

Storm Water Management Plan



Midland County, Texas

Compliance with Texas Pollutant Discharge

Elimination System Permit Number TXR040000

Phase II Municipal Separate Storm Sewer Systems
(MS4s)

July 2019, Updated November 2023
PSC Project #01285018

Parkhill

MIDLAND COUNTY, TEXAS

STORM WATER MANAGEMENT PLAN

1.0 EXECUTIVE SUMMARY

Midland County is subject to regulation by the Texas Commission on Environmental Quality (TCEQ) under the Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000. This permit authorizes storm water discharges from small municipal separate storm sewer systems (MS4s) into surface waters of the state of Texas. The intent of the permit is to protect water quality by reducing pollutants such as sediment and chemicals that enter storm water runoff. The current general permit runs from January 24, 2019 – January 23, 2024.

Each time TCEQ issues a new general permit for storm water, Midland County is required to adopt and implement a storm water management plan (SWMP) for the urbanized portions of the county. The SWMP must address Minimum Control Measures (MCM's) by adopting Best Management Practices (BMPs) intended to achieve the regulatory standard of reducing pollutants in the County's storm water to the "maximum extent practicable."

Existing Midland County storm water programs and activities designed to protect the County's water quality will be supplemented with new BMP activities during the 2019-2024 permit term as required by the new general permit. Measurable goals and an implementation schedule are included for each of the BMPs in the SWMP.

BMPs, measurable goals, and the implementation schedule were selected based upon their ability to meet specific permit requirements and to reduce pollutants in the County's storm water to the maximum extent practicable. They were also selected based upon a general assessment of BMP effectiveness, applicability to Midland County, and costs associated with implementation of the BMPs. Effectiveness of the selected BMPs, and success in achieving the selected measurable goals will be reviewed annually.

2.0 REGULATORY AND PROGRAMMATIC ELEMENTS

2.1 Permit Applicability and Coverage

Midland County (the County) is eligible for coverage under Texas Pollutant Discharge Elimination System (TPDES) General Permit TXR040000 (General Permit) to discharge storm water runoff from the urbanized portions of its small municipal separate storm sewer system (MS4). The coverage of the permit is limited to those areas that are located within the urbanized areas, but not located within the city limits of the Cities of Midland or Odessa.

The regulated portion of the small MS4 operated by Midland County is defined as the Urbanized Area by the U.S. Census Bureau in 2000 or 2010. See Exhibit A for the regulated urbanized area, which is adjacent to portions of the Cities of Midland and Odessa.

2.2 Small MS4 Category

TCEQ has differing requirements for MS4 operators based on the population in the urbanized area. MS4s operated by counties, regardless of population, are classified by TCEQ as Level 2 MS4s. This category has the same requirements as cities with urbanized populations of 10,000 – 40,000. The permit refers to counties, along with universities, various districts, TxDOT, and others that own MS4s but are not cities as “non-traditional small MS4s”.

2.3 Regulatory Authority

TCEQ recognizes that counties do not have the same regulatory authority as cities, since the state constitution and statutes do not allow counties to enact ordinances, nor gives the same enforcement authority that cities have. The general permit has language recognizing these limitations, summarized as follows:

- The County must at a minimum enforce the permit requirements on its own operations and for any entity which it can control, such as employees and contractors.
- The County is encouraged to enter into interlocal agreements with adjacent municipalities to meet the general permit requirements.
- The County should report discharges or incident that it cannot enforce against to TCEQ.

Midland County has adopted the following court orders which provide authority for implementing the SWMP:

- Adoption of Texas Water Code Chapter 26 (Water Quality Control) and Texas Health and Safety Code Chapter 382. (Clean Air Act) (2018)
MCMs affected: 2. The County adopted these sections of Texas Law in order to create an environmental enforcement division under the District Attorney’s supervision, employing Texas Peace Officers to enforce the State’s public health laws. This arrangement has been successful in resolving pollution incidents that could affect stormwater quality.
- Midland County Subdivision Regulations (1992, with latest revision 2018)

MCMs affected: 3, 4. These regulations apply to subdivisions that require County approval by state law and are used for review outside the ETJs of Midland and Odessa. They also allow review of subdivision road and drainage construction drawings by County staff. They include drainage requirements that will have stormwater quality benefits, including erosion control on embankments at certain locations.

- Interlocal Agreement with City of Midland (2013)
MCMs affected: 2, 3, 4. Midland County has an interlocal agreement with the City of Midland that provides some regulation of storm water runoff in the ETJ and satisfies or assists in some MS4 permit requirements. Relevant provisions include:
 - permitting of on-site sewage facilities (septic systems)
 - inspection and permitting of food service establishments
 - permitting of swimming pools
 - makes the City of Midland sole authority on regulating subdivisions within the extra-territorial jurisdiction (ETJ)
 - states the City of Midland will provide a Hazardous Material Response Team
- Interlocal Agreement with City of Odessa (2004)
MCMs affected: 3,4. Midland County has an interlocal agreement with the City of Odessa, which provides some regulation of storm water runoff in the ETJ and satisfies or assists in some MS4 permit requirements. Relevant provisions include:
 - makes the City of Odessa sole authority on regulating subdivisions within the extra-territorial jurisdiction (ETJ)
 - provides for subdivision plats in the Odessa ETJ to be reviewed by both Midland County Road and Bridge and Odessa Director of Public Works

As per the General Permit, the County will notify the TCEQ's Field Operations Division as needed to report discharges or incidents that it cannot itself enforce against.

BMPs 2.2 and 3.1 in this Storm Water Management Plan contain an action plan for assessing the County's enforcement authority related to this program.

2.4 Participating Entities

Implementation of Midland County's SWMP relies on an interlocal agreement with the City of Midland for permitting and inspection of OSSF's, through an existing inter-local agreement. The City of Midland Fire Department also responds to hazardous material spills outside City limits.

The Cities of Odessa and Midland exercise their authority to review proposed subdivision plats within the ETJ's of those cities. No inter-local agreement is required for these reviews. However, enforcement of local ordinances within the ETJ's enhances the goal of reducing pollutants to the MS4.

TCEQ is relied on for enforcement actions that the County is not allowed to undertake.

