



Terry Johnson  
Midland County Judge

Texas Commission on Environmental Quality  
Stormwater Team Leader (MC-148)  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Phase II MS4 Annual Report Transmittal for Midland County  
TPDES Authorization: TXR040000

Dear Team Leader:

This letter serves to transmit the required annual report for the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, Authorization Number TXR040000 for the Midland County MS4. The expired authorization number is TXR040279. A new authorization number is expected but not yet assigned.

The annual report is for Year 5. The reporting period's beginning is October 1, 2022, and ending is September 30, 2023.

A separate Notice of Change has not been submitted. Changes have been proposed for the next permit term. The County slightly revised the SWMP and some measurable goals, but the NOI has not yet been approved by TCEQ, so in accordance with instructions in Part II.E.6, these changes are being submitted to TCEQ in a letter instead of a NOC form.

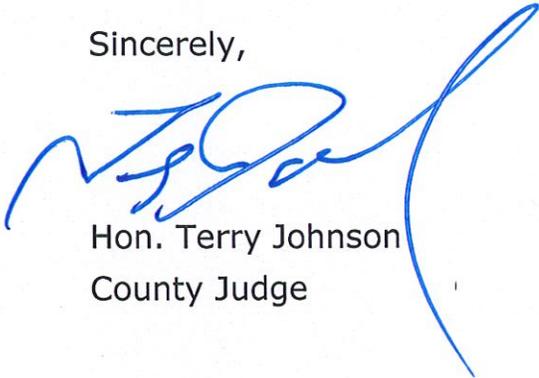
The letter was submitted to TCEQ's Applications Review and Processing Team (MC-148):

BY REGULAR U.S. MAIL:  
Texas Commission on Environmental Quality  
Applications Review and Processing Team (MC-148)  
P.O. Box 13087  
Austin, Texas 78711-3087

As required by the general permit, a copy of the report has been mailed to the TCEQ's regional office 7 in Midland, Texas.

Texas Commission on Environmental Quality  
Stormwater Program  
9900 W IH-20, Ste 100  
Midland TX 79706

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Johnson', with a large, sweeping flourish extending to the right.

Hon. Terry Johnson  
County Judge



## Phase II (Small) MS4 Annual Report Form

TPDES General Permit Number TXR040000

### A. General Information

Authorization Number: TXR040646

Reporting Year (year will be either 1, 2, 3, 4, or 5): 5

Annual Reporting Year Option Selected by MS4:

Calendar Year:     

Permit Year:     

Fiscal Year:      x      Last day of fiscal year: ( September 30, 2023 )

Reporting period beginning date: (month/date/year) October 1, 2022

Reporting period end date: (month/date/year) September 30, 2023

MS4 Operator Level:     2     Name of MS4: Midland County

Contact Name: Andrew Avis, Director of Public Works

Telephone Number: 432 742-7370

Mailing Address: 500 N. Loraine St, Suite 1100

E-mail Address: aavis@mcounty.com

A copy of the annual report was submitted to the TCEQ Region: YES

Region the annual report was submitted to: TCEQ Region 7

## B. Status of Compliance with the MS4 GP and SWMP

1. Provide information on the status of complying with permit conditions:  
(TXR040000 Part IV.B.2)

	Yes	No	Explain
Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.	Y		
Permittee is currently in compliance with recordkeeping and reporting requirements.	Y		
Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.).	Y		
Permittee conducted an annual review of its SWMP in conjunction with preparation of the annual report	Y		

2. Provide a general assessment of the appropriateness of the selected BMPs. You may use the table below to meet this requirement (**see Example 1 in instructions**):

MCM(s)	BMP	BMP is appropriate for reducing the discharge of pollutants in stormwater (Answer Yes or No and explain)
1.1	Web Site Educational Material	Yes, materials address local issues.
1.2	SWMP and Annual Report	Yes, information informs the public.
1.3	No Impaired Water Verification	Yes, verifies no new BMP's needed.
1.4	Public Reporting	Yes, key to effective enforcement.

1.5	Electronics Recycling	Yes, the project removes substantial materials that otherwise might be illegally dumped.
2.1	MS4 Mapping	Yes, provides locations to look for pollutants.
2.2	Enforcement Authority	Yes, assists staff in deciding how to handle certain discharges.
2.3	IDDE Training	Yes, informs County staff.
2.4	Investigation of Illicit Discharges	Yes, the County Environment Enforcement office addresses numerous issues with illicit dumping.
2.5	Removing Sources of Illicit Discharges	Yes, reduces pollution.
3.1	Construction SW Program Regulatory	Yes, verifies the limits of County authority and what can be done.
3.2	Construction Plan Review	Yes, where County has authority, it provides a structure for reviews.
3.3	Construction Site Inspection over 1 ac	Yes, will reduce erosion at site where County has authority.
3.4	Construction Site Enforcement	Yes, will reduce erosion at site where County has authority.
3.5	Construction Site Staff Training	Yes, will result in better enforcement.
4.1	Development Review Regulations, Process	Yes, verifies extent of County authority.
4.2	Use Development Regulations	Yes, will improve stormwater quality on site where County has authority.
4.3	Maintenance of Private Structural Stormwater Controls	Yes, will assist County in assuring stormwater system function.

