

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> April 22, 2014		<b>DATE SUBMITTED:</b> April 7, 2014	
<b>DEPARTMENT OF ORIGIN:</b> Water Services		<b>SUBMITTED BY:</b> M. Jurica	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> A resolution supporting the submittal of a Notice of Intent (NOI) and Stormwater Management Program (SWMP) to the Texas Commission on Environmental Quality (TCEQ) in accordance with coverage requirements established by the Texas Pollution Discharge Elimination System (TPDES) General Permit No. TXR040000.			
<b>SUMMARY STATEMENT:</b> The TPDES is a state regulatory program to control discharges of pollutants to the waters of the State of Texas. TCEQ serves as the authorized administrator of the program. On December 13, 2013, TCEQ issued General Permit No. TXR040000 continuing the City of Bryan's obligation to fulfill operating, monitoring, and management requirements of its "Municipal Separate Storm Sewer System (MS4)". This action form addresses the City of Bryan's second term of permit coverage under General Permit No. TX040000.			
<p>At the Tuesday, April 8, 2014, City Council Workshop, staff provided a presentation about the MS4 and SWMP requirements. Elements of the General Permit require the City to review and expand existing control measures for public education and involvement, illicit discharge identification and elimination, construction site and post-construction site runoff control, and pollution prevention for municipal operations. The City fulfills this requirement through a comprehensive program known as a Stormwater Management Program (SWMP).</p> <p>Similar to the previous permit term, the control measures outlined within the SWMP must be fully implemented within five (5) years of issuance of the General Permit. The SWMP has been reworked to satisfy new requirements outlined in the reissued General Permit. A resolution of the City Council is not an obligation to fulfill TPDES coverage requirements; however, resolution adoption demonstrates the City's acknowledgement and commitment to the SWMP and satisfying the TPDES.</p>			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Staff respectfully requests City Council to approve the proposed resolution supporting submittal of a NOI and SWMP to TCEQ. Submittal of a NOI and SWMP is required for permit authorization. This action will be performed by staff. Approval of the proposed resolution is in-line with Resolution No. 3141 providing City Council support for submission of a NOI and SWMP for the previous General Permit term.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
<ol style="list-style-type: none"> <li>1. Approve the resolution.</li> <li>2. Do not approve the resolution change.</li> <li>3. Do not approve the resolution change and provide direction.</li> </ol>			
<b>ATTACHMENTS:</b> Resolution			
<b>FUNDING SOURCE:</b> N/A			
<b>APPROVALS:</b> Jayson E. Barfknecht 04/07/14; Hugh R. Walker, 04/11/2014			

**APPROVED FOR SUBMITTAL: CITY MANAGER**

**APPROVED FOR SUBMITTAL: CITY ATTORNEY** Janis K. Hampton, 04/14/2014

Revised 04/2013

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AUTHORITYING IMPLEMENTATION AND CONTINUANCE OF A STORMWATER MANAGEMENT PROGRAM FOR MANAGEMENT OF STORMWATER AND NON-STORMWATER DISCHARGES FROM THE CITY OF BRYAN'S MUNICIPAL SEPARATE STORM SEWER SYSTEM TO SURFACE WATER IN THE STATE.**

**WHEREAS**, Municipal Separate Storm Sewer System (MS4) refers to a conveyance or system of conveyances (including road with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned by the City of Bryan and designed or used for collecting or conveying stormwater which is not part of a publicly owned treatment works (i.e. sewage treatment plant); and

**WHEREAS**, the Texas Commission on Environmental Quality (TCEQ) has implemented the Texas Pollution Discharge Elimination System (TPDES) to regulate stormwater and non-stormwater discharges from a MS4 to surface water in the state; and

**WHEREAS**, on December 13, 2013, the TCEQ reissued the TPDES General Permit No. TXR040000 governing MS4s for an additional 5 year permit term; and

**WHEREAS**, the City of Bryan has established a Stormwater Management Program (SWMP) for operation and maintenance of its MS4 in accordance with TCEQ General Permit No. TXR040000; and

**WHEREAS**, submittal of a Notice of Intent and SWMP to TCEQ is required to obtain permit coverage; and

**WHEREAS**, the City of Bryan's MS4 General Permit authorization is TXR040336; and

**WHEREAS**, the City of Bryan is dedicated to protecting the health, safety, and welfare of its citizens by minimizing impact to surface water quality through management of its MS4.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS AS FOLLOWS:**

1.

The City will prepare and submit a Notice of Intent to the Texas Commission on Environmental Quality on or before June 11, 2014, stating the City's intent to comply with the General Permit No. TXR040000.

2.

The program will include control measures, ordinances, and standards for public education and participation, construction and development activities, municipal operations, systems maintenance and operation, and illicit discharge identification and elimination.

3.

The Mayor and to the extent permitted under applicable laws and ordinances, the City Manager, shall be authorized to execute the Notice of Intent, Stormwater Management Program, and related instruments as may be required for permit authorization.

4.

This resolution shall be effective immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of April, 2014, by affirmative vote of the Bryan City Council meeting in regular session.

ATTEST:

CITY OF BRYAN

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

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Jason P. Bienski, Mayor

APPROVED AS TO FORM:

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Janis K. Hampton, City Attorney