



## Annual Reporting Requirements for Phase II (Small) MS4s TPDES General Permit Number TXR040000

Within 90 days of the end of each permit year (see table below), regulated Phase II Municipal Separate Storm Sewer Systems (MS4s) must submit annual reports to the Texas Commission of Environmental Quality (TCEQ) for that permit year. As required by the Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040000, an MS4 operator must annually review its Storm Water Management Program (SWMP) in conjunction with the preparation of the annual report. This document contains a suggested format for annual reporting.

| Permit Year | Permit Year Dates | Due Date   |
|-------------|-------------------|------------|
| 1           | 8/13/07 – 8/12/08 | 11/12/2008 |
| 2           | 8/13/08 – 8/12/09 | 11/12/2009 |
| 3           | 8/13/09 – 8/12/10 | 11/12/2010 |
| 4           | 8/13/10 – 8/12/11 | 11/12/2011 |
| 5           | 8/13/11 – 8/12/12 | 11/12/2012 |

An annual report must be submitted even if the SWMP has not yet been approved by the TCEQ.

If MS4s share a common SWMP, all permittees must contribute to a system-wide report (if applicable). Each permittee must sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports).

The annual report must include:

the status of compliance with permit conditions, an assessment of the appropriateness of best management practices (BMPs), a description of progress towards reducing the discharge of pollutants to the maximum extent practicable (MEP), the measurable goals for each of the minimum control measures (MCM), and an evaluation of the program's progress;

- (a) if applicable, the status of any control measures implemented by the permittee during the permit year;
- (b) a summary of any information (including monitoring data) collected and analyzed during the permit year that was used to evaluate reductions in the discharge of pollutants;

- (c) a summary of the storm water activities the MS4 operator plans to undertake during the next permit year;
- (d) proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- (e) the number of municipal construction activities authorized under this general permit and the total number of acres disturbed;
- (f) the number of non-municipal construction activities that occurred within the jurisdiction of the permittee (as noticed to the permittee by the construction operators); and
- (g) if applicable, notification that the MS4 operator is relying on another government entity to satisfy some of its permit obligations.

The annual report must be submitted to the following address:

Texas Commission on Environmental Quality  
Storm Water & Pretreatment Team; MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087

A copy of the annual report must also be submitted to the TCEQ Regional Office. To locate the TCEQ Regional Office that serves the area of the regulated small MS4, visit <http://www.tceq.state.tx.us/about/directory/region/reglist.html>.

**Instructions for Phase II (Small) MS4 Annual Report  
TPDES General Permit Number TXR040000**

Use these instructions to assist in completing the MS4 Annual Report Form starting on page 11.

## **A. General Information**

1. Provide the:

- assigned permit number, beginning and end dates of the annual reporting period (permit year),
- name of the permittee (municipality or owner/operator of the MS4),
- name, telephone number, mailing address and e-mail address for the appropriate contact person.

2. If the MS4 is relying on another government entity to satisfy some of the permit obligations, provide the name of the other entity and an explanation of the elements of the SWMP that the entity is responsible for implementing. A description of the agreement or written documentation of the agreement must be included in the SWMP.

3. For a shared SWMP, list all associated permit numbers and permittee names. Add more spaces or pages if needed.

(a) Indicate if this a system-wide annual report including information for all permittees. If "Yes," all represented permittees must sign the report in accordance with signatory requirements. The regulation governing who may sign an application form is 30 Texas Administrative Code (TAC) §305.128.

4. Indicate whether a copy of the annual report has been submitted to the TCEQ Regional Office. To locate the TCEQ Regional Office that serves the area of the regulated small MS4, visit <http://www.tceq.state.tx.us/about/directory/region/reglist.html>.

## **B. SWMP Modifications and Additional Information**

1. If changes have been made or are proposed to the SWMP, those modifications must be addressed in the annual report as required in Part II Section D 3 of the permit. If the TCEQ has notified you in writing that changes to the SWMP are necessary, those changes must be included in the report. Be sure to provide the following information in the explanation:

(a) Describe changes made to or proposed for the SWMP during the permit year, including changes to BMPs, measurable goals, dates, contacts, procedures or details during the permit year.