5.1	List County Facilities and Stormwater Controls	Yes, will assist staff in evaluating maintenance and function.
5.2	Good Housekeeping Training	Yes, will reduce pollutants at County facilities.
5.3	Contractor Oversight	Yes, will reduce pollutants at County facilities.
5.4	Update O&M Procedures	Yes, will identify areas of possible pollutant reductions.
5.5	Inspect Pollution Prevention Measures	Yes, will ensure these measures are functioning properly.
5.6	Maintenance of County Structural Stormwater Controls	Yes, will ensure these controls are functioning properly.

3. Describe progress towards achieving the goal of reducing the discharge of pollutants to the MEP. If no progress was made or the BMP did not result in a reduction in pollutants, provide an explanation. Use the table below to meet this requirement (**see Example 2 in instructions**):

<b>MCM</b>	<b>BMP</b>	<b>Information Used</b>	<b>Quantity</b>	<b>Units</b>	<b>Does the BMP Demonstrate a Direct Reduction in Pollutants? (Answer Yes or No and explain)</b>
1	1.1 Web Site Educational Material	Write-ups on illegal dumping	1	Website	No, but indirectly education should reduce the illegal dumping.
1	1.2 SWMP and Annual Report	Website	1	Posting	No, but it informs the public so has indirect benefits.

1	1.3 No Impaired Water Verification	TCEQ information	1	Report	No, but it informs Midland County Staff.
1	1.4 Public Reporting	Website	1	Posting	Yes, because the County will respond to all reported pollution.
1	1.5 Electronics Recycling	Keep Midland Beautiful records	1	Event	Yes, items collected are of the type that is often illegally dumped: Electronics, Documents, Tires, Plastic, Paper, Cardboard
2	2.1 MS4 Mapping	Stormwater Program Records	1	Map	No, this map informs County staff but does not directly reduce pollution.
2	2.2 Enforcement Authority				This element completed in earlier FY.
2	2.3 IDDE Training	Training Records	4	Employees trained	No, but training informs and empowers employees to address pollution.

2	2.4 Investigation of Illicit Discharges	Environmental Enforcement Tracking spreadsheet	34	Investigations Conducted	Yes, each action represents removal of illegally dumped materials or other response
2	2.5 Removing Sources of Illicit Discharges	Environmental Enforcement Tracking spreadsheet	34	Cleanups Conducted  (1 carried from last year and 1 in progress)	Yes, each action represents removal of illegally dumped materials or other response.
3	3.1 Construction Site Stormwater Program Regulatory Authority	Stormwater Program Records			This element completed FY 2020-2021.
3	3.2 Construction Plan Review	Review Records from Director of Public Work			This element completed FY 2020-2021.
3	3.3 Construction Site Inspection over 1 ac	Inspection Records	336	Inspections of County-owned roads	Yes, oversight should encourage contractor best practices.
3	3.4 Construction Site Enforcement	Inspection Records	1	Enforcements on County-owned projects	Yes, inspections may find deficiencies which are fixed.

4	4.1 Development Review Regulations and Process	Stormwater Program Records			Legal authority review/changes completed in 2019/2020.
4	4.2 Use Development Regulations	Subdivision Review Records from Director of Public Work	18	Subdivisions, Non-ETJ, review by cities	Yes, structural stormwater controls are required for some subdivisions.
4	4.3 Maintenance of Private Structural Stormwater Controls	Stormwater Program Records	1	Plats containing drainage easements	No, but appropriate maintenance requirements improve drainage function.
5	5.1 List County Facilities and Stormwater Controls	Stormwater Program Records			List completed FY 2018-2019.
5	5.2 Good Housekeeping Training	Stormwater Program Records	1	Employees trained	Yes, presenting this training should improve employee housekeeping.
5	5.3 Contractor Oversight	Stormwater Program Records			Task completed FY 2020-2021.
5	5.4 Update O&M Procedures	Stormwater Program Records	1	Memo on status of this BMP	No, benefit is indirect in establishing good practices.

