: The Town will provide an annual training to educate 100% of MS4 personnel on housekeeping and pollution prevention. Education materials, and attendance list will be kept on file at City Hall.

Measurable Goals: Annual training will be held. Education materials, and attendance list will be kept on file at City Hall.

#### 7.3.5 Contractors Oversight Procedures

Description: The Town will require any contractors hired to perform maintenance activities on Town-owned facilities to comply with the stormwater control measures, good housekeeping practices, and facility stormwater management operating procedures stipulated in the TPDES General Permit TXR040000.

Measurable Goals: The Town will notify and verify contractors comply with the stormwater control measures, good housekeeping practices, and facility stormwater management operating procedures by conducting one routine site inspection.

**Implementation, activities, measurable goals, schedules, and responsible parties for BMP's are presented in Table 7-1.**

END OF SECTION

| <b>Table 7-1 POLLUTION PREVENTION AND GOOD HOUSE KEEPING</b> |  |   |      |      |      |      |
|--|--|---|------|------|------|------|
| <b>Best Management Practice</b>                              | <b>Measurable Goals</b>  | <b>Deadline<br/>(December 31, annually)</b> |      |      |      |      |
|  |  | 2019  | 2020 | 2021 | 2022 | 2023 |
| Inventory of Municipal Facilities                            | Create an inventory of facilities and stormwater controls owned and operated by the municipality within the regulated area by Year 1. The Town will review 100% of the inventory annually and update the list to include newly constructed facilities.   | X   | X    | X    | X    | X    |
| O&M of Facilities  | Create an Operation and Maintenance Plan for facilities which is compliant with General Permit requirements by Year 5.   |   |      |      |      | X    |
| Annual Facility Inspections                                  | Conduct annual inspections of 100% of facilities to ensure pollution prevention methods implemented in the O&M plan are effective. Pollutants of concern such as metals, chlorides, hydrocarbons, sediment, and trash which could be discharged from O&M activities will be identified and removed as required by TPDES General Permit TXR040000.. | X   | X    | X    | X    | X    |
| MS4 Staff Training   | The Town will provide an annual training to educate 100% of MS4 personnel on housekeeping and pollution prevention. Education materials, and attendance list will be kept on file at City Hall.  | X   | X    | X    | X    | X    |
| Contractors Oversight Procedures                             | The Town will require any contractors hired to perform maintenance activities on Town-owned facilities to comply with the stormwater control measures, good housekeeping practices, and facility stormwater management operating procedures stipulated in the TPDES General Permit TXR040000.  | X   | X    | X    | X    | X    |

\*For Applicability of the BMP the following abbreviations apply: Residents - R, Visitors - V, Public Service Employees - PSE, Businesses-B, Commercial And Industrial Facilities – CIF, and Construction Site Personnel – CSP

## **8.0 MCM-6 INDUSTRIAL STORMWATER SOURCES**

*The Town of Anthony is Level 1, therefore this section does not apply.*

## **9.0 MCM-7 AUTHORIZATION FOR CONSTRUCTION ACTIVITIES WHERE THE SMALL MS4 IS THE SITE OPERATOR**

The Town of Anthony will seek individual coverage under TPDES CGP TXR150000 for each and any construction activity where the MS4 operator meets the definition of a construction site operator.

## **10.0 RECORD KEEPING AND REPORTING**

### **10.1 RECORD KEEPING**

The Town of Anthony will retain the following documents available for TCEQ & the Public to comply with the General Permit at City Hall during business hours and by request.

- Copy of the TCEQ General Permit TXR040000,
- Records of all data used to complete the NOI,
- This SWMP
- A copy of each annual report.

Additionally, the Town of Anthony shall make the records, NOI, SWMP and annual reports available to the public as required in the General Permit and / or the Open Records Act. Other records shall be provided as per the Open Records Act. See the General Permit for additional information regarding record keeping requirements.

### **10.2 REPORTING**

The Town of Anthony will report to the TCEQ at various times. As required below:

**Noncompliance Notification** – According to 30 TAC §305.125(9) any noncompliance which may endanger human health or safety, or the environment, must be reported by the MS4 Operator to the TCEQ.

**Other Information** – If the Town becomes aware that any incorrect information has been submitted in an NOI, NOT, NOC, or any other report it shall submit the facts to the Executive Director of TCEQ.

**Annual Report** – The Town shall submit an annual report to the TCEQ by March 31 (of the following year) for each year of the permit term. The annual report shall contain the following:

The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMP's, progress towards achieving the statutory goal of reducing the discharge of pollutants, the measurable goals for each of the minimum control measures, and an evaluation of the success of the implementation of the goals;

- Status of any additional control measures implemented by the Town (if applicable);
- Any minimum control measure activities initiated prior to permit issuance (up to three years) as part of the first year's annual report;

- A summary of the results of information collected and analyzed, if any, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants;
- A summary of the stormwater activities the Town plans to undertake during the next reporting cycle (including implementation schedule);
- Proposed changes to the stormwater management program, including changes to any BMP's or any identified measurable goals that apply to the program elements;
- The number of municipal construction activities authorized under the General Permit and the total number of acres disturbed;
- The number of non-municipal construction activities authorized under the General Permit and the total number of acres disturbed;
- Notice that the Town is relying on another government entity to satisfy some of your General Permit obligations (not currently applicable);
- If co-permitting, all MS4 Operators must contribute to a system-wide report (not currently applicable);
- The Town must sign and certify the annual report in accordance with Part VII.E.1.(a) of the General Permit; and
- The annual report shall be submitted to:

Texas Commission on Environmental Quality  
Stormwater & General Permits Team; MC-148  
P.O. Box 13088  
Austin, Texas 78711-3088

Or electronically, instructions at <http://www.tceq.state.tx.us>

## 11.0 REFERENCES

4FR 68722 – National Pollution Discharge Elimination System Regulations for Revision of the Water Pollution Control Program Addressing Stormwater Discharges  
<http://www.gpo.gov/fdsys/granule/FR-1999-12-08/99-29181>

EPA Approved CWA 303(d) List of Impaired Waters and Texas Integrated Report  
[http://www.tceq.texas.gov/waterquality/assessment/305\\_303.html](http://www.tceq.texas.gov/waterquality/assessment/305_303.html)

Texas Pollutant Discharge Elimination System General Permit No. TXR040000, General Permit to Discharge Waste from Small Municipal Separate Storm Sewer Systems.  
[http://www.tceq.state.tx.us/permitting/stormwater/WQ\\_ms4\\_small\\_TXRO4.html](http://www.tceq.state.tx.us/permitting/stormwater/WQ_ms4_small_TXRO4.html)

Title 40, Part 122 of the Code of Federal Regulations (40 CFR 122).  
[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr122\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40cfr122_main_02.tpl)

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