

Item # 262



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

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

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

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

- 1) the permit number is not provided, invalid, or no longer active,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

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

What is the Permit Number of the authorization to be changed? TXR04 0045

A. APPLICANT INFORMATION: Search Central Registry at http://www12.tceq.texas.gov/crpub/

1. Operator (Permittee)

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

Fort Bend County MS4

b. What is the TCEQ Central Registry Customer Number assigned to this Operator? CN 601229107

2. Permitted Site (required)

What is the TCEQ Central Registry Regulated Entity Number assigned for this permitted site? RN 105481550

B. REQUESTED CHANGE TO PERMITTED INFORMATION

What information has changed or needs corrected?

(Check one or more of the sections being updated and enter the new information in the corresponding section of this form.)

Operator Legal Name Change with Texas Secretary of State (TX SOS).

(Note: Permits are not transferable. If a change in entity has occurred, this NOC is not attainable.)

Address and contact information for Operator, Billing for Annual Fee or Site Mailing Address.

Site Information (Regulated Entity)

(Note: Permits under a general permit are site specific. If a change in site location has occurred, this NOC is not attainable.)

Change To The Approved SWMP

1. OPERATOR LEGAL NAME CHANGE

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

New Legal Name:

b. What is the TX SOS Filing Number for us to confirm this official name change?

(This is only applicable to Limited Partnership or Corporations.)

2. ADDRESS & CONTACT INFORMATION CHANGE

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

Operator for permit correspondence Site (RE) Mailing Address and contact information

Billing address/contact for Receiving Annual Fee Statement

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

Yes - Provide the updated information in the fields below.

No - Attachment 1 of the NOC is attached to this form, to provide the different addresses.

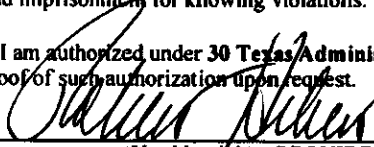
ATTN or C/O:

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

City: State: ZIP Code:

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

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

<b>3. REGULATED ENTITY (RE) SITE INFORMATION CORRECTION or UPDATE</b>	
a. Updated or Corrected description of the regulated MS4 boundaries:	
b. Other update to regulated entity information. Please explain.	
<b>4. CHANGE TO THE APPROVED SWMP</b>	
Check the applicable item(s) to be changed or updated and complete the section for each item. Reference the attachment for each item.	
<input type="checkbox"/>	Add the 7 <sup>th</sup> Minimum Control Measure (MCM) to the approved SWMP. Complete Attachment 2 of the NOC and the following question: Are you seeking to use the 7 <sup>th</sup> MCM only in the regulated (urbanized) area?  <input type="checkbox"/> Yes - Attach the MCM with Attachment 2 of the NOC.  <input type="checkbox"/> No - Attach the MCM with Attachment 2 of the NOC and indicate YES to the following certification:  I certify that the MS4 is in compliance with all of the MCMs listed in this general permit, in the MS4's additional area where the 7 <sup>th</sup> MCM will be utilized. <input type="checkbox"/> YES  Failure to indicate YES to this certification will result in denial.
<input type="checkbox"/>	Notice to update the approved SWMP adding components, controls, or requirements to the SWMP; or replacing a BMP with an equivalent BMP.  Are the revisions to the approved SWMP attached? <input type="checkbox"/> Yes, under attachment _____
<input type="checkbox"/>	Request to update the approved SWMP, replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP.  Are the revisions to the approved SWMP attached? <input type="checkbox"/> Yes, under attachment _____
<input checked="" type="checkbox"/>	Other requested changes to the approved SWMP requiring TCEQ approval.  Are the revisions to the approved SWMP attached? <input checked="" type="checkbox"/> Yes, under attachment <u>Attachment A</u>
<b>C. APPLICATION CONTACT</b>	
If TCEQ needs additional information regarding this application, who should be contacted?	
1. Name: <u>John Concienne</u>	Title: <u>Environmental Project Manager</u> Company: <u>Carroll &amp; Blackman, Inc.</u>
2. Phone No.: (409) <u>833-3363</u> Ext: <u>124</u>	Fax No.: (409) <u>833-0917</u> Email: <u>jconcienne@cbieng.com</u>
<b>D. CERTIFICATION</b>	
<b>Operator Certification:</b>	
I, <u>Robert Hebert</u>	<u>County Judge</u>
Typed or printed name (REQUIRED)	Title (REQUIRED)
certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	
I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.	
Signature: <u></u>	Date: <u>August 7, 2012</u>
(Use blue ink) (REQUIRED)	(REQUIRED)

