



## STAFF REPORT

**DATE:** July 2, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Danielle Singh, Executive Director of Public Works

**SUBJECT:** Consider the adoption of a Phase II Stormwater Management Plan to comply with the 2019 Texas Pollutant Discharge Elimination System (TPDES) general permit for small municipal separate storm sewer system operators

### **BACKGROUND AND FINDINGS:**

On January 9, 1998, the U.S. Environmental Protection Agency (EPA) issued proposed regulations under the National Pollutant Discharge Elimination System (NPDES) surface water pollution control program to address a variety of stormwater discharges. Known as "Phase II," the program represented a significant expansion of pre-existing stormwater regulations (i.e. "Phase I"). The Phase I program was implemented to reduce polluted stormwater runoff from major industrial facilities and medium urban storm drainage networks ("municipal separate storm sewer systems" or "MS4s"); and construction sites that disturb five or more acres of land. The Phase II program broadened the scope of stormwater discharge regulations to include smaller municipalities (such as Killeen) and counties, and lower the regulatory threshold to construction sites that disturb at least one acre of land or are part of a larger common plan of development. Phase II cities are also required to obtain stormwater discharge permit coverage for municipal facilities with specific regulated industrial stormwater discharges. The Texas Commission on Environmental Quality (TCEQ) was delegated authority by the EPA to administer the NPDES program in the State of Texas (TPDES).

The City of Killeen, as a regulated Phase II MS4 operator, is required to obtain stormwater discharge coverage under the TPDES program. Therefore, on December 18, 2007, the City Council formally adopted the City's first Phase II Stormwater Management Program (CCM/R 07-216R). The Stormwater Management Program (SWMP) addresses the federal Clean Water Act and Texas Water Code regulations of stormwater discharges from a MS4. The TCEQ begins renewal of the Phase II program every five years. The City Council adopted the current SWMP on April 22, 2014 (CCM/R 14-041R). The 2019 TPDES general permit for small MS4s became effective on January 24, 2019. The City of Killeen must submit an adopted compliant SWMP to the TCEQ prior to or on July 23, 2019.

### **THE ALTERNATIVES CONSIDERED:**

1. Renew the City's current SWMP without changes.
2. Update the current SWMP such that it complies with the 2019 TPDES permit.

**Which alternative is recommended? Why?**

Staff recommends that the City Council adopt the revised SWMP as presented. The 2019 TPDES permit requires more specific deliverables and has some additional requirements for cities over 100,000 in population. As a result, the current SWMP does not address the minimum requirements in the 2019 TPDES permit. The submitted SWMP allows the City to remain in compliance with the TCEQ's 2019 TPDES permit. Non-compliance can result in fines of up to \$25,000 per day per offense.

**CONFORMITY TO CITY POLICY:**

The 2019 SWMP conforms to city policies.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

There are no additional resources required beyond the proposed Fiscal Year 2019-2020 base budget to implement the proposed 2019 SWMP for Permit Year 1 (Date of Adoption through September 30, 2020). Budget influences for future budget years are included on the attached spreadsheets.

**Is this a one-time or recurring expenditure?**

Over the course of the five year SWMP, there will be both one-time and recurring expenditures.

**Is this expenditure budgeted?**

Most of the expenditures associated with the SWMP are already budgeted. Additional anticipated expenses are included on the attached Summary of Estimated New Expenses spreadsheet.

**If not, where will the money come from?**

The expenditures that will be covered by the Drainage Utility Fund have been incorporated into the drainage fund's fiscal model. Other recommended potential funding sources are identified on the attached Summary of Estimated New Expenses spreadsheet. Individual purchases will be brought before City Council for consideration in accordance with the City's Purchasing policy and State Law.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes, for Fiscal Year 2019-2020. Budgeted line-items for expenses in future years will be adopted by Council in accordance with the City Charter.

**RECOMMENDATION:**

City Staff recommends that the City Council approve the 2019 SWMP and authorize the City Manager, or his designee, to submit the 2019 SWMP with the Notice of Intent to the TCEQ.

**DEPARTMENTAL CLEARANCES:**

Public Works  
Finance  
City Attorney

**ATTACHED SUPPORTING DOCUMENTS:**

Summary of 2019 SWMP Deliverables  
Summary of Estimated New Expenses