Midland County participated in the storm water advisory committee of the City of Midland in 2002-2003. The City of Midland formed a Storm Water Advisory Committee at that time to provide guidance in the selection of BMPs appropriate for this region and the development of

Midland's SWMP. Midland County provided a representative to that committee to coordinate between the municipalities and to educate the county on possible BMPs.

2.5 Allowable Non-Stormwater Discharges

Midland County, through this storm water management plan, adopts by reference the list of Allowable Non-Stormwater Discharges in the TXR040000 general permit, Part II, Section C.

2.6 Additional Requirements for Discharges to Certain Waters

There are extra SWMP requirements if the MS4 in question drains to a surface water that has an approved Total Maximum Daily Load (TMDL), which limits pollutant discharges to already polluted waters.

Midland County discharges to draws that eventually reach Segment 1412B of Beal's Creek, an impaired stream in Big Spring, which does not have an approved TMDL. Thus, the County's MS4 discharges to an impaired body, but not directly to it. General Permit Part II.D.4(b) specifies the extra SWMP requirements are for discharges directly to the impaired water. This excludes Midland County from any TMDL additional requirements.

Midland County is required to annually verify whether the EPA list of impaired water has been expanded to include any waters within the County's permitted urbanized area. This is to be done in conjunction with the annual report.

There are additional requirements for MS4s that discharge to the Edwards Aquifer Recharge Zone, but these do not apply to Midland County.

2.7 SWMP Program Administration

The Best Management Practices included in this Storm Water Management Plan are implemented through multiple departments. Key positions for this program include the website administrator in the IT department, the County Commissioners' staff, Environmental Enforcement (under the District Attorney's office), the Road and Bridge Department, the Fire Marshal/Emergency Management office, and the County Attorney.

Overall program administration and reporting are currently the responsibility of Precinct 2 Commissioner Robin Donnelly.

2.8 Development and Review Process for SWMP

Midland County had coverage under a previous version of the TPDES Small MS4 General Permit, developed in 2007-2008. For that SWMP, the BMPs, measurable goals, implementation schedule, and first SWMP were developed with input from County Staff, the City of Midland's Storm Water Advisory Committee, upon which the County participated, and review by the County Commissioners.

For the current permit term, meetings with County Staff culminated in the development of a Draft Storm Water Management Plan for the County. Review and comment will be provided by the Midland County Commissioner's Court. The SWMP and a Notice of Intent to be covered by the TPDES general permit TXR040000 will then be submitted to TCEQ for review.

After TCEQ review, the SWMP will be made available for 30 days of general public comment via a public notice in the local newspaper when instructed by TCEQ. If significant public interest exists, TCEQ will direct the County to hold a public meeting for additional public input.

2.9 Annual Requirements

There are several required activities in the general permit that must be implemented on an annual basis.

- Annual Report. TCEQ regularly updates the format of this report and publishes a new version on their stormwater web page. The County has selected a reporting period of fiscal year, (October 1 – September 30), and the annual report is due within 90 days of the end of the selected reporting period, or by December 29 of each year.
 - Then annual report states the County's progress toward the selected Measurable Goals for each of the BMPs described in the following section.
 - The annual report is required to note whether any impaired waters within the urbanized areas of Midland County have been added.
 - The report has a section in which the County lists the stormwater activities to be performed in the following fiscal year.
 - The annual report must be signed by the County Judge in conformance with 30 TAC 305.44.
- Each year the County is required on the annual report to note whether the BMPs in the SWMP are "appropriate".
 - If the County decides that a selected Best Management Practice is unworkable or ineffective, it can choose a better one that meets the same objective.
 - This means that the SWMP will be changed. Generally, the table of BMPs with schedule is the only part of the SWMP that would need revision.
- Notice of Change. If the County decides to change the Stormwater Management Plan, it may require a Notice of Change form to be submitted to the TCEQ.
 - Like the annual report, the latest form should be obtained from the TCEQ stormwater web page.
 - The Notice of Change form can be submitted with the annual report or at any time of year.
 - Some changes also require public notice. See permit pages 25-26.
 - Beginning December 21, 2020, all Notice of Change forms must be submitted on the TCEQ website instead of by paper.

3.0 STORM WATER MANAGEMENT PLAN SPECIFICS

Midland County developed this storm water management plan (SWMP) in accordance with TPDES general permit requirements for obtaining authorization for storm water discharges and certain non-storm water discharges. The SWMP will facilitate the County's efforts in reducing storm water pollutants from their MS4 to the maximum extent practicable, as required by the permit.

The SWMP describes specific actions that will be taken over a five-year period from January 24, 2019 to January 23, 2024 to reduce pollutants and protect the County's storm water quality.

The TPDES General Permit requirements contain six Minimum Control Measures (MCM's) and one optional MCM. The minimum control measures are:

1. Public Education, Outreach, and Involvement
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Site Stormwater Runoff Control
4. Post-Construction Stormwater Management in New Development and Redevelopment
5. Pollution Prevention and Good Housekeeping for Municipal Operations
6. Industrial Stormwater Sources (*does not apply to Midland County*)
7. (Optional) Authorization for Construction Activities where the Small MS4 is the Site Operator (*not selected by Midland County*)

Within each of the required MCM's, there are multiple requirements for the County, but the County has flexibility in how the requirements can be met. The County has chosen activities called Best Management Practices (BMPs) to meet each of the requirements in the general permit. Each of these BMPs has Measurable Goals that have been developed to provide a mechanism for judging the success of the County's SWMP toward reaching the goal of protecting the County's water quality and reducing pollutants to the maximum extent practicable.

To the greatest extent possible, the BMPs and measurable goals were selected to take credit for existing on-going programs that serve the County not just to protect storm water quality but also advance other County interests. Required new activities were chosen based on their predicted effectiveness at meeting permit requirements, appropriateness for this region and county, and estimated cost.

As provided under the General Permit, the County will continue existing activities throughout the five-year term and will implement required new BMPs of the SWMP over that period. Accordingly, a reasonable progression of measurable goals was developed for each of the selected BMPs. The goals were selected with a consideration toward developing a logical progression of implementation, assessing the ability to measure and track progress, and working within budgetary constraints.

