



# **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 423. 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.

### **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 Infrastructure Services Department to develop the necessary procedures and processes to administer the implementation of the Regulations.

1.06.4 The Executive Director of Infrastructure Services 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.

**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. Such activities include but are not limited to clearing and grubbing, grading, excavating, 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 (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.

**Discharge:** 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 that conveys surface runoff throughout the site.

**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 indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

**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, with out 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; or (b) For construction projects on land used for agricultural purposes (e.g. pipelines across range or crop land), final stabilization maybe 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.

**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:** Any direct or indirect non-storm water discharge to the MS4, except as exempted in Section V of these regulations.

**Illicit Connections:** 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.

**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.

**Major Outfall:** an outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or, for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

**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 a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**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 an applicant notifying TCEQ of any changes or modifications due to incorrect information or changes in relevant information in accordance with TPDES Construction Permit TXR150000. Letter is due within 14 days after discovery.

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

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

**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.

**Pollutant:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, 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; sewage, 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.

**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)).

**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 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”):** 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 practices that prevent exposed soil from eroding.

**Start of Construction:** The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and 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.

**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 construction activity 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.

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

**TCEQ:** the 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 attached as Exhibit A.

**Urbanized Area (“UA”):** an area of high population density that may include multiple MS4s as defined and used by the U.S. Census Bureau in the 1990 and 2000 decennial census.

**Waters of the United States (from 40 CFR Section 122.2) Waters of the United States or waters of the U.S.:**

(a) all waters which are currently used, were used in the past, or maybe susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) all interstate waters, including interstate wetlands;

(c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) from which fish or shellfish are or could be taken and sold in interstate foreign commerce; or

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

### **SECTION III: PUBLIC EDUCATION**

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.

### **SECTION IV: PUBLIC INVOLVEMENT**

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 V: ILLICIT DISCHARGE DETECTION AND ELIMINATION**

5.01 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:

5.01.1 To regulate the contribution of pollutants to the municipal separate storm sewer system by storm water discharges by any user.

5.01.2 To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

5.01.3 To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with these regulations.

**5.02 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:

5.02.1 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.

5.02.2 Discharges specified in writing by Bexar County as being necessary to protect public health and safety.

5.02.3 Dye testing is an allowable discharge, but requires a verbal notification to Bexar County Infrastructure Services Department prior to the time of the test.

5.02.4 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.

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

5.03.1 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.

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

5.04 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.

5.04.1 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 in an emergency, Bexar County may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

5.04.2 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.

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

5.05.1 Environmental Services On-Site Sewage Facilities Program

5.05.2 Environmental Services Nuisance Abatement Program

5.05.3 Public Works Road and Bridge Maintenance Program

## **SECTION VI: CONSTRUCTION INSPECTION AND PERMITTING**

6.01 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.

6.02 SITE DEVELOPMENT PERMIT: A Site Development Permit from Bexar County is required for any activity that would entail the uncovering of one (1) or more acres. 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 Infrastructure Services Department.

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

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

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

#### 6.04 APPLICATION REQUIREMENTS

6.04.1 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.

6.04.2 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.

6.04.3 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.

6.04.4 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. 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.

G. The SWP3 must describe the structural and non-structural controls or BMPs that will be used to minimize pollution in runoff and must 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.

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). 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.

**6.05 MODIFICATIONS AND TERMINATION:** Modifications to the SWP3 shall be processed and approved or disapproved in the same manner as Section VI 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. Upon completion of final stabilization, the permittee shall submit a copy of the NOT to Bexar County.

**6.06 CONSTRUCTION INSPECTION PROGRAM:** Bexar County or its designated agent is authorized to make periodic inspections through out 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.

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

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

6.06.3 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

## **SECTION VII: POST-CONSTRUCTION STORMWATER MANAGEMENT**

7.01 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) or more acres or are part of a larger development or sale that will result in the disturbance of one (1) or more acres.