**Attachment 1 to a NOC Form for Providing Different Address & Contact Information  
Related to a Specific Permit under General Permit TXR040000**

What is the Permit No.? TXR04 0045  
(REQUIRED)

**ADDITIONAL ADDRESS & CONTACT INFORMATION**

Fill in the changes as applicable. Incomplete and invalid addresses will not be used. Verify mailing addresses at USPS.com.

**Operator**

ATTN or C/O:

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

City: State: ZIP Code:

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

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

**Billing Address for Receiving Annual Fee Statement**

ATTN or C/O:

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

City: State: ZIP Code:

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

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

**Site (RE) Mailing Address**

ATTN or C/O:

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

City/State: ZIP Code:

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

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

**Attachment 2 to a NOC Form for adding the Optional 7<sup>th</sup> Minimum Control Measure**

**7<sup>th</sup> Minimum Control Measure Cover Sheet**

This cover sheet **MUST** be completed by indicating the page number where the requested item will be found in the MCM. Provide the page number in the left column for each item. The questions relating to the Edwards Aquifer must also be answered.

This cover sheet **MUST** be attached to the front of the MCM.

**Operator Name on NOI: Fort Bend County MS4**

<b>Page # (s)</b>	<b>Optional 7th MCM : Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)</b>
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If this MCM is utilized applicable, SWMP must include the following information:

	Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations
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	Description of the area that this MCM will address and where the MS4 operator's construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)
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	If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well.
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	Description provided for one of the following:
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- ▶ How contractor activities will be supervised or overseen to ensure that the SWP3 requirements are properly implemented at the construction site(s); or
- ▶ How the MS4 operator will make certain that contractors have a separate authorization for storm-water discharges if needed.

	General description of how a construction SWP3 will be developed for each construction site.
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**Edwards Aquifer Rule**

Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing zone within the Transition zone of the Edwards Aquifer?  Yes  No

If the answer is "Yes", please note that a copy of the agency approved Plan required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).

## **Attachment A**

Fort Bend County/Fort Bend County Drainage District  
TXR040045/TXR040383  
Notice of Change  
Stormwater Management Program proposed modifications and justifications

The County of Fort Bend has evaluated their current SWMP and has identified modifications that are necessary for the County to remain in compliance with the permit and adhere to their legal authority granted under State and local law. The following describes the proposed changes and justification for each request. **\*Current SWMP is included for reference as Attachment B.**

### **Modifications**

#### ***Existing BMPs for MCM 4***

#### ***MCM 4: Construction Site Stormwater Runoff Control (Page 12 of SWMP)***

##### **4.C. Best Management Practices and Measurable Goals:**

- A. Construction SWP3 Review and Permit Compliance: Implement a construction SWP3 review and compliance program that focuses on compliance with the local construction regulations***
- B. Construction Site Inspection: Conduct inspections of construction sites and related SWP3s for compliance with the local construction regulations.***
- C. Local Construction Regulations: Develop and enforce ordinance or other regulatory mechanism requiring construction sites that disturb greater than or equal to 1 acre or are part of a common plan of development that disturbs greater than or equal to 1 acre, to implement appropriate erosion and sediment control BMPs, and control wastes such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.***
- D. Construction Site Notice Posting: Post an appropriate site notice or NOI in a publicly accessible location for each Coalition construction project subject to the TCEQ Construction General Permit.***
- E. Public Submittal of Information: With the implementation and enforcement of the construction SWP3 regulations, Fort Bend County will address public submittals of information regarding stormwater quality issues at construction sites within the urbanized areas of the county.***