Specific requirements of each MCM are provided below. Following each listing of MCM requirements, a table is provided that lists its selected BMPs, measurable goals, and documentation needed to verify the goal has been accomplished.

3.1 MCM 1: Public Education, Outreach and Involvement

Summary: The permit requires Midland County to maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste as well as the steps that the public can take to reduce pollutants in stormwater.

General Permit References: Part III, Section B.1, pages 35-36.

2019-2024 Midland County Specific Requirements for this MCM:

- Define goals and objectives of the program based on high priority community wide issues.
- Identify target audiences for the program
- Develop or use educational materials.
- Determine cost effective and practical methods for distribution of materials.
- Make materials available to the target audience at least annually.
- The SWMP and all annual reports are to be included on the County web site.
- Comply with state notice requirements when implementing activities related to the SWMP.
- Consider using public input in the implementation of the program.
- If feasible create opportunities for citizen participation.
- Ensure the public can easily find information about the SWMP.
- In MCM 2, the County is required to publicize and facilitate public reporting of illicit discharges.

Description of Midland County Selected BMPs and Measurable Goals for this MCM:

- Define goals and objectives of the program based on high priority community wide issues. (BMP 1.1)
 - Issue: The County has identified illegal dumping as an issue throughout the County, both within the City limits of Midland and Odessa and urbanized and non-urbanized areas outside any corporate limits.
 - Goal: The County aims to educate the public about this issue, and to use enforcement tactics that rely on voluntary cleanup as an educational initial approach to violators.
 - Issue: The County has identified improper disposal of oil and gas waste such as saltwater and drilling fluids as a significant source of pollutants in unincorporated Midland County.
 - Goal: The County aims to educate potential violators, and to enforce regulations that protect the environment.
 - Issue: The County has identified undersized or non-permitted OSSF's as sources of pollution in rural areas of the County.
 - Goal: The County aims to locate violations and compel the property owner to bring the systems into compliance with local and state regulations through criminal enforcement.

- Midland County identified the following target audiences. (BMP 1.1)
 - County employees that could spot illicit discharges or connections.
 - County employees needing training on good housekeeping and pollution prevention for internal County operations.
 - County staff involved in the construction stormwater review and inspection process.
 - Potential polluters.
 - The general public who may observe violations.
- Midland County has and will develop or use educational materials. (BMP 1.1)
 - The Environmental Enforcement web page currently contains information about Texas laws related to illegal dumping and other educational messages.
 - The SWMP contains a provision to add storm water related information to this web page.
- Midland County will determine cost effective and practical methods for distribution of materials. (BMP 1.1)
 - Midland County has determined that the web site is the best method for quickly distributing information to the public.
 - County employees will need to be trained in groups, initially.
- Make materials available to the target audience at least annually. (BMP 1.1)
 - The web site is always available and can be updated quickly with new information.
 - The web site assists both County employees and the public.
- Consider using public input in the implementation of the program.
 - Midland County participated in the City of Midland Stormwater Advisory Committee and used feedback from that process to create the original SWMP.
- If feasible create opportunities for citizen participation. (BMP 1.5)
 - Midland County co-sponsors Keep Midland Beautiful for an electronics recycling program.
- The SWMP and all annual reports are to be included on the County web site. (BMP 1.1 and BMP 1.3)
 - Information Technology website administrator will be responsible for adding these items to the web site.
 - SWMP calls for No Impaired Water Verification to be included with the annual report.
- In MCM 2, the County is required to publicize and facilitate public reporting of illicit discharges. (BMP 1.4)
 - The Environmental Enforcement web page contains a central contact point for such reports.

Stormwater Management Plan - Best Management Practices and Measurable Goals

MCM. BMP #	Regulatory Reference	BMP Name	Measurable Goals and Schedule									
			Deadline Sept. 30, 2019		Deadline Sept. 30, 2020		Deadline Sept. 30, 2021		Deadline Sept. 30, 2022		Deadline Jan. 24, 2024	
			BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal
1.1	III.B.1(a)(1) and III.B.1(b)(3)	Web Site Educational Material	Evaluate web site information. Post additional materials if needed. Improve ease of access	Print copy of page showing information available	Update web site with new materials if applicable.	Print copy of page showing information available	Update web site with new materials if applicable.	Print copy of page showing information available	Update web site with new materials if applicable.	Print copy of page showing information available	Update web site with new materials if applicable.	Print copy of page showing information available
1.2	III.B.1(a)(3) and III.B.1(b)(3)	SWMP and Annual Report	Put SWMP on web site <30 days after approval. Post annual report <30 days after due date.	Print copy of page showing availability	Post annual report on web site <30 days after due date	Print copy of page showing availability	Post annual report on web site <30 days after due date	Print copy of page showing availability	Post annual report on web site <30 days after due date	Print copy of page showing availability	Post annual report on web site <30 days after due date	Print copy of page showing availability
1.3	II.D.4	No Impaired Water Verification	Check TCEQ 305(b) and 303(d) list	Copy of pages from TCEQ website list.	Check TCEQ 305(b) and 303(d) list	Copy of pages from TCEQ website list.	Check TCEQ 305(b) and 303(d) list	Copy of pages from TCEQ website list.	Check TCEQ 305(b) and 303(d) list	Copy of pages from TCEQ website list.	Check TCEQ 305(b) and 303(d) list	Copy of pages from TCEQ website list.
1.4	III.B.2(c)(3) and III.B.3(b)(6)	Public Reporting	Provide contact point for public complaints and reports	Print web page showing contact form and phone	Update contact point if needed	Print web page if revised	Update contact point if needed	Print web page if revised	Update contact point if needed	Print web page if revised	Update contact point if needed	Print web page if revised
1.5	III.B.1(b)(2)	Electronics Recycling	Sponsor KMB Electronics Recycling Program	Print KMB web page showing sponsorship	Sponsor KMB Electronics Recycling Program	Print KMB web page showing sponsorship	Sponsor KMB Electronics Recycling Program	Print KMB web page showing sponsorship	Sponsor KMB Electronics Recycling Program	Print KMB web page showing sponsorship	Sponsor KMB Electronics Recycling Program	Print KMB web page showing sponsorship

3.2 MCM 2: Illicit Discharge Detection and Elimination (IDDE)

Summary: Develop, implement and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

General Permit References: Part III, Section B.2, pages 36-38.