- (b) 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.
- (c) A Notice of Change (NOC) is required if revisions are proposed to a SWMP that has already been approved by the TCEQ. If the initial SWMP has not been approved, submit a letter describing the change(s) so that information may be considered during the SWMP review process. If an NOC is required, it must be submitted to the address shown on the NOC form. Do not attach the form to this report.
2. If the MS4 has annexed land, attach a description (or map) indicating the newly annexed area located within a regulated area, the BMPs to be implemented, and any resulting updates to the SWMP.
3. If the receiving water body is newly listed as impaired or a Texas Maximum Daily Load (TMDL) has been established, refer to Part II Section C of general permit TXR040000 for additional information about limitations on permit coverage, compliance with water quality standards, and prohibited discharges (Edwards Aquifer Recharge Zone, specific watersheds, etc.).
- Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act § 303(d) list. Constituents of concern are those for which the water body is listed as impaired. New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by the permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. To determine if your receiving water has been listed as impaired, refer to the Texas 2008 List of Impaired Waters on the TCEQ website at <http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/08twqi/twqi08.html>.
  - A TMDL is the maximum amount of a water quality contaminant that can be discharged into a body of surface water on a daily basis without causing an exceedance of surface water quality standards. More information about TMDLs is located on the TCEQ website at <http://www.tceq.state.tx.us/implementation/water/tmdl/tmdlprogram.html>.
  - NOTE: Discharges of constituent(s) of concern to impaired water bodies for which there is a TMDL implementation plan are not eligible for coverage under this general permit unless they are consistent with the approved TMDL and the implementation plan. In order to be eligible for permit coverage, MS4 operators must incorporate into their SWMP the limitations, conditions and requirements applicable to their discharges, including monitoring frequency and reporting as required by the TCEQ rules. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual TPDES permit.
4. Indicate whether the MS4 has conducted analytical monitoring of storm water quality. Provide an explanation along with any monitoring data used to evaluate the success of the SWMP at reducing pollutants to the maximum extent practicable (MEP). Include a discussion of results with the explanation or summary.

## C. Narrative Provisions

1. Provide a brief description on the status of complying with permit conditions, including compliance with the SWMP that TCEQ approved, compliance with record keeping and reporting requirements, and compliance with permit eligibility requirements.
2. Provide a general assessment of the appropriateness of the selected BMPs, including whether any of the selected BMPs are not appropriate.
3. Describe progress towards reducing the discharge of pollutants. Summarize any information used to evaluate reductions in the discharge of pollutants. This information can be included in a tabular format as provided in the form, or described in a narrative format following the table.
4. Provide a general evaluation of the program's progress, including any obstacles or challenges in meeting the SWMP schedule, etc.
5. Provide the number of construction projects in the jurisdiction of the MS4 where the permittee was not the construction site operator (as provided in submittals to the MS4 operator via notices of intent or site notices).
6. Does the permittee utilize the seventh MCM related to construction? To answer "Yes," this must have been requested on the Notice of Intent (NOI) or on an NOC and approved by the TCEQ.
  - (a) If "Yes," then provide information about the number of municipal construction activities authorized under this general permit and the total number of acres disturbed for municipal construction projects.
7. Requirements for Specific Minimum Control Measures (MCMs):
  - (a) For MCM 1 - Public Education and Outreach, provide documentation of activities conducted and materials used to fulfill the requirements of this MCM.
  - (b) Also for MCM 1, provide documentation of the amount of resources used to address each group (e.g., visitors, businesses, etc.).
  - (c) For MCM 3 – Illicit Discharge Detection and Elimination (IDDE), include a synopsis of the changes to the SWMP that are necessary to meet any local controls, conditions and/or programs being established for non-storm water discharges. Indicate if not applicable.
8. Other than the SWMP modifications indicated in Section B, describe any proposed changes to the SWMP in the coming reporting year.
9. Describe any activities that are planned for the next permit year that have not already been described above.

## D. Storm Water Management Program Status

Each MS4 is required to evaluate compliance with permit requirements and assess the appropriateness of the BMPs in reducing the discharge of pollutants to the maximum extent

practicable. The purpose of the annual report is to describe the status of compliance with permit conditions – specifically the implementation of selected BMPs and the progress towards achieving the measurable goals for each BMP. Using Table 1 provided with these instructions, summarize the status of all BMPs specified in the SWMP, as follows:

**Minimum Control Measures:** Specify the MCM addressed by each BMP. The six MCMs are listed in Part III A of the permit. Some BMPs may address more than one MCM. Include at least one BMP for each MCM.

