



# Construction and Municipal Stormwater

- Kristen Fenati, TCEQ SBLGA/ DFW Office

# Types of MS4

- Phase I MS4s in TCEQ DFW Region:
  - Medium and Large MS4s, individual permit
  - Arlington, Dallas, Fort Worth, Garland, Irving and Plano
- Phase II MS4s
  - NOI General Permit, divided into levels:
    - Level 1: < 10,000 people
    - Level 2:
      - 2a: 10,000 – 40,000 people
      - 2b: non-traditional, counties, military bases, colleges, correctional institutions
    - Level 3: 40,000 – 100,000 people
    - Level 4: > 100,000 people

# Phase I MS4s Reporting

- Annual Reports
  - Deadline is unique for each permit
  - Often based on issuance date or the MS4 fiscal year
  - [MS4 Annual Report Checklist](#)
    - TCEQ use this checklist to evaluate annual reports submitted by Phase I MS4s

# Phase II MS4s Annual Report

- 2024 General Permit moved everyone to Calendar Year
  - Report is due March 31st (90 days after end of calendar year)
  - NetMS4 not available yet for annual report
  - Small MS4s with a public website, required to post their annual report or summary on their website 30 days after March 31st

# Future Phase II Annual Reports

- Expectation is that future Phase II Annual Reports will be submitted in NetMS4
  - Will pull site-specific information from NOI submitted in NetMS4
  - Can be notified of annual report updates by [signing up for gov delivery](#) emails or checking our website

# CGP Updates

- TCEQ Stormwater Stakeholder Group
  - Meeting to learn about 2028 CGP renewal
  - Guests can provide comments
  - June 9, 2026 1:30 p.m. to 4:00 p.m.
    - Austin and virtual option
  - Information can be found on [our website](#)
  - Comments must be submitted by June 23, 2026

# MSGP Updates

- MSGP renewal period starts August 14, 2026 and ends November 12, 2026
  - TCEQ will have resources for renewal on our website
    - STEERS NOI screenshot videos
    - Existing STEERS guidance documents
    - Template SWP3
    - Not many changes with the renewal permit, but expect MS4s to get some calls
    - Appreciate when MS4s help notify and remind MSGP facilities of renewal

# Questions?

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# Minimum Control Measures (MCMs)

- MCM 1: Public Education and Outreach
- MCM 2: Public Involvement/ Participation
- MCM 3: Illicit Discharge Detection and Elimination
- MCM 4: Construction Stormwater Runoff Control
- MCM 5: Post Construction Stormwater Management
- MCM 6: Pollution Prevention for Municipal Operations
- MCM 7: Industrial Sources (**Only for Level 4**)
- MCM 8: Construction where MS4 is Operator (**Optional**)

# Changes from 2019 Phase II MS4 to 2024 Phase II MS4

- Move to comprehensive permit (no more two-step, no SWMP approval)
- Prescribe specific requirements/BMPs for each MS4 to implement in their SWMP
  - Remain flexible for MS4s to address local concerns
- Remove public notice requirements for NOIs and NOCs



# 2025 Phase II Annual Report

- Annual Report documenting 2025 due in March 2026
  - Facilities with approved 2024 NOI
    - Submit by paper, original to Austin, copy to Region
  - Facilities with only approved 2019 NOI
    - Submit by paper, original to Austin, copy to Region
    - Report continued activities from their 2019 approved SWMP
    - Submit their annual report within 90 days of the end of the reporting year they selected for the 2019 permit cycle (permit year, fiscal year, or calendar year).

# 2024 Phase II MS4s

- April 2026
  - 400 NOIs approved
  - 254 NOIs pending
    - some waiting response to deficiency letters
  - 60 waivers pending

# 2019 Phase II MS4 Universe

- Level 1: 112 authorizations (21%)
- Level 2: 359 authorizations (68%)
- Level 3: 43 authorizations (8%)
- Level 4: 12 authorizations (2%)

# Urban Areas

- Add to applicability criteria MS4 operators located within the “2020 Urban Areas with a population of 50,000 or more people” to replace the term “urbanized area” throughout the permit
  - Necessary to comply with the federal *NPDES Small MS4 Urbanized Area Clarification* rule
  - Extend coverage to some new MS4 operators
  - Will not de-regulate any MS4 operators
    - Once in, always in
- Stormwater Permitting has [a PowerPoint](#) that covers this topic