2019-2024 Midland County Specific Requirements for this MCM:

The discharges into the street system, channels and ponds in Midland County urbanized areas (MS4) that are authorized under this permit include:

- Stormwater runoff

And the following Non-Stormwater flows:

- Water line flushing discharges, but not if hyper-chlorinated
- Runoff from irrigation
- Discharges from potable water sources that don't violate Texas Surface Water Quality Standards
- Diverted stream flows
- Rising ground waters and springs
- Uncontaminated ground water infiltration
- Uncontaminated pumped ground water
- Foundation and footing drains
- Air conditioning condensation
- Water from crawl space pumps
- Individual residential vehicle washing
- Flows from wetlands and riparian habitats
- De-chlorinated swimming pool discharges that don't violate Texas Surface Water Quality Standards
- Street wash water, but excluding street sweeper waste water
- Flow from emergency firefighting activities, not including washing of trucks, training activities, test water from fire suppression systems, etc.
- Other allowable non-stormwater discharges defined as those non-stormwater flows that have not been identified by Midland County or by TCEQ as a significant source of pollutants to the Midland County.

Any flow into the MS4 that is not on the list above is classified as an illicit discharge. Illicit discharges include illegal dumping, if it might contaminate stormwater runoff, or connections to the storm drain system or sanitary sewer.

The following is a list of items in the general permit that apply to Midland County under this MCM.

- Develop an MS4 map, including location of all outfalls and name of all surface waters receiving flow from the outfalls.
- Determine enforcement authority for the IDDE program
- Inform and train County field staff about Illicit Discharges
- Investigate and trace the source of Illicit Discharges
- Prevent and correct leaking on-site sewage disposal systems
- For non-traditional MS4s, report any illicit discharges or connections to affected adjacent MS4 operators within 48 hours of discovery.
- Publicize opportunity for public to report illicit discharges or water quality impacts.
- Make inspections in response to complaints and conduct follow-up inspections.
- Have on-site procedures for spill response and illicit discharges (presumably on County facilities as well as on County ROW or private property).
- Notify parties responsible for illicit discharges and require them to correct and eliminate it.

Description of Midland County Selected BMPs and Measurable Goals for this MCM:

- Develop an MS4 map, including location of all outfalls and name of all surface waters receiving flow from the outfalls. (BMP 2.1)
 - The usual interpretation of this regulation is that the regulated MS4 has a named surface water passing through it, and most points where a concentrated flow of water enters the stream are “outfalls”, to be mapped. However, there are no named surface waters in Midland County, as classified by TCEQ. The nearest named stream segment is 1214B, a portion of Beal’s Creek in Howard County near Big Spring. All portions of the urbanized areas in Midland County drain eventually to this segment via various draws that combine into Mustang Draw. This raises the question of how the County can comply with the mapping requirement.
 - Information received from TCEQ suggests that since there are no TCEQ-named streams in the Midland County, it is permissible for the County to treat locations where concentrated flow leaves the urbanized area as the only outfalls for the County’s regulated MS4.
 - For the 2019-2024 permit term, a map of outfalls as defined above must be developed. This can be a paper or GIS map. It may need to be updated after the 2020 census is released, because the limits of the urbanized area may change, thus moving the outfall points.
- Determine enforcement authority for the IDDE program (BMP 2.2)
 - As discussed in section 2.3 above, counties do not have as much enforcement authority as cities under Texas law. Midland County has an Environmental Enforcement division utilizing peace officers to enforce state law, which can also enforce the stormwater management program to the extent that state laws apply.
 - The SWMP for 2019 call for a detailed evaluation of enforcement procedures and authority and tabulation of types of illicit discharges expected with how they will be enforced.

- Inform and train County field staff about Illicit Discharges (BMP 2.3)
 - The SWMP schedule has training scheduled after investigation procedures are written.
 - Training materials can be developed in-house or obtained elsewhere.
 - County employees are typically trained by supervisors and insurance company or subject matter experts.
- Investigate and trace the source of Illicit Discharges (BMP 2.4)
 - General permit detailed requirements:
 - Prioritize based on relative risk of pollution
 - Report any illicit flows to TCEQ if they are believed to be an immediate threat to human health or the environment.
 - Document each investigation, including date of observation, results of investigation, any follow-up to it, and date investigation was closed.
 - Identify the source if it is in the County's jurisdiction. If not notify the adjacent jurisdiction or TCEQ.
 - Midland County has several staff members who can investigate to determine the source of illicit discharges, depending on the type of discharge. These include Environmental Enforcement, Road and Bridge, and the Fire Marshal. The Midland Health Department can investigate OSSF related discharges.
 - The SWMP calls for evaluation of current procedures during the permit term, and revision if needed.
- For non-traditional MS4s, report any illicit discharges or connections to affected adjacent MS4 operators within 48 hours of discovery. (BMP 2.4)
 - This permit stipulation recognizes the interconnected nature of MS4 operators, which can include the County, local cities, and TxDOT.
 - This provision is noted in the investigation procedures.
- Make inspections in response to complaints and conduct follow-up inspections. Have on-site procedures for spill response and illicit discharges (presumably at County facilities as well as on County ROW or private property). (BMP 2.4)
 - There is a more detailed follow-up inspection requirement for Level 3 and 4 cities, which requires a follow-up investigation of all illicit discharges that have been eliminated.
 - Since this follow-up investigation is only mentioned in reference to public complaints, it appears that the County is only required to conduct follow-up investigations after public complaints.
 - The County should evaluate the current process for follow-up investigations during the permit term.
- Publicize opportunity for public to report illicit discharges or water quality impacts. (BMP 1.4)
 - This requirement for BMP 2 is achieved on the web site as part of BMP 1.

