



BEXAR COUNTY COMMISSIONERS COURT

PUBLIC WORKS DEPARTMENT Environmental Services

COURT ORDER

ORDER authorizing approval to revise two Commissioner's Court Orders to include new Federal and State regulatory requirements:

- 1) "Bexar County Regulations for Storm Water Pollution Prevention" replacing the October 23, 2007 Commissioner's Court Order implementing recent changes required by the Texas Commission on Environmental Quality (TCEQ) to the Storm Water Pollution Prevention Program and
- 2) "An Order of the Bexar County Commissioners Court Assessing Reasonable Fees to Fund the Storm Water Pollution Prevention Program" replacing the September 2, 2008 Commissioner's Court Order with no fee increase and providing a discount for amended permits.

PASSED THIS 17th DAY OF March, 2015.



 ORIGINAL

BEXAR COUNTY REGULATIONS FOR STORM WATER POLLUTION PREVENTION

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SECTION I: GENERAL PROVISIONS

1.01 AUTHORITY: These regulations are adopted by the Commissioners Court of Bexar County, Texas, acting in its capacity as the governing body of Bexar County. Bexar County adopts these Regulations under the authority of Texas Local Government Code, Section 573. These Regulations are necessary to comply with the requirements of Texas Pollutant Discharge Elimination System (TPDES) General Permit TXR040000. These Regulations may be amended at any time by a majority of Commissioners Court.

1.02 PURPOSE: The purpose of these regulations is to prevent storm water pollution by developing, implementing and enforcing storm water management guidelines and controls to reduce the discharge of pollutants from any conveyance or system of conveyance owned or operated by the County that is designed for collecting and conveying storm water.

1.03 AREA OF JURISDICTION: These Regulations apply in all unincorporated areas of Bexar County, Texas.

1.04 EFFECTIVE DATE: These Regulations shall be in full force and effect from and after their passage and approval by Bexar County Commissioners Court.

1.05 FEES: Under a separate Order, Bexar County Commissioners Court shall set reasonable fees to defray the cost of administering and enforcing these Regulations including, but not limited to, a Storm Water Utility Fund Fee and a Site Development Permit Fee. Properties that are exempt from ad valorem taxation are also exempt from this fee.

1.06 CONSTRUCTION, PRECEDENCE, AND INTERPRETATION

1.06.1 These Regulations shall be construed liberally to accomplish their purpose and intent.

1.06.2 In the event of any conflict between these Regulations and any order, resolution, or rule adopted by the Texas Commission on Environmental Quality, whichever imposes the more stringent standards or restrictions will prevail.

1.06.3 Bexar County Commissioners Court delegates appropriate authority to the Environmental Services Department to develop the necessary procedures and processes to administer the implementation of the Regulations.

1.06.4 The Director of Public Works or the Director's Designated Representative shall, within the purpose of these Regulations, resolve any question regarding any interpretation of these Regulations, standards or restrictions.

1.07 SEVERABILITY: If any provision of these Regulations or the application thereof to any person or circumstance is held invalid, the validity of the remainder of these Regulations and the application thereof to other persons and circumstances shall not be affected.

SECTION II: DEFINITIONS

Best Management Practices (“BMPs”): Schedules of activities, prohibitions of practices, general good house-keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clearing: Activity that removes the vegetative surface cover of a site.

Common Plan of Development: A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a “common plan of development or sale”) is identified by the documentation for the construction project that identifies the scope of the project, and may include plans, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of a public entity (e.g., a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate “common plans,” with only the interconnected parts of a project being considered part of a “common plan” (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale, but are located ¼ mile or more apart, and the areas between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same “common plan” is not included in the area to be disturbed.

Community Association: A group of property owners or residents including, but not limited to, home owner associations or neighborhood associations that were identified as the responsible party for on-going maintenance of the permanent BMPs once final stabilization of the developed site has been completed.

Construction Activity: Activities subject to TPDES Construction Permit TXR150000 and Bexar County Storm Water Permit. Such activities include but are not limited to clearing and grubbing, grading, excavating, fill, and demolition.