**Best Management Practices:** BMPs are the specific long-term activities and practices that will be implemented to prevent or reduce storm water pollution. Examples include public service announcements, outfall inspections, and construction site plan reviews. List all of the BMPs specified in the SWMP, including any new BMPs. For a shared SWMP, include the name of the responsible MS4 operator(s) in this column. See Example 1: BMP Status

**Measurable Goals:** Measurable goals are the ongoing tasks and interim steps that demonstrate progress toward implementing a specific BMP. List all measurable goals from the SWMP, and include any new measurable goals. If you have developed a storm water ordinance during the permit year, include a description or citation of the ordinance, or simply attach a copy of the ordinance. See Example 2: Measurable Goals Status

**New or Revised:** Indicate whether the BMP or measurable goal is new or revised. Examples include replacement of a BMP with another, addition of a new measurable goal, revision of a start date, etc. Briefly explain the change.

**Start Date:** Specify the scheduled start date (month and year) for each BMP as described in the schedule provided in the SWMP.

**Implementation Status:** Describe the implementation status (such as completed, in progress, or not started) of each BMP as of the end of the permit year. If an activity has been completed, indicate the completion date. If an activity has not yet been started or is in progress, provide the expected completion date. Briefly describe the frequency with which ongoing BMPs are conducted. The following tables are examples of the type of information to be provided in the annual report.

See: Example 1. BMP Status

Example 2. Measurable Goals Status

### Example 1 – BMP Status

| MCM(s)  | BMP   | Year 1 Milestone(s)  | New or Revised<br><br>(submit NOC as needed) | Start Date     | Status / Completion Date<br><br>(completed, in progress, not started)  |
|---|---|--|--|----------------|--|
| 3: Illicit Discharge Detection and Elimination                    | Map all outfalls and all water bodies receiving discharges from MS4.                  | Completed storm sewer system map includes all outfalls and names and locations of all water bodies |  | January 2008   | Completed June 2008.   |
| 3: Illicit Discharge Detection and Elimination                    | Perform field screening of outfalls.  | Develop protocol to screen outfalls, and research sampling equipment.                              |  | August 2008    | Did not complete. City was not required to implement SWMP because SWMP was not approved by TCEQ. City revised original schedule during initial SWMP review to require this milestone be met in Years 1 or 2. |
| 4/5: Construction Site Control and Post-Construction Site Control | Implement storm water ordinance for construction and post-construction runoff control | Researched other municipalities' ordinances  | X  | July 2007      | Completed - Revised start date from March 2007 to July 2007.   |
| 4/5: Construction Site Control and Post-Construction Site Control | Implement storm water ordinance for construction and post-construction runoff control | Integrated language from model ordinance   |  | September 2007 | Completed December 2007.   |
| 4/5: Construction Site Control and                                | Implement storm water ordinance for   | Storm water ordinance has been drafted   |  | March 2008     | In progress - Draft ordinance presented to City  |

| <b>MCM(s)</b>  | <b>BMP</b>  | <b>Year 1 Milestone(s)</b>   | <b>New or Revised<br/>(submit NOC as needed)</b> | <b>Start Date</b> | <b>Status / Completion Date<br/><br/>(completed, in progress, not started)</b> |
|--|---|--|--|-------------------|--|
| Post-Construction Site Control                                       | construction and post-construction runoff control |  |  |                   | Council June 2008 - Approval pending, expected completion date July 2009.      |
| 6: Pollution Prevention & Good Housekeeping for Municipal Operations | Train all public works and streets staff          | Approx. 20 staff trained. Staff educated on good housekeeping/ pollution prevention and upcoming storm water ordinance |  | April 2007        | In progress - annual training every April                                      |