5	5.5 Inspect Pollution Prevention Measures	Stormwater Program Records	1	Inspection of County facility to evaluate BMPs	No, but inspections may reveal issues that will then be corrected.
5	5.6 Maintenance of County Structural Stormwater Controls	Stormwater Program Records	1	Report on work needed for County SSCs	No, but inspections may reveal issues that will then be corrected.

4. Provide the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals (**see Example 3 in instructions**):

<b>MCM(s)</b>	<b>Measurable Goal(s)</b>	<b>Explain progress toward goal or how goal was achieved. If goal was not accomplished, please explain.</b>
1.1 Site Educational Material	Update web site with new materials if applicable.	Met. Web site contains all information required.
1.2 SWMP and Annual Report	Post annual report on web site <30 days after due date	Met. Annual report posting verified 12/14/22.
1.3 No Impaired Water Verification	Check TCEQ 305(b) and 303(d) list	Met. List has not changed for this watershed.
1.4 Public Reporting	Update contact point if needed	Met. Web page has contact form and phone number.

1.5 Electronics Recycling	Sponsor KMB Electronics Recycling Program	Met. An event was held 11/12/2022.
2.1 MS4 Mapping	Update map(s) as needed, especially if new census changes urbanized areas.	Partially Met. Map will be updated prior to 1/24/24.
2.2 Enforcement Authority	No activity scheduled for FY 2022-2023.	All activities completed in earlier FY.
2.3 IDDE Training	Train field staff that may find illicit discharges, including IDDE procedures.	Met. Trained staff members from 2 departments, 1 who supervises others.
2.4 Investigation of Illicit Discharges	Use standard procedures to investigate illicit discharges	Met. 34 Investigations were made.
2.5 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.	Met. 34 Cleanups were conducted.
3.1 Construction Stormwater Regulatory Authority	No activities scheduled for 2022-2023.	All activities completed in earlier FY.
3.2 Construction Plan Review	Use new construction plan review process.	Met. Plans were reviewed per revised procedures.
3.3 Construction Site Inspection over 1 ac	Inspect Construction Sites and keep records of inspections.	Met. County has a partner entity inspecting all County-owned roads and sites.

3.4 Construction Site Enforcement	Enforce as possible or report to TCEQ, including public input. Record actions.	Met. County requires contractors to correct SWMP deficiencies.
3.5 Construction Site Staff Training	Train staff with duties related to construction stormwater	There are no staff whose main duties are to regulate construction.
4.1 Development Review Regulations and Process	Train staff and implement new process.	Met. New staff member is trained. Regulations have not been changed since 2019-2020, but internal process has been refined.
4.2 Use Development Regulations	Use revised (if applicable) review and enforcement procedures	Met. Subdivisions were reviewed by the County and approved by the Court. No drainage easements have needed enforcement actions.
4.3 Maintenance of Private Structural Stormwater Controls	Obtain easements for private SW BMPs, with language that complies with permit.	Partially Met. Drainage easements are being obtained where needed, but easement language needs to be improved.
5.1 List County Facilities and Stormwater Controls	Update inventory.	Met. County has acquired one stormwater retention basin.
5.2 Good Housekeeping Training	Train employees implementing pollution prevention and good housekeeping	Met. 1 Employee was trained.

5.3 Contractor Oversight	Enforce contract language that requires contractors to comply with all regulations.	Met. County's contractors are required to comply with regulations including stormwater.
5.4 Update O&M Procedures	Implement revised procedures	Met. O&M procedures for Cold Weather Operations have been finalized. Memo showing status of all O&M procedures to be completed by 1/24/24.
5.5 Inspect Pollution Prevention Measures	Inspect per SOP frequency	Met. Inspections of active vehicle washing bays made.
5.6 Maintenance of County Structural Stormwater Controls	Perform any needed maintenance on structural stormwater controls	Met. Facilities did not require maintenance.

### **C. Stormwater Data Summary**

Provide a summary of all information used, including any lab results (if sampling was conducted) to assess the success of the SWMP at reducing the discharge of pollutants to the MEP. For example, did the MS4 conduct visual inspections, clean the inlets, look for illicit discharge, clean streets, look for flow during dry weather, etc.?

*Midland County has an increased team responsible for stormwater management, including the Director of Public Works, a team of Environmental Investigators, the Road and Bridge staff, and two Public Works staff members. These team members and a consultant partner oversee County-owned roadway and site construction and enforce state laws related to environmental quality. The work of Midland County staff results in substantial reduction of pollutants found in the County MS4 and on County facilities. Information on stormwater pollution and quality is observed through the following activities:*

*Environment Enforcement initiated and completed 34 investigations of dumped materials that might impact stormwater quality if unabated. In each case the violating materials*

were removed. Investigators locate some pollutants through their own inspections, and also respond to public complaints.