Construction Site Operator: The operator associated with a construction project that meets the following criteria: (a) the operator has operational control over construction plans and specifications to the extent necessary to meet the requirements and conditions

of the TPDES Construction Permit TXR150000 and the Bexar County Storm Water Permit; and (b) the operator has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a storm water pollution prevention plan (SWP3) for the site or other permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Control Measure: Any BMP or other method used to prevent or reduce the discharge of pollutants.

Conveyance: Curbs, gutters, man-made channels and ditches, drains, pipes, and other features designed or used for flood control or to otherwise transport storm water runoff.

CZP: (Contributing Zone Plan) A plan that outlines best management practices that will be implemented in order to protect water quality when a regulated activity is conducted in the contributing zone of the Edwards Aquifer.

Discharge: Includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions. TWC 26.001(20); when used without a qualifier, refers to the discharge of storm water runoff or certain non-storm water discharges as allowed under the authorization of TPDES General Permit TXR040000.

Drainage Way: Any channel, man-made or natural that conveys surface runoff.

Erosion Control: A measure that prevents erosion.

Erosion and Sediment Controls: A set of BMPs prepared by or under the direction of a licensed professional engineer or other approved professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

FEMA: Federal Emergency Management Agency

Field Correction Notice (FCN): A notice issued by Bexar County Environmental Services informing the operator, owner, entity, or community association of non-compliance with these regulations and requiring immediate mitigation or correction. .

Final Stabilization: A construction site status where either of the following two conditions are met:

- (a) All soil disturbing activities at the site have been completed and a uniform (i.e., evenly distributed, without large, bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed;

- (b) For Individual lots in a residential construction site by either:
 - (1) The homebuilder completing final stabilization as specified in condition (a) above; or
 - (2) The homebuilder establishing temporary stabilization for an individual lot prior to the time transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization is not feasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMP's, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization, fulfillment of this requirement must be documented in the homebuilder's storm water pollution prevention plan (SWP3).
- (c) For construction projects on land used for agricultural purposes (e.g. pipelines across range or crop land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas that are not being returned to their preconstruction agricultural, use must meet the final stabilization conditions of (a) above.
- (d) In arid, semi-arid, and drought stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - (1) Temporary erosion control measures (for example, degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
 - (2) The temporary erosion control measures are selected designed, and installed to achieve 70% of the native background vegetative coverage within three years.

FLOOD PLAIN OR FLOOD-PRONE AREA: Means any land area susceptible to being inundated by water from any source in accordance with FEMA approved flood map (see definition of flooding)

FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Grading: Excavation or fill of material, including the resulting conditions thereof.

Hazardous Materials: Any material, including any substance, waste, or combination thereof that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Discharge: An unauthorized discharge; any discharge to a municipal separate storm sewer system that is not entirely composed of storm water, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire-fighting activities,(direct quote from TXR40000), except as exempted in Section V of these regulations,

Illicit Connections: An unauthorized connection: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Site: any site that is described under the requirements of TCEQ Multi-Sector General Permit for Storm Water – TXR050000.

Infiltration: Water other than wastewater that enters a sewer system, including sewer service connections and foundations drains, from the ground through a means such as defective pipes, pipe joints, connections, or manholes.

Large Construction Activity: Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance.

Outfall: That point where a discharge exits a pipe, channel, or other conveyance.

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

MS4: See Small Municipal Separate Storm Sewer Systems.

MS4 Operator: Entity that is responsible for the management and operation of the municipal separate storm sewer system, and is subject to the provisions of TPDES Construction Permit TXR150000 and General Permit TXR040000.

National Pollutant Discharge Elimination System (“NPDES”), Storm Water Discharge Permit: Means the National Pollutant Discharge Elimination System under which the Administrator of the United States Environmental Protection Agency can delegate permitting authority to the State of Texas in accordance with Section 402(b) of the Federal Water Pollution Control Act. TWC 26.001(23)

Non-Storm Water Discharge: Any discharge to the MS4 that is not composed entirely of storm water.

Notice of Change (“NOC”): A written submission to the executive director from a discharger authorized under permit, providing changes to information that was previously provided in the notice of intent form.

Notice of Intent (“NOI”): A written submission to the executive director from an applicant requesting coverage under TPDES Construction Permit TXR150000 and General Permit TXR040000.