### Example 2– Measurable Goals Status

| MCM | Measurable Goal(s)  | Success  | Proposed Changes<br>(submit NOC as needed)   |
|-----|---|--|--|
| 1   | Provide utility bill inserts to each utility customer at least once each year.    | Met goal   | None   |
| 2   | Conduct one public meeting or city-wide cleanup day each year.                    | Exceeded goal: conducted one public meeting and two cleanup days.                          | None   |
| 3   | Map 25% of outfalls and 50% of receiving waters during Year 1 (same as milestone) | Met goal   | None   |
| 4   | Perform site inspections of 25% of all active construction sites.                 | Did not meet goal. Number of construction sites in city was far above normal for the year. | Revise goal to perform site inspections of 25% of all active construction sites, or a minimum of 50 sites per year. Submitted NOC along with the annual report to reflect this change. |
| 4   | Respond to 100% of construction complaints received.                              | Met goal   | None   |
| 5   | Review all site plans submitted for new development projects.                     | Met goal   | None   |

| MCM | Measurable Goal(s)   | Success   | Proposed Changes<br>(submit NOC as needed) |
|-----|--|---|--|
| 6   | Sweep 50% of roads each year.                                    | Exceeded goal – swept all city streets in Year 1. | None                                       |
|     | Send two employees each year to a storm water training workshop. | Met goal  | None                                       |

## E. Certification

The annual report must be signed by a principal executive officer or ranking elected official, or by a duly authorized representative as referenced in 30 TAC §305.128. The Delegation of Signatories to Reports (TCEQ form 20403) can be located by visiting <http://www.tceq.state.tx.us> and selecting the Forms option.

For shared SWMPs, it would be acceptable to submit separate signature pages for each operator participating in the shared SWMP and system-wide annual report.

## F. Cover Letter

Please submit the annual report with a cover letter to insure that the report reaches the Storm Water & Pretreatment Team. Send the report and cover letter to the TCEQ at the following address. See cover letter template on page 19.

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

## Phase II (Small) MS4 Annual Report Form

TPDES General Permit Number TXR040000

### A. General Information

1. Permit Number \_\_\_\_\_ Annual Report Year: \_\_\_\_\_

Name of MS4 / Permittee: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

2. Is the named permittee relying on another entity/ies to satisfy some of its permit obligations? \_\_\_\_\_ Yes \_\_\_\_\_ No

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

Name and Explanation: \_\_\_\_\_

\_\_\_\_\_

Name and Explanation: \_\_\_\_\_

\_\_\_\_\_

Name and Explanation: \_\_\_\_\_

\_\_\_\_\_

Name and Explanation: \_\_\_\_\_

\_\_\_\_\_

Name and Explanation: \_\_\_\_\_

\_\_\_\_\_

3. Is the named permittee sharing a SWMP with other entities? \_\_\_\_\_ Yes \_\_\_\_\_ No

a. If the answer to Number 3 is "Yes," list all associated permit numbers and permittee names (add additional spaces or pages if needed):

Permit Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

Permit Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

Permit Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

Permit Number: \_\_\_\_\_ Permittee: \_\_\_\_\_

b. If the answer to Number 3 is "Yes," is this a system-wide annual report including information for all permittees?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Explanation, if any \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Has a copy of this annual report been submitted to the TCEQ Regional Office? \_\_\_\_\_ Yes \_\_\_\_\_ No

**B. SWMP Modifications and Additional Information.**

Include a brief explanation if you check "Yes" to any of the following statements.

1. a. 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

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- b. If the answer to Number 1.a. is "Yes," has the TCEQ already approved the original SWMP? \_\_\_\_\_ Yes \_\_\_\_\_ No

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- c. If the answer to Number 1.a. is "Yes," indicate whether an NOC (or letter) has been submitted to document the changes to the approved SWMP as required by the general permit. (Note that if an NOC is required, it must be submitted to the address shown on the NOC. Do not attach the original NOC form to this report.) \_\_Yes \_\_No

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2. The MS4 has annexed lands since obtaining permit coverage. If "Yes," please explain. \_\_\_\_\_ Yes \_\_\_\_\_ No

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3. A receiving water body is newly listed as impaired or a TMDL has been established. If yes, please explain.

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The MS4 has conducted analytical monitoring of storm water quality. \_\_\_\_\_ Yes \_\_\_\_\_ No

Explain below or attach a summary to submit along with any monitoring data used to evaluate the success of the SWMP at reducing pollutants to the maximum extent practicable. Be sure to include a discussion of results.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Narrative Provisions**

1. Provide information on the status of complying with permit conditions:

|   | Yes | No | Explain |
|---|-----|----|---------|
| Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.  |     |    |         |
| Permittee is currently in compliance with recordkeeping and reporting requirements.   |     |    |         |
| Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.) |     |    |         |