**BMP Measurable Goals & Recordkeeping**

<b>BMP</b>	<b>Records to be Maintained and Summarized in Annual Reports</b>	<b>Measurable Goals</b>
<i>Construction SWP3 Review and Permit Compliance</i>	<i>The number of plans reviewed and approved for construction under this program</i>	<i>Review construction plans that will result in the disturbances of greater than or equal to one acre, or are part of a common plan of development or sale that will result in the disturbance of one or more acres for compliance with the local construction regulations on an as needed basis (year 5)</i>
<i>Construction Site Inspection</i>	<i>The number of construction site inspections performed and construction sites active and subject to the TCEQ Construction General Permit</i>	<i>Conduct inspections according to the local construction regulations (year 5)</i>
<i>Local Construction Regulations</i>	<i>The number of enforcement actions issued based on the local construction regulations</i>	<i>Enforce the local construction regulations as needed. (year 5)</i>
<i>Construction Site Notice Posting</i>	<i>Quantity of site notices posted and the number of public reports received and considered under this program</i>	<i>Post an appropriate site notice at each Coalition construction site subject to the TCEQ Construction General Permit (years 3,4,5)</i>
<i>Public Submittal of Information</i>	<i>The number of public submittals regarding construction sites.</i>	<i>Accept public comments regarding stormwater quality issues at construction sites within the urbanized area. (years 4,5)</i>

**Requested Modifications (modifications are highlighted)**

**MCM 4: Construction Site Stormwater Runoff Control (Page 12 of SWMP)**

**4.C. Best Management Practices and Measurable Goals:**

- A. Construction SWP3 Review and Permit Compliance:** Implement a construction SWP3 review and compliance program that focuses on permittee owned construction sites that are subject to the Construction General Permit TXR150000.
- B. Construction Site Inspection:** Conduct inspections of permittee owned construction sites and related SWP3s for compliance with the Construction General Permit TXR150000.

- C. Local Construction Reporting:** Permittee shall report violations/concerns related to private construction to an adjacent MS4 operator with enforcement authority or to the TCEQ's Field Operations Support Division.
- D. Construction Site Notice Posting:** Post an appropriate site notice or NOI in a publicly accessible location for each Coalition construction project subject to the TCEQ Construction General Permit.
- E. Public Submittal of Information:** With the implementation and enforcement of the construction SWP3 regulations, Fort Bend County will address public submittals of information regarding stormwater quality issues at construction sites within the urbanized areas of the county.

**BMP Measurable Goals & Recordkeeping**

<b>BMP</b>	<b>Records to be Maintained and Summarized in Annual Reports</b>	<b>Measurable Goals</b>
Construction SWP3 Review and Permit Compliance	The number of SWPPPs developed and reviewed for permittee owned construction projects.	Review permittee owned construction plans that will result in the disturbances of greater than or equal to one acre, or are part of a common plan of development or sale that will result in the disturbance of one or more acres for compliance with the Construction General Permit (year 5)
Construction Site Inspection	The number of permittee owned construction site inspections performed and construction sites active and subject to the TCEQ Construction General Permit	Conduct inspections at permittee owned construction sites according to the Construction General Permit regulations (year 5)
Local Construction Reporting	The number of reports received from citizens or field personnel related to private construction site runoff.	Report violations/concerns to adjacent MS4s with enforcement authority or the TCEQ Field Operations Support Division as needed. (year 5)
Construction Site Notice Posting	Quantity of site notices posted and the number of public reports received and considered under this program	Post an appropriate site notice at each Coalition construction site subject to the TCEQ Construction General Permit (years 3,4,5)
Public Submittal of Information	The number of public submittals regarding construction sites.	Accept public comments regarding stormwater quality issues at construction sites within the urbanized area. (years 4,5)

**Existing BMPs for MCM 5**

**5.C. Best Management Practices and Measurable Goals:**

- A. **Development Project Plan Review:** Review development plans to ensure compliance with Coalition post-construction runoff guidelines and inclusion of appropriate permanent stormwater quality controls.
- B. **Inspection of Post Construction Control Measures:** Develop inspection forms and procedures for permanent stormwater quality control structures to ensure adequate long term operation and maintenance of BMPs.
- C. **Local Post Construction Site Runoff Regulations:** Develop and enforce an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects that disturb greater than or equal to 1 acre or are part of a common plan of development resulting in greater than or equal to 1 acre of land disturbance.