Notice of Termination (“NOT”): A written submission to the executive director and Bexar County Storm Water Quality program director from a discharger authorized under a general permit and a Bexar County Permit requesting termination of coverage. Bexar County will accept termination only once a final inspection has been conducted and approval for termination is issued.

Notice of Violation (“NOV”): A written letter from Bexar County informing the operator, owner, entity, or community association of non-compliance with these Regulations.

Operator: The person or persons associated with a large or small construction activity that is either a primary or secondary operator as defined below

Primary operator – the person or persons associated with a large or small construction activity that meets either of the following two criteria:

- (a) The person or persons that have on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- (b) The person or persons that have day to day operational control of those activities at a construction site that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWPPP) for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

Secondary operator – The person or entity, often the property owner whose operational control is limited to:

- (a) The employment of other operators, such as a general contractor, to perform or supervise construction activities; or

- (b) The ability to approve or disapprove changes to the construction plans and specifications, but who does not have day to day on-site operational control over construction activities at the site.

Secondary operators must either prepare their own SWPPP or participate in a shared SWPPP that covers the areas of the construction site where they have control over the plans and specifications.

If there is not a primary operator at the construction site, then the secondary operator is defined as the primary operator and must comply with the requirements for the primary operators.

Permittee: The owner/operator authorized under Bexar County's Site Development Permit, TPDES Construction Permit TXR150000 and/or General Permit TXR040000.

Person: Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Perimeter Control: A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing: Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Point source: Means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants or wastes are or may be discharged into or adjacent to any water in the state. TWC 26.001(21)

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, paints, varnishes, and solvents; rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind; biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into or adjacent to any water in the state. The term:

(a) Includes:

- (1) Tail water or runoff water from irrigation associated with an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone as defined by TWC Section 26.502; or
- (2) Rainwater runoff from the confinement area of an animal feeding operation or concentrated animal feeding operation that is located in a major sole source impairment zone, as defined by TWC Section 26.502; and

(b) Does not include tail water or runoff water from irrigation or rainwater runoff from other cultivated or uncultivated rangeland, pastureland, and farmland or rainwater runoff from an area of land located in a major sole source impairment zone, as defined by TWC Section 26.502, that is not owned or controlled by an operator of an animal feeding operation or concentrated animal feeding operation on which agricultural waste is applied.

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

Pollution: Means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose. TWC Chapter 26.001(14)

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Natural riparian habitat: The land along the banks of rivers, creeks and streams that plays a significant role in soil conservation and provides essential habitat for birds, fish, and wildlife

Redevelopment: Alterations of a property that changes the “footprint” of a site or building in such a way that there is a disturbance of equal to or greater than 1 acre of land. This term does not include such activities as exterior remodeling.

Sediment Control: Measures that prevent eroded sediment from leaving the site.

Site: A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit: A Storm Water Quality permit issued by the County for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

Small Construction Activity: Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small construction activity does not include routine

maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance.

Small Municipal Separate Storm Sewer Systems (“MS4 Phase II”): A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains: (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA; (ii) Designed or used for collecting or conveying storm water; (iii) That is not a combined sewer; and (iv) That is not part of a publicly owned treatment works (“POTW”)(as defined at 40 CFR Section 122.2; (v) That was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system; and(vi) That does not include very discrete systems such as those serving individual buildings.

Stabilization: The use of best management practices that prevent exposed soil from eroding.

Start of Construction: The delivery of equipment and/or materials to a site, the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stop Work Order (“SWO”): A notice issued by Bexar County Environmental Services informing the operator, owner, entity, or community association of non-compliance with these Regulations and requiring immediate cessation of all activity except that which is necessary to bring the site into compliance.

Storm Drainage System: Also referred to as the MS4. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water: Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, or resulting from such precipitation.

Storm Water Associated with Construction Activity: Storm water runoff from an area where there is either a large or a small construction activity.

Storm Water Management Program (“SWMP”): A comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

Storm Water Pollution Prevention Plan (“SWP3”): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to the MS4, and/or receiving waters to the Maximum Extent Practicable.

TCEQ: Texas Commission on Environmental Quality.

Total Maximum Daily Load (“TMDL”): The maximum amount of a pollutant that a lake, river, stream, or estuary can receive and still maintain Texas Surface Water Quality Standards.