2. Provide a general assessment of the appropriateness of the selected BMPs:

Has the permittee determined that any of the selected BMPs are not appropriate for reducing the discharge of pollutants in storm water? \_\_\_\_\_ Yes \_\_\_\_\_ No

Provide explanation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Describe progress towards reducing the discharge of pollutants to the maximum extent practicable (MEP). Summarize any information used (such as monitoring data) to evaluate reductions in the discharge of pollutants. Use a narrative description or table as appropriate:

| MCM | BMP | Parameter | Quantity | Units | Does BMP Demonstrate a Direct Reduction in Pollutants?<br>(Yes / No / Explain) |
|-----|-----|-----------|----------|-------|--|
|     |     |           |          |       |  |
|     |     |           |          |       |  |
|     |     |           |          |       |  |
|     |     |           |          |       |  |
|     |     |           |          |       |  |

Or, provide explanation below:

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4. Provide a general evaluation of the program's progress, including any obstacles or challenges encountered in implementing BMPs, meeting the program's schedule, etc.:

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5. Provide the number of construction activities (other than those where the permittee was the operator) that occurred within the regulated area as indicated by notices of intent or site notices:

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6. Does the permittee utilize the optional seventh MCM related to construction? \_\_\_\_\_ Yes \_\_\_\_\_ No

If "Yes," then provide the following information for this permit year:

a. The number of municipal construction activities authorized under this general permit: \_\_\_\_\_

b. The total number of acres disturbed for municipal construction projects: \_\_\_\_\_

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

7. Requirements for Specific Minimum Controls Measures (MCMs):

a. For MCM 1 - Public Education and Outreach, provide documentation of activities conducted and materials used to fulfill the requirements of this MCM.

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b. Also for MCM 1, provide documentation of the amount of resources used to address each group (e.g., visitors, businesses, etc.).

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c. For MCM 3 – Illicit Discharge Detection and Elimination (IDDE), indicate whether you have developed a list of allowable non-storm water discharges, other than those already listed in the general permit. If you have developed a list and have made any changes to the local controls, conditions and/or programs being established for discharges, include this information below. If you do not have any changes for this permit year, indicate that this item is not applicable.

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8. Describe any proposed changes to the SWMP in the coming reporting year.

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9. Describe any activities planned for the next permit year, not already described.

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## D.D. Storm Water Management Program Status

Provide the status of every BMP and measurable goal listed in the SWMP, as described in the instructions. Each MCM, but not necessarily each BMP, must include the measurable goals described in the SWMP. For a shared SWMP, include the name of the responsible MS4 operator(s) in the "BMP" column. *(Though an MS4 is not required to implement BMPs until the initial SWMP is approved by the TCEQ, the MS4's initial annual report should include a description of what has been done to date, even if the SWMP has not yet been approved. The MS4 will receive credit for all BMPs implemented prior to and during the first permit year if they are described in the initial annual report.)*

**Table 1 – BMP Status**

| MCM(s) | BMP | Milestones of Permit Year | New or Revised | Start Date | Status / Completion Date<br>(completed, in progress, not started) |
|--------|-----|---------------------------|----------------|------------|---|
|        |     |                           |                |            |   |
|        |     |                           |                |            |   |
|        |     |                           |                |            |   |
|        |     |                           |                |            |   |
|        |     |                           |                |            |   |
|        |     |                           |                |            |   |

**Table 2 – Measurable Goals Status**

| <b>MCM(s)</b> | <b>Measurable Goal(s)</b> | <b>Success</b> | <b>Proposed Changes<br/>(submit NOC as needed)</b> |
|---------------|---------------------------|----------------|--|
|               |                           |                |  |
|               |                           |                |  |
|               |                           |                |  |
|               |                           |                |  |
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|               |                           |                |  |

## E. Certification

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): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Add pages as needed.

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

Re: Phase II MS4 Annual Report Transmittal for { Small MS4 Name}  
TPDES Permit Number: TXR04 \_\_\_\_

Dear Team Leader:

This letter serves to transmit the Year \_\_\_\_\_ Annual Report for the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, Authorization Number TXR040\_\_\_\_ for the {MS4 name}.

A separate Notice of Change [ has / has not been / will be ] submitted based on the fact that changes have / have not been proposed for the next permit year.

As required by the general permit, a copy of this submittal has also been mailed to the TCEQ's regional office in \_\_, Texas.

Sincerely,

{Name}