- Prevent and correct leaking on-site sewage disposal systems (BMP 2.5)
 - Currently, OSSFs are permitted and inspected by the City of Midland Health Department through an interlocal agreement. This should prevent poor construction on new OSSFs that would lead to leakage.
 - Midland County has determined that there are problems with unpermitted OSSFs being constructed, particularly at RV parks. The Environmental Enforcement group responds to these instances in conjunction with TCEQ and the City, where appropriate.
- Have on-site procedures for spill response and illicit discharges (BMP 2.4, 2.5 and 5.3)
 - This provision refers to spill response.
 - On-site procedures for spills at County facilities are covered under BMP 5.
 - The County has procedures for responding to any illicit discharge on County facilities as well as on County ROW or private property.
 - During this permit term these procedures are scheduled to be reevaluated.
- Notify parties responsible for illicit discharges and require them to correct and eliminate it. (BMP 2.5)
 - Environmental Enforcement staff offer violators an opportunity to avoid fines and jail time by removing dumped materials, where possible.
 - Hazardous material spills are removed by a third-party contractor and the spiller is charged.
 - The SWMP calls for continuing the existing program for enforcement, which has been effective.
 - TCEQ can be a resource for enforcement, especially on private property where there is no criminal offense, and the County has no rights to enter or enforce.

Stormwater Management Plan - Best Management Practices and Measurable Goals

MCM. BMP #	Regulatory Reference	BMP Name	Measurable Goals and Schedule									
			Deadline Sept. 30, 2019		Deadline Sept. 30, 2020		Deadline Sept. 30, 2021		Deadline Sept. 30, 2022		Deadline Jan. 24, 2024	
			BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal
2.1	III.B.2(a)(1)a and III.B.2(c)(1)	MS4 Mapping	Map outfall locations for regulated portions of the County	Map in GIS or paper map	Update map(s) as needed	Copy of revised map(s) if applicable	Update map(s) as needed	Copy of revised map(s) if applicable	Update map(s) as needed	Copy of revised map(s) if applicable	Update map(s) as needed, especially if new census changes urbanized areas.	Copy of revised map(s) if applicable
2.2	II.A.2(b) and II.A.3(b)	Enforcement Authority	Evaluate enforcement authority.	Table showing each activity and how enforcement is/will be handled.								
2.3	III.B.2(a)(1)b and III.B.2(c)(2)	IDDE Training	Train elected officials and affected managers.	Copy of training log and training information.			Train field staff that may find illicit discharges. Include IDDE procedures.	Keep sign-in sheets and record training info in training log.	Train field staff that may find illicit discharges. Include IDDE procedures.	Keep sign-in sheets and record training info in training log.	Train field staff that may find illicit discharges. Include IDDE procedures.	Keep sign-in sheets and record training info in training log.
2.4	III.B.2(a)(1)c and III.B.2(a)(2) and III.B.2(c)(4) and III.B.2(c)(5)a&b	Investigation of Illicit Discharges	Document procedures for investigations of different types of illicit discharge.	Create illicit discharge response procedures document	Use standard procedures to investigate illicit discharges	Report showing stormwater-related illicit discharges are being investigated and record statistics	Use standard procedures to investigate illicit discharges	Report showing stormwater-related illicit discharges are being investigated and record statistics	Use standard procedures to investigate illicit discharges	Report showing stormwater-related illicit discharges are being investigated and record statistics	Use standard procedures to investigate illicit discharges	Report showing stormwater-related illicit discharges are being investigated and record statistics
2.5	III.B.2(a)(1)d&e and III.B.2(c)(5)c and III.B.2(c)(6)	Removing Sources of Illicit Discharges	Enforce regulations that address illicit discharges, where possible, including leaking OSSF's. If County lacks enforcement authority, refer to TCEQ.	Report on outcomes of investigations related to stormwater illicit discharges	Enforce regulations that address illicit discharges, where possible, including leaking OSSF's. If County lacks enforcement authority, refer to TCEQ.	Report on outcomes of investigations related to stormwater illicit discharges	Enforce regulations that address illicit discharges, where possible, including leaking OSSF's. If County lacks enforcement authority, refer to TCEQ.	Report on outcomes of investigations related to stormwater illicit discharges	Enforce regulations that address illicit discharges, where possible, including leaking OSSF's. If County lacks enforcement authority, refer to TCEQ.	Report on outcomes of investigations related to stormwater illicit discharges	Enforce regulations that address illicit discharges, where possible, including leaking OSSF's. If County lacks enforcement authority, refer to TCEQ.	Report on outcomes of investigations related to stormwater illicit discharges

3.3 MCM 3: Construction Site Storm Water Runoff Control

Summary: Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or if that construction activity is part of a larger common plan of development.

General Permit References: Part III, Section B.3, pages 40-43.

2019-2024 Midland County Specific Requirements for this MCM:

- The County must require construction site operators to implement appropriate erosion and sediment control BMPs.
- Prohibit certain illicit discharges that are commonly associated with construction.
- As allowed by state law, have a site plan review procedure. This should minimize water quality impacts.
- As allowed by state law, inspect construction projects.
- Enforce applicable local and state laws.
- Respond to information submitted by the public on construction sites.
- Train MS4 staff whose job duties are related to implementing MCM 3.

Description of Midland County Selected BMPs and Measurable Goals for this MCM:

- The County must require construction site operators to implement appropriate erosion and sediment control BMPs. (BMP 3.1 and 3.2)
 - This SWMP selects the approach of ensuring that construction activities one acre or greater in size (or part of a larger development) have the TPDES construction general stormwater permit coverage to meet this requirement.
 - The Texas Local Government Code does not specifically allow the County to regulate water quality, only drainage.
 - At a minimum, the County can implement this MCM for County-owned construction sites over one acre.
 - The County has limited interaction with private construction sites.
 - This SWMP includes a provision to evaluate current review process and regulations and add or change elements that might enhance stormwater runoff quality, if legally permitted.
- Prohibit certain illicit discharges that are commonly associated with construction. (BMPs 3.1 and 3.4)
 - These discharges are prohibited by adoption of this SWMP.
 - For County-owned roadway and building projects, standard contract language typically requires compliance with state and federal regulations. The SWMP includes an evaluation of all County contracting methods and revision to strengthen this language if needed.