Unified Development Code (“UDC”) Chapter 35, Section 35-504: The City of San Antonio Development Code entitled Storm Water Management.

Urbanized Area (“UA”): An area of high population density that may include multiple MS4’s as defined and used by the U.S. Census Bureau in the 2000 and 2010 Decennial census.

Water or Water in the state: Means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state. (TWC Chapter 26.001)(5)

Waters of the United States: Waters of the United States or waters of the U.S. are defined by 40 CFR section 122.2 and all later amendments.

WPAP: (Water Pollution Abatement Plan) A detailed plan that outlines best management practices that will be implemented in order to protect water quality when a regulated activity is conducted in the Edwards Aquifer recharge zone.

SECTION III: PUBLIC EDUCATION, OUTREACH AND INVOLVEMENT

Bexar County will implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges and the steps that the public can take to reduce pollutants in storm water runoff. Bexar County will identify and implement a public involvement and participation program which will include provisions to allow opportunities for

constituents within the MS4 area to participate in storm water management program development and participation.

SECTION IV: ILLICIT DISCHARGE DETECTION AND ELIMINATION

4.01 PURPOSE: The purpose of this section is to provide for the health, safety, and general welfare of the citizens in the unincorporated area of Bexar County through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into an MS4 in order to comply with requirements of the Texas Pollutant Discharge Elimination System (“TPDES”). This section is applicable to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by Bexar County. The objectives of this section are:

- 4.01.1 To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any user.
- 4.01.2 To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- 4.01.3 To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with these regulations.
- 4.01.4 To establish the legal authority to register, inspect and enforce Storm Water regulations and illicit discharges from non-construction industrial sites per the Multi-Sector Industrial General Permit (TXR050000) for Storm Water.

4.02 PROHIBITION OF ILLICIT DISCHARGES: No person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

- 4.02.1 The following discharges are exempt from discharge prohibitions established by these Regulations: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire-fighting activities, and any other water source not containing pollutants.
- 4.02.2 Discharges specified in writing by Bexar County as being necessary to protect public health and safety.
- 4.02.3 Dye testing is an allowable discharge, but requires a written notification to Bexar County Environmental Services Department prior to the time of the test.
- 4.02.4 The prohibition shall not apply to any non-storm water discharge permitted under an TPDES permit, waiver, or waste discharge order issued to the discharger.

and administered under the authority of the Texas Commission on Environmental Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

4.03 PROHIBITION OF ILLICIT CONNECTIONS: The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

4.03.1 This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection (No grandfather clause).

4.03.2 A person is considered to be in violation of these Regulations if the person connects a line conveying non approved discharges to the MS4, or allows such a connection to continue.

4.04 SUSPENSION OF MS4 ACCESS: Bexar County may suspend access to the MS4 under the following conditions. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of Bexar County.

4.04.1 Suspension due to Illicit Discharges in Emergency Situations: Bexar County may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued, Bexar County may take emergency steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

4.04.2 Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Bexar County will notify a violator of the proposed termination of its MS4 access. The violator may petition Bexar County for a reconsideration and hearing.

4.05 MONITORING AND DETECTION OF ILLICIT DISCHARGES AND CONNECTIONS: Bexar County shall monitor and track illicit discharges using the following programs:

4.05.1 Environmental Services Storm Water Quality Program

4.05.2 Environmental Services On-Site Sewage Facilities Program

4.05.3 Environmental Services Nuisance Abatement Program

4.05.4 Environmental Law Enforcement

4.05.5 Public Works Road and Bridge Maintenance Program

SECTION V: CONSTRUCTION PERMITTING AND INSPECTION

5.01 PURPOSE: The purpose of this section is to develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction

activities that result in a land disturbance of one (1) or more acres or if that construction activity is part of a larger common plan of development or sale that would disturb one (1) or more acres.

5.02 SITE DEVELOPMENT PERMIT: A Storm Water Quality Site Development Permit from Bexar County is required for any activity that would entail the uncovering of one (1) or more acres or is less than one (1) acre but part of a larger common plan of development. No person shall be granted a Site Development Permit for land-disturbing activity without the approval of a Storm Water Pollution Prevention Plan (SWP3) by Bexar County Environmental Services Department. A permit issued will only apply to that scope of work that is described by the site plan and details that are submitted for review.