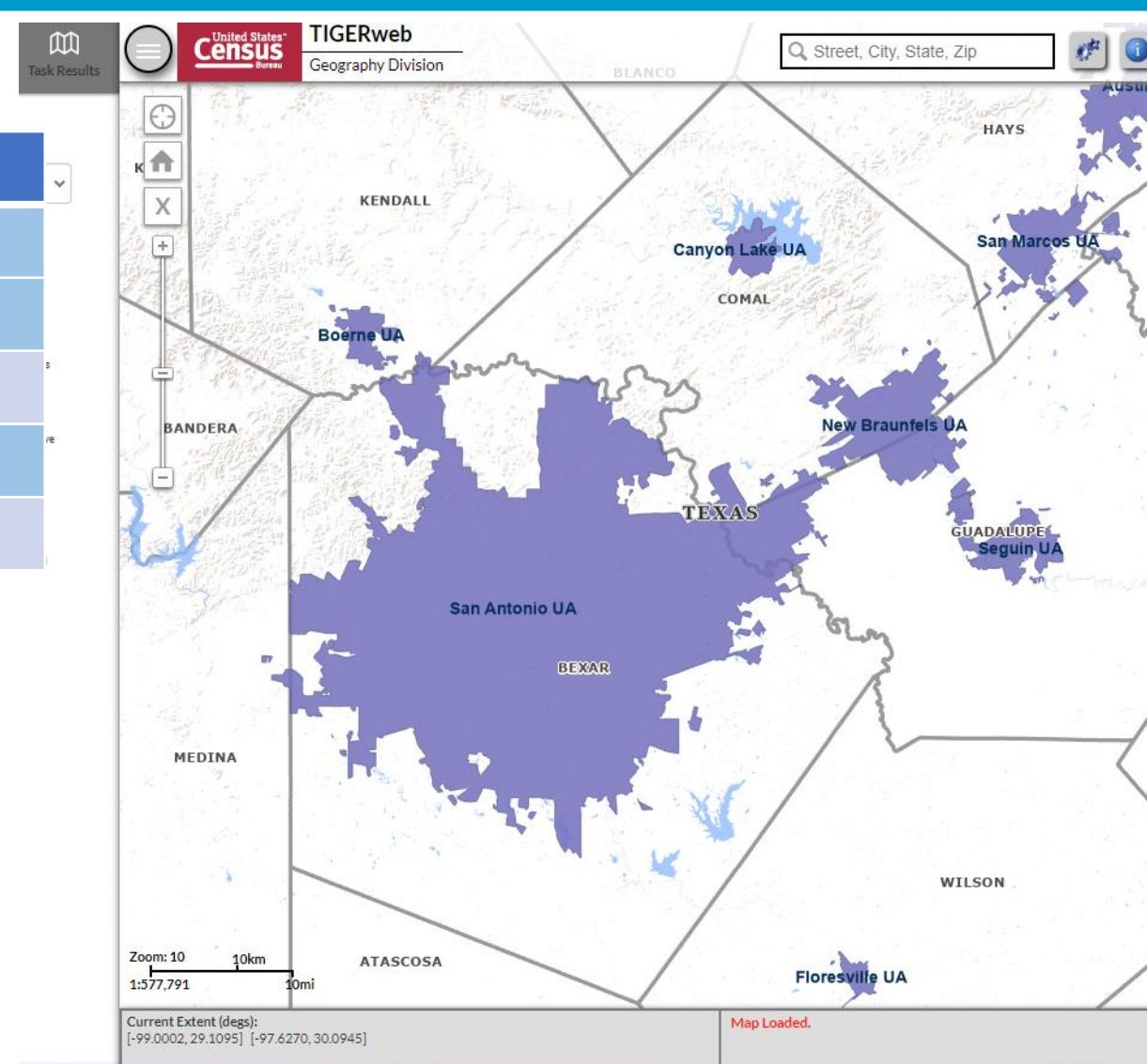
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# 2020 Decennial Census

## Example using Census Bureau Resources

Urban Area Name	Urban Area Population
San Antonio	1,992,689
New Braunfels	100,736
Boerne	18,320
San Marcos	70,801
Floresville	6,313

*\*“Urban Area with a population of 50,000 or more people”, refers to the population of the urban area and not the individual municipalities within the urban area*



# Example Proposed BMPs and Measurable Goals Table

## MCM 4: Construction Site Stormwater Runoff Control

Activity/BMP	Measurable Goals
<b>Develop and maintain an ordinance or other regulatory mechanism as described in Part IV.D.4.(a).</b>	Review and update the ordinance or other regulatory mechanism at least one time during the permit term to address changes and make improvements to the ordinance where applicable.
<b>Conduct construction site inspections as described in Part IV.D.4.(b)(4).</b>	Conduct inspections at 80% of active construction sites annually according to the established procedures (or some Level 2b small MS4s must notify the appropriate agency with the authority to act).  Each year, conduct follow up inspections in 100% of cases where necessary as described in the established procedures (except for some Level 2b small MS4s without the appropriate authority to act).
<b>Develop, implement, and maintain procedures for receipt and consideration of information submitted by the public as described in Part IV.D.4.(b)(5).</b>	Review and update procedures for the receipt and consideration of information submitted by the public at least one time annually to address changes and make improvements to the established procedures where applicable.  Maintain one webpage, hotline, or similar method for receipt of information submitted by the public throughout the permit term.