7.02 APPLICABILITY: The provisions of this Section shall apply to any application for Subdivision Plat or Master Development Plan approval except as otherwise provided by this Chapter.

7.03 COMPLIANCE: Compliance with this Section will include adherence to the City of San Antonio's Unified Development Code (UDC) Chapter 35, Section 35-504, attached as Exhibit A to these Regulations. Design criteria and requirements in UDC35 Section 35-504 include but not are limited to:

7.03.1 Regional Storm Water Management Program

7.03.2 Method of Computing Runoff

7.03.3 Drainage Easements and Rights-of -Way

7.03.4 Site Design and Grading

7.03.5 Storm Water Detention

7.03.6 Street Design

7.03.7 Drainage Channels and Water Courses

7.03.8 Storm Sewers

7.03.9 Inlets and Openings

7.04 PERMANENT ON-SITE FACILITIES: On-site detention facilities that are constructed as a requirement of UDC35, Section 35-504, must be privately owned and shall be maintained by the community association or property owner. A maintenance schedule shall be submitted to the Infrastructure Services Department as part of the SWP3 requirement.

7.05 INSPECTION: Bexar County will have the right to do periodic inspections of privately owned and maintained detention 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.

7.06 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. A copy of UDC35, Section 35-504, is attached as Exhibit A.

**SECTION VIII: POLLUTION PREVENTION AND GOOD HOUSEKEEPING FOR BEXAR COUNTY FACILITIES**

8.01 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.

8.02 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:

- 8.02.1 Park and open space maintenance
- 8.02.2 Street, road and bridge maintenance
- 8.02.3 Fleet, building, and service center maintenance
- 8.02.4 Storm water system (MS4) maintenance
- 8.02.5 Parking garages and facilities

8.03 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.

8.04 DISPOSAL OF WASTE: 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.

**SECTION IX: ENFORCEMENT**

9.01 PURPOSE: The purpose of this Section is to establish a process for Infrastructure Service or its authorized agent to enforce these Regulations.

9.02 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. Nothing in these Regulations precludes Bexar County through the District Attorney's Office from seeking enforcement of State Environmental Laws pursuant to the Texas Water Code.

9.03 NOTICE OF VIOLATION: If Bexar County determines that a development site or sites does not comply with these Regulations, a citation or an NOV will be issued on site or sent to the operator, owner, entity, or community association of the development site or sites. The NOV shall state:

9.03.1 The specific condition(s) which constitute a violation.

9.03.2 That the operator, owner, entity, or community association receiving the notice must correct the violation not later than the time frames specified Section 9

9.03.3 That failure to correct the violation will result in civil enforcement action as described in Section 9.02.

9.04 CORRECTIVE ACTION: The operator, owner, entity, or community association receiving the notice must correct the violation not later than the time frames specified.

9.04.1 If the NOV concerns violations of Section V: Illicit Discharge Detection and Elimination, the owner/operator will have 5 days to remedy the violation.

9.04.2 If the NOV concerns violations of Section VI: Construction Permitting and Inspection, the owner/operator will have 24 hours to remedy the violation.

9.04.3 If the NOV concerns violations of Section VII: Post Construction Storm Water Management, the owner and/or community association will have 10 days to remedy the violation

## **SECTION X: RECORD KEEPING AND ANNUAL REPORTING**

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

10.02 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.

10.03 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:

10.03.1 Status of compliance with permit conditions and an assessment of the progress towards reducing the discharge of pollutants to the MEP.

10.03.2 Measurable goals for six control measures required under TPDES General Permit TXR040000: Public Education; Public 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.

10.03.3 Activities initiated or implemented that satisfy the six control measures as stated in 10.03.2 (if any).

10.03.4 A summary of the information collected during the reporting period.

10.03.5 A summary of storm water activities to be implemented during the next reporting cycle (if any).

10.03.6 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).

10.03.7 The number of construction activities and total number of acres disturbed authorized by these Regulations.

10.03.8 Notification if any portion of these Regulations is being enforced by a designated authority or agent for Bexar County.