5.02.1 If the scope of the project increases, or major revisions are made to the original project, an amendment to the original permit may be obtained. The scope of the additional project must be contiguous to the original scope of work and the application must include site plan and details for the additional work to obtain amendment approval.

5.02.2 Projects that are located over the Edwards Aquifer Recharge Zone and the Edwards Aquifer Contributing Zone must submit the applicable approval documents such as the "Water Pollution Abatement Plan" or the Contributing Zone Plan required by TCEQ as part the permit or amendment application.

5.02.03 Flood Plain Permit: Any activity that either constitutes soil disturbance or fill that is to occur in the flood plain will require a Flood Plain Permit issued by Bexar County Development Services. A person commits an offense if the person violates any portion of this rule and is a class C Misdemeanor. Each act of dumping will be considered a separate offense. Each day the illegal fill is not removed will constitute a separate offense. An offense is not limited to the landowner, but extends to any person working in the flood plain. A person that is convicted of a flood plain violation shall be required to remove all material brought in and return the site to its original elevation.

5.02.04 Required inspections of permitted sites must be performed by personnel with Bexar County approved certification.

5.03 EXEMPT ACTIVITY: No Site Development Permit is required for the following activities:

5.03.1 Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

5.03.2 Existing nursery and agricultural operations conducted as a main or accessory use.

5.04 APPLICATION REQUIREMENTS

5.04.1 Each Site Development Permit application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained

by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a Site Development Permit Fee.

5.04.2 Each application shall include a copy of the Construction Site Notice or Notice of Intent, whichever is applicable, filed with the TCEQ in accordance with TPDES Construction Permit TX150000.

5.04.3 Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the SWP3 and that a qualified construction site operator shall be on site on all days when construction or grading activity takes place. Along with submitted inspection schedule, acknowledgement that person doing the inspection is certified and competent to perform storm water inspections. Falsification of inspection records is an offense under Penal Code Chapters 32.21 and 37.10, and subject to the penalties described.

5.04.4 Each application shall include a SWP3 containing the following:

- A. A description of the nature of the construction activity, potential pollutants, and sources.
- B. A description of the intended schedule, with an estimated start date, or sequence of major activities that will disturb soils for major portions of the site. The description must identify the general timing of sequence for implementation of the BMPs.
- C. The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas.
- D. An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions, data describing the soil type, and quality of any discharge from the site.
- E. A map showing the general location of the site.
- F. A detailed site map indicating the following:
 - 1. Pre and post construction drainage patterns and approximate slopes anticipated after major grading activities;
 - 2. Areas where soil disturbance will occur;
 - 3. Areas which will not be disturbed;
 - 4. Locations of all major structural controls either planned or in place;
 - 5. Locations where stabilization practices are expected to be used;
 - 6. Locations of off-site material, waste, borrow or equipment storage areas;
 - 7. Surface waters (including wetlands) either adjacent or in close proximity; and
 - 8. Locations where storm water discharges from the site directly to a surface water body.
 - 9. Location of any flood plain in accordance with current FEMA maps, to be marked on both the site plan and in the field.

10. Initial location of a concrete washout pit, all pits to be lined with minimum 10 mil plastic, or other approved containment.
11. Details of each BMP specified showing typical construction and/or installation. The SWP3 must describe the structural and non-structural controls or BMPs that will be used to minimize pollution in runoff during and post construction and to include the following components:
 1. Erosion and sediment controls planned for use to retain sediment on-site to the maximum extent practicable with consideration for topography, with a schedule for maintenance to ensure BMPs are functioning properly;
 2. Description of the interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented.
 3. Description of any structural control practices used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas or to lessen the off-site transport of eroded soils; and
 4. Description of other controls, including but not limited to: controls to minimize off-site vehicle tracking of sediments and generation of dust; A description or plan of how site generated wastes will be controlled, such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site which may cause pollution to the MS4.
 5. Description of methods to be used to contain all blow-able and floatable trash and debris to include container type and method used to prevent escape of material from the container.

H. The SWP3 must include a description of any measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Permittees are responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site and prior to submission of the Notice of Termination (NOT).

I. The SWP3 will include a description of methods to be utilized to achieve final stabilization, and call for the removal of all temporary BMP's as a requirement for approval.