Midland County has a significant program of roadway reconstruction and paving, with construction inspection overseen by a consultant. Midland County also has several county-owned construction projects outside the right-of-way on sites. A Public Works staffer oversees these projects.

Midland County Road and Bridge inspects, mows and maintains County ROW on a year-round continual basis. This department bears a great deal of the responsibility for the MS4, which consists mainly of roadside ditches. Staff drive the County roadways on a daily basis. While performing maintenance activities, the department cleans out excess sediment from ditches and drainage structures, and on occasion finds dumped materials. If the dumper cannot be identified, the Road and Bridge staff remove and properly dispose of the materials at the City of Midland landfill.

Midland County operates several facilities, and all are inspected and maintained frequently, removing trash and sediment that might be mobilized into stormwater pollution at the next rainfall.

## **D. Impaired Waterbodies**

1. Identify whether an impaired water within the permitted area was added to the latest EPA-approved 303(d) list or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d). List any newly-identified impaired waters below by including the name of the water body and the cause of impairment.

*There are no new impaired water bodies affecting Midland County.*

2. If applicable, explain below any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4's BMPs used to address the pollutant of concern.

*N/A*

3. Describe the implementation of targeted controls if the small MS4 discharges to an impaired water body with an approved TMDL.

*N/A*

4. Report the benchmark identified by the MS4 and assessment activities:

<b>Benchmark Parameter</b> <i>(Ex: Total Suspended Solids)</i>	<b>Benchmark Value</b>	<b>Description of additional sampling or other assessment activities</b>	<b>Year(s) conducted</b>
N/A			

5. Provide an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark:

<b>Benchmark Parameter</b>	<b>Selected BMP</b>	<b>Contribution to achieving Benchmark</b>
N/A		

6. If applicable, report on focused BMPs to address impairment for bacteria:

<b>Description of bacteria-focused BMP</b>	<b>Comments/Discussion</b>
N/A	

7. Assess the progress to determine BMP's effectiveness in achieving the benchmark.

For example, the MS4 may use the following benchmark indicators:

- number of sources identified or eliminated;
- number of illegal dumpings;
- increase in illegal dumping reported;
- number of educational opportunities conducted;
- reductions in sanitary sewer flows (SSOs); /or

- increase in illegal discharge detection through dry screening.

<b>Benchmark Indicator</b>	<b>Description/Comments</b>
N/A	

Stormwater Activities

**E. Stormwater Activities**

Describe activities planned for the next reporting year:

<b>MCM(s)</b>	<b>BMP</b>	<b>Stormwater Activity</b>	<b>Description/Comments</b>
1.1	Update web site with new materials if applicable.		All activities completed by 9/30/23.
1.2	Post annual report on web site <30 days after due date	Print copy of page showing availability.	SWMP is under review by TCEQ. Post revised version prior to 1/24/24.
1.3	Check TCEQ 305(b) and 303(d) list		All activities completed by 9/30/23.
1.4	Update contact point if needed		All activities completed by 9/30/23.
1.5	Sponsor KMB Electronics Recycling Program	Print KMB web page showing sponsorship.	All activities completed by 9/30/23.
2.1	Update map(s) as needed, especially if new census changes urbanized areas.	Copy of revised map(s) if applicable.	New map to be posted by 1/24/24.

2.2	No activities scheduled		
2.3	Train field staff that may find illicit discharges. Include IDDE procedures.	Keep sign-in sheets and record training info in training log.	All activities completed by 9/30/23.
2.4	Use standard procedures to investigate illicit discharges	Total number of investigations for annual report.	All activities completed by 9/30/23.
2.5	Enforce regulations that address illicit discharges, where possible, including leaking OSSF's. If County lacks enforcement authority, refer to TCEQ.	Total number of cases resolved for annual report.	All activities completed by 9/30/23.
3.1	Construction Site Stormwater program Regulatory Authority		No action for this FY

3.2	Use new construction plan review process, if applicable.	Write memo stating procedures are still in place, or noting changes.	All activities completed by 9/30/23.
3.3	Inspect Construction Sites and keep records of inspections.	Document number of construction inspections.	All activities completed by 9/30/23, totals to be posted by 1/24/24.
3.4	Enforce as possible or report to TCEQ, including public input. Record actions.	Document number of enforcement actions taken.	All activities completed by 9/30/23.
3.5	Train staff with duties related to construction stormwater	Keep training sign-in sheets or other proof of training.	No activities to complete.
4.1	Train staff and implement new process.	Training records. Memo stating new process is in place.	All activities completed by 9/30/23.
4.2	Use revised (if applicable) review and enforcement procedures	Record number of developments reviewed and number of enforcements taken.	All activities completed by 9/30/23.

