



City of Pflugerville, Texas

DATE: November 8, 2011

TO: City Council

FROM: Jeremy Frazzell, Senior Planner

RE: City of Pflugerville Municipal Separate Storm Sewer System (MS4) Overview

BACKGROUND

As part of the Clean Water Act, the Environmental Protection Agency (EPA) established the National Pollution Discharge Elimination System (NPDES) program. The program requires all facilities that discharge pollutants from any point source (i.e. verifiable "end of pipe" system) into "Waters of the United States" to obtain a permit, which in Texas is administered by the Texas Commission on Environmental Quality (TCEQ).

In order to further reduce pollutants, EPA expanded its NPDES permit program into a two phased approach to address non-point source pollution associated with storm water discharges from Municipal Separate Storm Sewer Systems (MS4), construction activities and industrial activities. A Municipal Separate Storm Sewer System is any system of conveyances that discharges into a US water body, including storm sewers, drainage ditches, curb and gutter. Phase II of the program is applicable to MS4s located in urbanized areas that serve populations of less than 100,000, and includes the City of Pflugerville. As part of the NPDES Phase II permit, all MS4 operators are required to develop a Storm Water Management Program (SWMP) that:

1. Reduces the discharge of pollutants to the *maximum extent practicable (MEP)*;
2. Protects water quality; and
3. Satisfies the appropriate water quality requirements of the Clean Water Act.

The Storm Water Management Program (SWMP) is also required to establish Best Management Practices (BMP) that addresses the following six minimum control measures:

1. Public education and outreach;
2. Public participation / involvement;
3. Illicit discharge connection and elimination;
4. Construction site runoff control;
5. Post-construction runoff control; and
6. Pollution prevention / good housekeeping.

THE CITY OF PFLUGERVILLE MS4

In 2007, the City received its MS4 general permit and in 2008 adopted a SWMP that includes 24 different BMPs. Although all important, a summary of the more significant BMPs is listed below:

- Create, adopt and enforce a Storm Water Pollution Control Ordinance;
- Develop and adopt interlocal agreements with other governmental agencies to coordinate storm water control and regulation;
- Create a public education program for the City's storm water permit requirements and activities;
- Promote water conservation programs to reduce storm water pollution;
- Adopt and follow the requirements of the Implementation Plan for the Total Maximum Daily Load project to reduce bacteria loading in Gilleland Creek;
- Detect and eliminate illegal disposal of wastes to the city's storm drain system;
- Inspect and repair wastewater lines near the creeks;
- Adopt and enforce storm water management control requirements for construction sites;
- Adopt appropriate structural and non-structural practices to address storm water runoff quality from new development projects.

STORM WATER POLLUTION CONTROL ORDINANCE

The establishment of the Storm Water Pollution Control Ordinance will provide Staff with the necessary framework to amend applicable codes, design standards and establish programs as necessary to implement the Storm Water Management Plan. As proposed, the Storm Water Pollution Control Ordinance includes a section on Illicit Discharge Prevention and Construction Site Storm Water Management. The illicit discharge section is intended to define prohibitions and provide the City with authority to protect against illicit discharges. The construction site section reinforces requirements for storm water pollution protection plans currently required by TCEQ for construction activity and enables the City to have review of these plans and address additional controls if deemed necessary.

A draft version of the ordinance was presented to the Planning and Zoning Commission on September 19, 2011, and to the City Council on October 11, 2011. The draft ordinance included sections devoted to Storm Water Discharges Associated with Industrial Activity and Post Construction Storm Water Management, both of which have been removed from the ordinance per recommendation of the City Attorney. The industrial activity section included items that are currently regulated by TCEQ and are not part of the City's original permit. This section may be added to the ordinance in the future if deemed necessary by TCEQ. The post construction section will be addressed through updates to the Engineering Design Guidelines.

The Planning and Zoning Commission conducted a public hearing on November 7, 2011 and recommended approval to include Chapter 158, Storm Water Pollution Control Ordinance into the Code of Ordinances. Final adoption of the ordinance is anticipated for December 2011 with implementation to be in February 2012.

Additional information pertaining to EPA and the NPDES Phase II requirements can be found at:

<http://www.epa.gov/npdes/regulations/phase2.pdf>