- As allowed by state law, have a site plan review procedure. This should minimize water quality impacts. (BMP 3.2)
 - The “site plans” include both plans for construction on private property and construction in ROW for roadways or utilities.
 - Midland County has varying authority to review construction site drawings.
 - Roadways that are or will be maintained by the County are subject to a review process that can effectively require submittal of an NOI for the Construction General Permit.
 - Construction outside road ROW, owned by the County can be reviewed for compliance with erosion control requirements.
 - Construction outside road ROW, owned by others, is subject to no consistent review authority or opportunity to ensure an NOI is obtained prior to construction.
 - Construction outside road ROWs in the ETJ’s of Midland or Odessa may have additional review, but still inconsistent opportunity to require an NOI.
- As allowed by state law, inspect construction projects over one acre. (BMP 3.3)
 - Midland County has varying authority to inspect construction sites.
 - Roadways that are or will be maintained by the County are subject to an inspection process by the County.
 - Construction outside road ROW, owned by the County can be inspected for compliance with erosion control requirements by the County.
 - Construction outside road ROW, owned by others is subject to no consistent inspection authority.
 - Construction outside road ROW in the ETJ’s of Midland or Odessa may have additional inspection, but still inconsistent opportunity to verify compliance with erosion control requirements.
 - The County must provide a report showing results of inspections of erosion control measures.
- Enforce applicable local and state laws. (BMP 3.4)
 - These can be dealt with as illicit discharges using procedures in MCM 2.
 - If a site does not have coverage under the construction general permit, the County is required to notify the construction operator of the need for coverage.
 - Midland County has varying authority to enforce the Construction General Permit on construction sites.
 - Roadways that are or will be maintained by the County are subject to County enforcement action by the Road and Bridge Department.
 - Construction outside road ROW, owned by the County can be inspected for compliance with erosion control requirements by the County Purchasing Agent.
 - Construction outside road ROW, owned by others can be enforced in accordance with the MCM 2 Illicit Discharge procedures.
 - Records of Enforcement of the Erosion Control/Construction general permit are required to be kept by the Small MS4 general permit. Record-keeping should be covered in the MCM 2 procedures.

- Respond to information submitted by the public on construction sites. (BMP 1.4 and 3.4)
 - MCM 1 includes a location on the County web page for submitting environmental concerns.
- Train MS4 staff whose job duties are related to implementing MCM 3. (BMP 3.5)
 - The SWMP contains a training schedule.

Stormwater Management Plan - Best Management Practices and Measurable Goals

MCM. BMP #	Regulatory Reference	BMP Name	Measurable Goals and Schedule									
			Deadline Sept. 30, 2019		Deadline Sept. 30, 2020		Deadline Sept. 30, 2021		Deadline Sept. 30, 2022		Deadline Jan. 24, 2024	
			BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal
3.1	III.B.3(a)(1) and III.B.3(b)(2)d and III.B.3(b)(3) and III.B.3(b)(4)	Construction Site Stormwater Program Regulatory Authority	Review County construction stormwater program regulations and contract language.	Copy of document describing existing regulations and procedures.	Determine effectiveness for stormwater management. If appropriate, initiate changes to regulations, contracts, or process.	Memo explaining review and actions taken.						
3.2	III.B.3(b)(2)d and III.B.3(b)(4)	Construction Plan Review	Use existing procedures for Construction Plan Review.	Copy of document describing existing procedures.	Use existing procedures for Construction Plan Review	Write memo stating procedures are still in place, or noting changes.	Begin using new construction plan review process, if applicable.	Write memo stating procedures are still in place, or noting changes.	Use new construction plan review process, if applicable.	Write memo stating procedures are still in place, or noting changes.	Use new construction plan review process, if applicable.	Write memo stating procedures are still in place, or noting changes.
3.3	III.B.3(b)(5)a&b and III.B.3(b)(6)	Construction Site Inspection over 1 ac	Inspect Construction Sites and keep records of inspections.	Report verifying County-owned sites are regularly inspected	Inspect Construction Sites and keep records of inspections.	Report verifying County-owned sites are regularly inspected	Inspect Construction Sites and keep records of inspections.	Report verifying County-owned sites are regularly inspected	Inspect Construction Sites and keep records of inspections.	Report verifying County-owned sites are regularly inspected	Inspect Construction Sites and keep records of inspections.	Report showing # of County sites, frequency and total inspections
3.4	III.B.3(b)(5)c and III.B.3(b)(6)	Construction Site Enforcement	Enforce as possible or report to TCEQ, including public input. Record actions.	Report showing frequency of deficiencies found on County sites	Enforce as possible or report to TCEQ, including public input. Record actions.	Report showing frequency of deficiencies found on County sites	Enforce as possible or report to TCEQ, including public input. Record actions.	Report showing frequency of deficiencies found on County sites	Enforce as possible or report to TCEQ, including public input. Record actions.	Report on speed of response to deficiencies in County sites	Enforce as possible or report to TCEQ, including public input. Record actions.	Report showing frequency of deficiencies found on County sites
3.5	III.B.3(b)(7)	Construction Site Staff Training	Train staff with duties related to construction stormwater	Keep training sign- in sheets or other proof of training.			Train staff with duties related to construction stormwater	Keep training sign- in sheets or other proof of training.			Train staff with duties related to construction stormwater	Keep training sign- in sheets or other proof of training.

3.4 MCM 4: Post-Construction Storm Water Management in New Development and Redevelopment

Summary: Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects. Have a regulatory mechanism to require owners of newly developed or redeveloped sites to use structural and non-structural BMPs that protect water quality.

General Permit References: Part III, Section B.4, pages 43-44.

2019-2024 Midland County Specific Requirements for this MCM:

- Develop a program to that requires developers to control storm water discharges from new and redeveloped sites, after construction.
- The County is required, as allowed by law, to adopt a regulatory mechanism that will protect water quality by requiring these sites to install BMPs that will protect storm water quality.
- The provisions must apply to projects larger than one acre, or a smaller site which is part of a common plan of development larger than an acre.
- The County must apply this program to public and private developments.
- Records of enforcement actions must be maintained and made available to TCEQ on request.
- Midland County must ensure long-term maintenance of any stormwater control structure.

