

Texas Commission on Environmental Quality



NOTICE OF APPLICATION AND PRELIMINARY DECISION FOR SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) RENEWAL

General Permit Authorization No. TXR040040

APPLICATION AND PRELIMINARY DECISION. Smith County, P.O Box 990, Tyler, Texas 75710, has applied to the Texas Commission on Environmental Quality (TCEQ) under Texas Pollutant Discharge Elimination System (TPDES) Small MS4 General Permit No. TXR040000 for a renewal of authorization number TXR040040 to discharge stormwater to surface water in the state from the Smith County. The notice of intent (NOI) and stormwater management program (SWMP) were received by the TCEQ on July 19, 2109.

The MS4 is located within the area of unincorporated Smith County that is located outside the Tyler Urbanized Area in Smith County, Texas. The discharge from the MS4 will eventually reach Sabine River Below Lake Tawakoni, Lake Palestine, Neches River Below Lake Palestine, Angelina River Above Sam Rayburn Reservoir, and Lake Tyler/Lake Tyler East in Segment Nos. 0506, 0605, 0606, 0611, and 0613 of the Sabine River Basin and Neches River Basin. The MS4 is part of a coalition which includes the following MS4s: Smith County (TXR040040) and the City of Tyler (TXR040041).

A copy of the NOI, SWMP, general permit, and general permit fact sheet are available for viewing and copying at Smith County Road and Bridge Department, 1700 West Claude Street, Tyler, Texas 75702. The SWMP can also be viewed online at Smith County's website at <https://www.smith-county.com/>. Substantial changes to the MS4's SWMP during the permit term will be posted on the same website.

The TCEQ Executive Director has completed the technical review of the application and SWMP. The SWMP, if approved, would establish additional terms and conditions, not included in the general permit, under which the MS4 must operate. The Executive Director has made the preliminary decision that the SWMP meets all statutory and regulatory requirements and made a preliminary decision to approve the small MS4's authorization under the TPDES Small (Phase II) MS4 General Permit No. TXR040000.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit written or oral comments or to ask questions about the application. The TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. If significant interest exists, the Executive Director will direct the applicant to publish a notice of the public meeting and hold the public meeting. The applicant must publish notice of a public meeting at least 30 days prior to the meeting in a newspaper of general circulation in the county where the MS4 is located. If the MS4 is located in more than one county, the applicant must publish notice in a newspaper of general circulation in the county containing the largest residential population.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www.tceq.texas.gov/goto/comment> within 30 days of the date of newspaper publication of this notice.

After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant material, or significant public comments. The response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application.

MAILING LIST. If you submit public comments, a request for a public meeting, or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; or (2) the mailing list for a specific county. If you wish to be placed on the permanent or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address above.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Any personal contact information you provide to the TCEQ will become part of the agency's records; this includes your name, phone number, email address, and physical address. For more information about this application or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040 or visit their website at <https://www.tceq.texas.gov/goto/pep>. Si desea información en español, puede llamar al 1-800-687-4040.

Further information may also be obtained from Smith County at the address stated above or by calling Mrs. Andrea Broughton at 903-590-4805.

Issuance Date: November 20, 2023