5.05 MODIFICATIONS AND TERMINATION: Modifications to the SWP3 shall be processed and approved or disapproved in the same manner as Section V of this regulation, may be authorized by Bexar County by written authorization to the permittee, and shall include: major amendments of the SWP3, and field modifications of a minor nature. Materials must include if applicable, a copy of the Notice of Change (NOC) submitted to the TCEQ and a copy of the approval letter for the WPAP or CZP. Upon completion of final stabilization, the permittee shall submit a copy of the NOT to Bexar County and call Bexar County for a final inspection to verify final stabilization and removal of temporary BMP's.

5.06 CONSTRUCTION INSPECTION PROGRAM: Bexar County or its designated agent is authorized to make periodic inspections throughout the duration of construction or land clearing activity, and shall notify the Site Development permittee when the work or site conditions fail to comply with the SWP3 as approved.

5.06.1 Bexar County or its designated agent shall inspect storm water BMPs as outlined in the SWP3, on a regular basis.

5.06.2 Bexar County or its designated agent may enter at reasonable times to conduct on-site inspections.

5.06.3 – Before construction begins, the Bexar County Storm Water Quality Site Development Permit Approval Letter along with a contact name and number must be posted on site. If not on site, a copy of the SWPPP must be located within ten minutes of the site, and will be brought to the site at the request of the inspector.

5.06.4 Before construction commences, a Flood Plain Permit will be required if any flood plain exists on the site, and the flood plain will be marked on the site plan and on the site. A copy of the flood plain permit will be posted at the site.

5.06.5 The SWP3 shall be maintained at the site during the progress of the work. The permittee shall notify Bexar County or its designated agent at least two working days before the following:

- (A) Start of construction
- (B) Installation of sediment and erosion control BMPs
- (C) Completion of site clearing
- (D) Completion of final grading
- (E) Close of the construction
- (F) Completion of final stabilization or landscaping

5.07 INDUSTRIAL STORM WATER SITES: Bexar County may register, set up permitting procedure, inspect, and enforce Storm Water Regulations for discharges for non-construction industrial sites as required by TCEQ's Multi-Sector General Permit (TXR050000).

SECTION VI: POST-CONSTRUCTION STORM WATER MANAGEMENT

6.01 PURPOSE: The purpose of this section is to develop and enforce a program to address storm water runoff from new development and re-development projects that disturb one (1) acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. To address the placement and maintenance of permanent BMPs to reduce pollutants from storm water runoff. Bexar County Environmental Services will establish a permit program to track and enforce the compliance and maintenance of all post construction BMP's.

6.02 APPLICABILITY: The provisions of this Section shall apply to any application for Subdivision Plat or Master Development Plan approval, or other Structure or improvement, except as otherwise provided by this Chapter. Owners and operators (permittee) of new development and redeveloped sites shall be required to design, permit, install, implement, maintain and submit quarterly reports for a combination of structural

and non-structural BMP's appropriate for the community and that protects the water quality. In addition, the permittee must identify the operator, owner, entity, or community association responsible for on-going maintenance of the permanent BMP once final stabilization has been completed. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach for review.

(a) Post Construction Storm Water Permit: Before occupancy, a Permit for Post Construction Permanent BMP's will be required and to include:

1. A site plan showing permanent BMP's and a maintenance plan to be filed in the real property records of the county in which the property is located;
2. A Long-Term Maintenance Schedule for Post-Construction Storm Water Control Measures implementation through one or both of the following approaches:
 - a. Maintenance performed by the Permittee. Permittee will have to demonstrate adequate knowledge required to perform and monitor required maintenance and documentation for review by Bexar County.
 - b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan to be executed by an approved third party maintenance provider. The owner or operator of any new development or redeveloped site shall be required to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed onsite. It shall be required that operation and maintenance performed by the approved provider is documented and retained on site and submitted quarterly to Bexar County and/or its agents.
 - c. If quarterly reports are not provided as required, then the permit will be considered expired, and it will require a qualified engineer's certification to renew the permit.
3. A site that is less than one acre but part of a common area of development, the owner or operator of the development will be responsible for the permitting and maintenance of the post construction BMP's.