Description of Midland County Selected BMPs and Measurable Goals for this MCM:

- Develop a program to that requires developers to control storm water discharges from new and redeveloped sites, after construction. (BMP 4.1)
 - This MCM differs from MCM 3, Construction Site Storm Water Runoff Control. During construction, the major pollutant is sediment, whether washed or blown from the site. This MCM seeks to reduce storm water pollutants on a more permanent basis.
 - The size of project this applies to is the same as those that require a construction general permit: larger than one acre, or a smaller site which is part of a common plan of development larger than an acre.
 - This provision applies to public and private developments.
 - The intent is for the regulations to be enforced through a development review process.
 - The SWMP schedule includes review of the process and revision as needed and allowed by state law.

- The County is required, as allowed by law, to adopt a regulatory mechanism that will protect water quality. (BMP 4.2)
 - Midland County has some authority over subdivision plats. BMPs 2.2 and 3.1 in the SWMP also include an assessment of legal authority.
 - Midland County has a development review process for subdivision plats, which includes some drainage-related requirements. Though the Texas Local Government Code does not specifically allow the County to regulate water quality, these drainage provisions incidentally provide some water quality benefits as well as reduce the likelihood of downstream flooding.
 - Within the Odessa and Midland ETJ's, staffs of those cities have primary subdivision review authority. They apply local standards that protect storm water quality during their review processes.
- The provisions must apply to projects larger than one acre, or a smaller site which is part of a common plan of development larger than an acre. (BMP 4.2)
 - The current requirements apply to new subdivisions only.
 - Properties that are not required to have subdivision plats would not be reviewed by the County or by the cities in their ETJs. This includes agricultural land, lots 10 acres or larger that don't create a new street, and some other exceptions.
 - Midland County has no legal authority to projects over one acre that do not require a subdivision plat.
- The County must apply this program to public and private developments. (BMP 4.1)
 - Midland County has no enforcement authority over other public entities.
 - Midland County can apply these requirements to County-owned projects.
 - Midland County's authority over private developments is described in MCM 3.
- Records of enforcement actions must be maintained and made available to TCEQ on request. (BMP 4.3)
 - The most likely scenario for enforcement would be a case where a developer did not install a required drainage facility to conform with the plat or with construction plans for roadways.
 - The County has a requirement for subdividers to provide a bond to ensure that road and drainage improvement are constructed.
- Midland County must ensure long-term maintenance of any stormwater control structure. (BMP 4.4)
 - Stormwater control structures in Midland County usually are detention or retention basins.
 - Midland County will draft and use easement maintenance language that meets the permit requirements.
 - Maintenance must be documented.
 - Midland County will document maintenance of County-owned stormwater control structures (such as vehicle wash water capture facilities).
 - Midland County will require private stormwater control structure owners to keep maintenance records and make them available to the County.

Stormwater Management Plan - Best Management Practices and Measurable Goals

MCM. BMP #	Regulatory Reference	BMP Name	Measurable Goals and Schedule										
			Deadline Sept. 30, 2019		Deadline Sept. 30, 2020		Deadline Sept. 30, 2021		Deadline Sept. 30, 2022		Deadline Jan. 24, 2024		
			BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	
4.1	III.B.4(a)	Development Review Regulations and Process	Document current development review process, including responsible parties and requirements that protect water quality.	Copy of process summary				Review legal authority and recommend changes to requirements	Copy of report on legal authority and potential changes to regulations.	Revise development regulations if needed and possible	Memo stating progress.	Train staff and implement new process.	Training records. Memo stating new process is in place.
4.2	III.B.4(a) and III.B.4(b)(2)	Use Development Regulations	Use current review and enforcement procedures	Review 100% of all subdivisions outside ETJs	Use current review and enforcement procedures	Review 100% of all subdivisions outside ETJs	Use current review and enforcement procedures	Review 100% of all subdivisions outside ETJs	Use current review and enforcement procedures	Review 100% of all subdivisions outside ETJs	Use revised (if applicable) review and enforcement procedures	Review 100% of all subdivisions outside ETJs	
4.3	III.B.4(b)(3)	Maintenance of Private Structural Stormwater Controls	Draft easement language that complies with permit.	Copy of easement language drafted.	Finalize easement language. Obtain easements for private SW BMPs, with final language.	Keep samples of compliant easements on plats and as separate instruments.	Obtain easements for private SW BMPs, with language that complies with permit.	Keep samples of compliant easements on plats and as separate instruments.	Obtain easements for private SW BMPs, with language that complies with permit.	Keep samples of compliant easements on plats and as separate instruments.	Obtain easements for private SW BMPs, with language that complies with permit.	Keep samples of compliant easements on plats and as separate instruments.	

3.5 MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

Summary: Establish an operation and maintenance program, including an employee training component, that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

General Permit References: Part III, Section B.4, pages 44-47.

2019-2024 Midland County Specific Requirements for this MCM:

- Create an inventory of County facilities, including any structural stormwater controls.
- Train County employees that are involved in implementing pollution prevention practices and keep records.
- Dispose of waste materials from the MS4 (ditches, culverts, etc.) in accordance with Texas law.
- Require any contractors hired by the County to comply with the same stormwater related operating procedures as County employees.
- Evaluate various operations and maintenance activities for their potential to discharge pollutants.
- Identify pollutants that might be discharged from these activities and assess how to reduce quantity or toxicity of these discharges.
- Have procedures to inspect County-owned pollution prevention measures, including frequency and logging of inspections. Maintain structural stormwater controls.

Description of Midland County Selected BMPs and Measurable Goals for this MCM:

- Create an inventory of County facilities, including any structural stormwater controls. (BMP 5.1)
 - If the property has a TCEQ permit of any kind, this information is required to be in the inventory.
 - This inventory is scheduled for year one of the permit term.
 - Structural stormwater controls OWNED and OPERATED by the County are required to be on the inventory. Any structure or device that captures or prevents pollution in storm runoff is a structural stormwater control.
 - Flood control basins that capture runoff and hold it long enough for sediment and other pollutants to drop to the bottom reduce stormwater pollution and are considered structural stormwater controls. They may not explicitly be designed for that function, but they do have that benefit.
 - Flood control basins with outfall pipes that drain quickly probably do not function as structural stormwater controls, since the water does not slow down enough for pollutants to settle.