4.3	Obtain easements for private SW BMPs, with language that complies with permit.	Keep samples of compliant easements on plats and as separate instruments.	Sample to be posted by 1/24/24.
5.1	Update inventory	Copy of list.	List to be posted by 1/24/24
5.2	Train employees implementing pollution prevention and good housekeeping	Keep copy of training materials and attendance log.	All activities completed by 9/30/23.
5.3	Enforce contract language that requires contractors to comply with all regulations	Memo stating enforcement is ongoing and listing examples if applicable.	All activities completed by 9/30/23.
5.4	Implement revised procedures	Memo showing extent that new procedures have been implemented.	Procedures have been drafted and will be in place by 1/24/24.
5.5	Inspect per SOP frequency	Keep log of inspections.	All activities completed after 9/30/23 but prior to 1/24/24.

5.6	Perform any needed maintenance on structural stormwater controls	Copy of work orders, PO's or other proof of maintenance.	All activities completed after 9/30/23 but prior to 1/24/24.
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## F. SWMP Modifications

1. The SWMP and MCM implementation procedures are reviewed each year.

Yes  No

2. Changes have been made or are proposed to the SWMP since the NOI or the last annual report, including changes in response to TCEQ's review.

Yes  No

If "Yes," report on changes made to measurable goals and BMPs:

<b>MCM(s)</b>	<b>Measurable Goal(s) or BMP(s)</b>	<b>Implemented or Proposed Changes (Submit NOC as needed)</b>
2.4	Use standard procedures to investigate illicit discharges.	Report showing stormwater-related illicit discharges are being investigated and record statistics.

2.5	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	Inspect Construction Sites and keep records of inspections.	Report showing # of County sites, frequency and total inspections.
3.4	Enforce as possible or report to TCEQ, including public input. Record actions.	Report showing frequency of deficiencies found on County sites.
4.2	Use revised (if applicable) review and enforcement procedures.	Review 100% of all subdivisions outside ETJs.

**Note:** If changes include additions or substitutions of BMPs, include a written analysis explaining why the original BMP is ineffective or not feasible, and why the replacement BMP is expected to achieve the goals of the original BMP.

3. Explain additional changes or proposed changes not previously mentioned (i.e. dates, contacts, procedures, annexation of land, etc.).

N/A

## G. Additional BMPs for TMDLs and I-Plans

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans.

BMP	Description	Implementation Schedule (start date, etc.)	Status/Completion Date (completed, in progress, not started)

N/A			
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**H. Additional Information**

1. Is the permittee relying on another entity to satisfy any permit obligations?

Yes  No

If "Yes," provide the name(s) of other entities and an explanation of their responsibilities (add more spaces or pages if needed).

Name and Explanation:

2.a. Is the permittee part of a group sharing a SWMP with other entities?

Yes  No

2.b. If "yes," is this a system-wide annual report including information for all permittees?

Yes  No

If "Yes," list all associated authorization numbers, permittee names, and SWMP responsibilities of each member (add additional spaces or pages if needed):

Authorization Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

## I. Construction Activities

1. The number of construction activities that occurred in the jurisdictional area of the MS4 (Large and Small Site Notices submitted by construction site operators):

Approximately 50 (Midland County does not receive all site notices, nor do they have a permitting requirement. This number computed as Midland County roadway projects, plus an estimate of the number of new subdivision projects of about half of all plats in and out of the ETJ)

- 2a. Does the permittee utilize the optional seventh MCM related to construction?

Yes  No

- 2b. If "yes," then provide the following information for this permit year:

<p><b>The number of municipal construction activities authorized under this general permit</b></p>	
<p>The total number of acres disturbed for municipal construction projects</p>	<p>N/A</p>

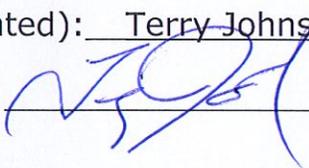
**Note:** Though the seventh MCM is optional, implementation must be requested on the NOI or on a NOC and approved by the TCEQ.

## J. Certification

If this is this a system-wide annual report including information for all permittees, each permittee shall sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports).

*I 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 gathered and evaluated 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Name (printed): Terry Johnson Title: County Judge

Signature:  Date: 1/22/25

Name of MS4 Midland County

**If you have questions on how to fill out this form or about the Stormwater Permitting program, please contact us at 512-239-4671.**

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.