6.03 COMPLIANCE: compliance with this section will include adherence to the Rules and requirements in the "Bexar County Water Quality and Maintenance Manual" for all of Bexar County. These rules and practices in this manual will be the basic requirements for all Post Construction Permanent BMP's

6.04 PERMANENT ON-SITE FACILITIES: On-site detention facilities that are constructed as a requirement of “Bexar County Water Quality and Maintenance Manual,” must be privately owned and shall be maintained by the community association or property owner and will be required to be permitted per this section.

6.05 INSPECTIONS: Bexar County will have the right to do periodic inspections of privately owned and maintained Post Construction BMP’s and detention\retention facilities to ensure that the maintenance schedule is being implemented. Bexar County will make periodic unannounced inspections of the facilities to insure compliance. If deficiencies are observed, a Notice of Violation will be sent to the community association or property owner responsible for maintenance.

6.06 INCORPORATION BY REFERENCE: All requirements of UDC35, Section 35-504 and all future amendments thereto are incorporated by reference and are thus made part of these Regulations.

SECTION VII: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR BEXAR COUNTY FACILITIES

7.01 PURPOSE: The purpose of this section is to establish an operation and maintenance program with the ultimate goal of identifying methods and practices for conducting county operations in a manner to prevent pollution in storm water runoff.

7.02 GOOD HOUSEKEEPING AND BEST MANAGEMENT PRACTICES: Bexar County will review the following facilities and or operations to determine compliance with the requirements of TPDES General Permit #TX040000:

- 7.02.1 Park and open space maintenance
- 7.02.2 Street, road and bridge maintenance
- 7.02.3 Fleet, building, and service center maintenance
- 7.02.4 Storm water system (MS4) maintenance
- 7.02.5 Parking garages and facilities

7.03 TRAINING: Bexar County will develop a training program for all employees responsible for County operations subject to the pollution prevention/good housekeeping program. The training program will include materials directed at preventing and reducing storm water pollution from County operations.

7.04 WASTE DISPOSAL: Waste removed from the MS4, from structural controls or collected as a result of County operations and maintenance activities will be properly disposed of in an authorized landfill.

7.05 SPECIAL APPLICATIONS: all personnel handling pesticides will be trained and certified in their proper use and disposal. All special contracts with vendors will include clean up and adherence to Storm Water Regulations.

SECTION VIII: ENFORCEMENT

8.01 PURPOSE: The purpose of this Section is to establish a process for Environmental Services or its authorized agent to enforce these regulations.

8.02 ADMINISTRATIVE ENFORCEMENT

1. **Stop Work Order:** If work starts before the Site Development Permit or Flood Plain Permit has been issued, or work is in progress and the required permit is not posted, a STOP WORK ORDER may be issued, to be in effect until the permit has been issued or posted. Bexar County or its agent may restrict access to a site in violation of this rule until compliance is achieved.
2. **Field Correction Notice:** Upon periodic inspection, a Field Correction Notice may be issued noting any deficiencies and a time frame to have them addressed. The operator will be responsible for correcting the deficiencies in the allotted time frame: however, an appeal may be made, and if good cause can be shown that the deficiency will need more time to correct, then the additional time may be granted. Ignoring or failure to address the Field Correction Notice may result in a STOP WORK ORDER.
3. **Notice of Violation:** A failure to secure a permit, or to maintain a post construction permanent BMP, or to maintain the proper documentation may result in a Notice of Violation being sent to the Permittee.

8.03 CRIMINAL PENALTIES: Failure to heed a Stop Work Order is an offense and is a Class C Misdemeanor with a Fine of \$500.00. Each day work is done while the Stop Work Order is in effect shall constitute a separate offense. Failure to take appropriate corrective action in the allotted time required by a Field Correction Notice or Notice of Violation is an offense and is a Class C misdemeanor with a minimum fine of \$200.00 to \$500.00. Each day that corrective action is not taken will constitute a separate offense.