- The County has a vehicle washing station which includes a device to capture and infiltrate vehicle wash water into the ground. This is a structural stormwater control because it prevents water that may contain detergent, soil or oils from running off the site during rains. The groundwater table is low enough that these pollutants will not reach the water table, so it is an adequate pollution prevention device.
 - Other typical structural stormwater controls include temporary or permanent erosion control structures such as silt fences, inlet protection, rip-rap outlet protection, or rock check dams in ditches.
- Train County employees that are involved in implementing pollution prevention practices (Good Housekeeping Training) and keep records. (BMP 5.2)
 - The SWMP contains a schedule for training materials and training.
 - Maintain attendance lists.
- Dispose of waste materials from the MS4 (ditches, culverts, etc.) in accordance with Texas law. (BMP 5.4)
 - Permit refers to 30 TAC Chapters 330 (Municipal Solid Waste regulations) or 335 (Industrial Solid Waste and Municipal Hazardous Waste regulations).
 - These regulations can be incorporated into the required O&M procedures for the various activities.
- Require any contractors hired by the County to comply with the same stormwater related operating procedures as County employees. (BMP 5.3)
 - Currently, the County has one long-term management contract for the Horseshoe Arena and Pavilion. Other contracts would be temporary in nature.
 - Generally, standard contract language requires the contractor to comply with all local, state and federal laws. This should be sufficient to meet this BMP requirement.
 - An evaluation of the County's standard contract language is included in the SWMP to verify whether changes are needed.
 - The County is required to verify contractors are complying with the contract language and to have procedures for overseeing the contractors.
 - Review of oversight procedures is included in the SWMP for this permit term.
- Evaluate various operations and maintenance activities for their potential to discharge pollutants.
 - Evaluation will include disposal of waste, chemicals used, erosion control practices, as well as operations and maintenance processes.
 - Road, parking lot and bridge maintenance (BMP 5.4)
 - This BMP is targeted to maintenance of concrete and asphalt, including pavement markings.
 - ROW maintenance (BMP 5.4)
 - This BMP addresses mowing, use of herbicides and pesticides and planting vegetation. It can apply to roadside ditches or to channels and basins not associated with roadways.
 - Cold weather operations (BMP 5.4)
 - This BMP looks at storage of sand or deicers for roadways and their application.

- Identify pollutants that might be discharged from these activities and assess how to reduce quantity or toxicity of these discharges. (BMP 5.4)
 - This requirement should be addressed in each of the activity O&M procedures.
- Have procedures to inspect County-owned pollution prevention measures, including frequency and logging of inspections. Maintain structural stormwater controls. (BMP 5.5)
 - On County facilities, examples of pollution prevention measures would include spill containment curbs around fuel tanks, roofs over stored chemicals, and vehicle wash water capture devices.
 - The County is required to describe inspection procedures, schedule inspections and to log them.
- For County owned and operated structural stormwater controls, maintenance is mentioned in the permit. (BMP 5.6)
 - Most structural stormwater controls will be in County ROW.

Stormwater Management Plan - Best Management Practices and Measurable Goals

MCM. BMP #	Regulatory Reference	BMP Name	Measurable Goals and Schedule										
			Deadline Sept. 30, 2019		Deadline Sept. 30, 2020		Deadline Sept. 30, 2021		Deadline Sept. 30, 2022		Deadline Jan. 24, 2024		
			BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	BMP Milestone	Measurable Goal	
5.1	III.B.5(b)(1) and III.B.5(c)(3)	List County Facilities and Stormwater Controls	Create inventory of County-owned property and structural stormwater controls, with any TCEQ info.	Copy of list.				Update inventory	Copy of list.	Update inventory	Copy of list.	Update inventory	Copy of list.
5.2	III.B.5(b)(2)	Good Housekeeping Training	Develop appropriate training materials.	Copy of training materials	Train employees implementing pollution prevention and good housekeeping	Keep copy of training materials and attendance log						Train employees implementing pollution prevention and good housekeeping	Keep copy of training materials and attendance log
5.3	III.B.5(b)(4)	Contractor Oversight	Evaluate standard contract language to see if it complies with permit.	Memo on suggested improvements, if any	Revise standard contract language if needed	Copy of new standard language	Write procedures for County staff to verify contractor compliance	Copy of procedures	Enforce contract language that requires contractors to comply with all regulations	Memo stating enforcement is ongoing and listing examples if applicable	Enforce contract language that requires contractors to comply with all regulations	Memo stating enforcement is ongoing and listing examples if applicable	
5.4	III.B.5(b)(5)a-c	Update O&M Procedures	Write current O&M procedures for road, bridge and parking lot maintenance, and evaluate for pollutant generation.	Procedure document with analysis	Finalize O&M procedures for road, bridge and parking lot maintenance.	Procedure document with analysis	Write current O&M procedures for ROW, ditch and basin maintenance, and evaluate for pollutant generation.	Procedure document with analysis	Write current O&M procedures, including waste disposal, and evaluate them for pollutant generation	Procedure document with analysis	Implement revised procedures	Memo showing extent that new procedures have been implemented.	
5.5	III.B.5(b)(5)d	Inspect Pollution Prevention Measures	Make list of pollution prevention measures at County facilities	Copy of list	Develop written SOPs for inspecting the measures, and create log for facility use	Copy of procedures	Inspect per SOP frequency	Keep log of inspections	Inspect per SOP frequency	Keep log of inspections	Inspect per SOP frequency	Keep log of inspections	
5.6	III.B.5(b)(6)	Maintenance of County Structural Stormwater Controls	Make list of structural stormwater controls at County facilities	Copy of list	Update list of structural stormwater controls at County Facilities	Copy of procedures	Develop written SOPs for inspecting the measures, and create log for facility use	Copy of procedures	Inspect all structural stormwater controls and report on effectiveness	Copy of inspection reports	Perform any needed maintenance on structural stormwater controls	Copy of work orders, PO's or other proof of maintenance	