**BMP Measurable Goals & Recordkeeping**

<b>BMP</b>	<b>Records to be Maintained and Summarized in Annual Reports</b>	<b>Measurable Goals</b>
<i>Development Project Plan Review</i>	<i>Development plans reviewed and approved under this program</i>	<i>Review construction plans for the inclusion of appropriate post-construction controls on an as needed basis (year 5)</i>
<i>Inspection of Post Construction Control Measures</i>	<i>Inspection records and documentation of maintenance activities performed as a result of the inspection process</i>	<i>Conduct at least 1 inspection of control measures per permit term (year 5)</i>
<i>Local Post Construction Site Runoff Regulations</i>	<i>The number of enforcement actions issued based on the local post construction site runoff regulations</i>	<i>Enforce the local post construction site runoff regulations as needed (year 5)</i>

**Requested Modifications (modifications are highlighted)**

**MCM 5: Post-Construction Stormwater Management in New/Redevelopment (Page 14 of SWMP)**

**5.C. Best Management Practices and Measurable Goals:**

- A. **Project Plan Review:** Review permittee owned plans to ensure compliance with the Construction General Permit post-construction runoff guidelines and inclusion of appropriate permanent stormwater quality controls.
- D. **Inspection of Post Construction Control Measures:** Develop inspection forms and procedures for permittee owned permanent stormwater quality control structures to ensure adequate long term operation and maintenance of BMPs.

- E. Local Post Construction Site Runoff Reporting:** Permittee shall report violations/concerns related to post-construction runoff from new development and redevelopment projects that disturb greater than or equal to 1 acre or are part of a common plan of development resulting in greater than or equal to 1 acre of land disturbance to an adjacent MS4 operator with enforcement authority or to the TCEQ's Field Operations Support Division.

**BMP Measurable Goals & Recordkeeping**

<b>BMP</b>	<b>Records to be Maintained and Summarized in Annual Reports</b>	<b>Measurable Goals</b>
Project Plan Review	Permittee owned plans developed and implemented in compliance with the Construction General Permit.	Review permittee owned construction plans for the inclusion of appropriate post-construction controls on an as needed basis (year 5)
Inspection of Post Construction Control Measures	Inspection records and documentation of maintenance activities performed as a result of the inspection process of permittee owned post construction control measures.	Conduct at least 1 inspection of permittee owned control measures per permit term (year 5)
Local Post Construction Site Runoff Regulations	The number of reports received from citizens or field personnel related to privately owned post construction site runoff.	Report violations/concerns related to post-construction site runoff to adjacent MS4s with enforcement authority or the TCEQ Field Operations Support Division as needed. (year 5)

**Justification**

\*Fort Bend County and Fort Bend County Drainage District developed their initial shared SWMP with the intent of adopting local regulations to regulate stormwater runoff from private construction sites within their MS4. During this permit term, the permittees have been unable to obtain adequate legal authority to adopt the appropriate regulations which would have enabled them to issue a local stormwater permit to private construction sites within their MS4 and conduct inspections of those sites. Therefore, Fort Bend County and Fort Bend County Drainage District are requesting the aforementioned modifications which would allow them to adhere to the authority granted to them under State and local law. The pending draft Phase II MS4 Permit has listed counties and drainage districts as non-traditional MS4s and acknowledged the lack of enforcement authority that these entities have. The modifications listed above reflect this lack of authority and will enable the permittees to utilize adjacent MS4 operators and the TCEQ Field Operations Support Division for enforcement authority.