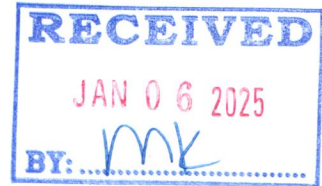


Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 30, 2024

The Honorable Carbett "Trey" J. Duhon III
Waller County
425 FM 1488
Hempstead, TX 77445

Subject: Newly Regulated MS4s Based on the 2020 Census and
2024 Phase II (Small) MS4 General Permit (TXR040000)

Dear New MS4:

You are receiving this letter because all or part of your municipal separate storm sewer system (MS4)¹ has been identified as being located within an *urban area with a population of 50,000 or more people* according to the 2020 Decennial Census². As such, if you *own or operate* an MS4, your MS4 is regulated under the purview of the Clean Water Act's stormwater permitting regulations found at 40 CFR §122.32(a)(1) that state that an MS4 is automatically regulated if it "is located in an urban area with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census." As a regulated small MS4, you are required to obtain coverage under the Texas Pollutant Discharge Elimination System (TPDES) 2024 Phase II MS4 General Permit, TXR040000, to reduce pollutants in stormwater discharges from your MS4.

Our records indicate that we have not received an application from your MS4 to obtain coverage under the TPDES Phase II MS4 General Permit, issued on August 15, 2024. This is a courtesy reminder that you must submit a Notice of Intent (NOI) or Waiver application to obtain coverage under this general permit. All applications must be submitted to TCEQ by **February 11, 2025**.

The specific contents of the NOI, including the development, implementation, and enforcement of a Stormwater Management Program (SWMP) to reduce the discharge of pollutants from the MS4, and Waiver³ eligibility requirements can be found in the TPDES Phase II MS4 General

¹ An MS4 is defined as "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)" owned by a public entity that is "designed or used for collecting or conveying stormwater." See 40 CFR §122.26(b)(8).

² Urban areas designated as a result of the Census 2020 provided by the U.S. Census Bureau, associated population data, and resources can be found:
<https://www.tceq.texas.gov/permitting/stormwater/ms4/urbanareas>.

³ Waiver eligibility criteria are described in 40 CFR §122.23 (d) and (e).

Permit located at:

https://www.tceq.texas.gov/permitting/stormwater/ms4/WQ_ms4_small_TXRO4.html.

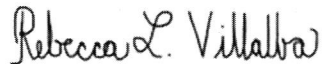
Please notify us upon receipt of this letter, so that we can update our records, or if any of the following apply:

- Your jurisdiction or service area is not located within *urban area with a population of 50,000 or more people* based on the 2020 Census data,
- You are not the owner of the MS4,
- You have delegated responsibility for the operation of your MS4 to another MS4.

Unless one of the above apply, you must submit an NOI or Waiver application electronically using the **Central Data Exchange (CDX)** to create an account and access the **Net-MS4 system** to create a **New MS4 Request**. The application fee is \$400. Authorization begins when you have been notified that TCEQ has approved your NOI or Waiver. NetMS4 Resources can be found at: <https://www.tceq.texas.gov/assistance/water/stormwater/sw-ms4.html>.

For assistance in responding to your MS4's automatic designation, obtaining permit coverage, and developing your SWMP please contact the Small Business and Local Government Assistance program toll free Hotline at 1-800-447-2827 *or* the Stormwater Team by e-mail at SWGPA@tceq.texas.gov or by telephone at (512) 239-4671.

Sincerely,



Rebecca L. Villalba, Team Leader
Stormwater Team (MC 148)
Water Quality Division
Texas Commission on Environmental Quality