8.03.1 Criminal Penalty – Unless otherwise stated, a person commits an offense if the person

- (a)
 - (1) Violates a provision of Section 4.02
 - (2) Violates a provision of Section 4.03, 4.03.1, 4.03.2
 - (3) Violates a provision of Section 5.02, 5.02.1, 5.02.2, 5.05, 5.06.3, 5.06.4, 5.06.5, 5.07
 - (4) Violates a provision of Section 6.02, 6.02(a) 6.04
- (b) An offense under subsection (a) is a Class C Misdemeanor.
- (c) If it is shown at trial of the of the defendant that the defendant has been convicted of an offense under subsection (a) within a year before the date on which the offense being tried occurred, the subsequent offense under subsection (a) is a class B misdemeanor.
- (d) Each day of a continuing violation is a separate offense.

8.04: ENFORCEMENT OF STATE STATUTES: Bexar County may enforce the applicable provisions and penalties of the Texas Water Code, Health and Safety Code and the Texas Administrative Code.

8.05: CIVIL ENFORCEMENT: If any person violates any section dealing with Illicit Discharge Detection and Elimination, Construction Permitting and Inspection, and Post Construction Storm Water Management; the District Attorney may take whatever action is necessary to remedy the violation, including but not limited to filing a suit for civil penalties up to \$1000 a day for each violation, and to enjoin the violation. Each day the violation continues is considered a separate violation for the purposes of assessing the civil penalty.

SECTION IX: RECORD KEEPING AND ANNUAL REPORTING

9.01 PURPOSE: The purpose of this Section is to establish evaluation/assessment reporting efforts and recordkeeping.

9.02 RECORDKEEPING: This program will track those activities that: reduce the discharge of pollutants to MEP; protect water quality; and satisfy the appropriate requirements of the Clean Water Act and the TPDES program for a period of three years.

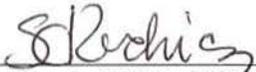
9.03 ANNUAL REPORTING: Bexar County will submit a concise annual report to the TCEQ for each year as required under the TPDES General Permit TXR040000. The report will include:

- 9.03.1 Status of compliance with permit conditions and an assessment of the progress towards reducing the discharge of pollutants to the MEP.
- 9.03.2 Measurable goals for five control measures required under TPDES General Permit TXR040000: Public Education, Outreach, and Involvement; Illicit Discharge Detection and Elimination; Construction Permitting and Inspection; Post Construction Storm Water Management; and Pollution Prevention and Good Housekeeping for Bexar County Facilities.
- 9.03.3 Activities initiated or implemented that satisfy the five control measures as stated in 10.03.2 (if any).
- 9.03.4 A summary of the information collected during the reporting period.
- 9.03.5 A summary of storm water activities to be implemented during the next reporting cycle (if any).
- 9.03.6 Proposed changes to Bexar County's Storm Water Management Program including changes to any of the measurable goals defined in 10.03.2 (if any).
- 9.03.7 The number of construction activities and total number of acres disturbed authorized by these Regulations.
- 9.03.8 Notification if any portion of these Regulations is being enforced by a designated authority or agent for Bexar County.

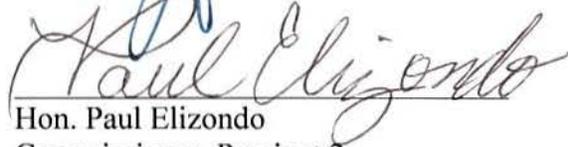
NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS THAT: The Storm Water Pollution Prevention regulations proposed are hereby adopted this 17^m day of March 2015.



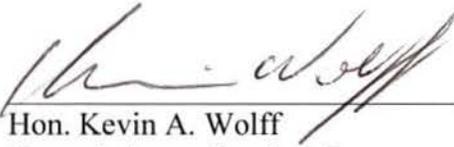
Hon. Nelson W. Wolff, Bexar County Judge



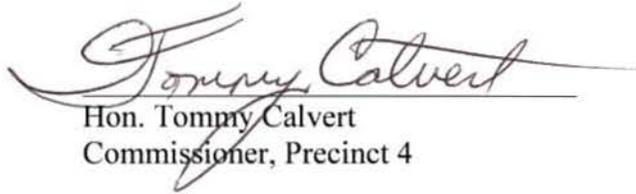
Hon. Sergio "Chico" Rodriguez
Commissioner, Precinct 1



Hon. Paul Elizondo
Commissioner, Precinct 2



Hon. Kevin A. Wolff
Commissioner, Precinct 3



Hon. Tommy Calvert
Commissioner, Precinct 4