

RESOLUTION NO. 19-R-83

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE IMPLEMENTATION OF THE STORMWATER MANAGEMENT PLAN AND APPROVING THE NOTICE OF INTENT FOR STORMWATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE II MS4 GENERAL PERMIT (TXR040000) FOR THE CITY AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, The Federal Water Pollution Control Act was passed in 1972. After the law was amended in 1977, it became commonly known as the Clean Water Act¹. The Clean Water Act (The Act) established the structure for federal regulation of pollutant discharges into the waters of the United States, authorized the Environmental Protection Agency (EPA) to implement pollution control program, extended the requirements to establish standards or surface water contaminants, and made it unlawful to discharge unpermitted point source pollutants into navigable water. In order to reduce stormwater pollution, amendments were made to the Clean Water Act in 1987, requiring stormwater discharges to be permitted in two phases; and

WHEREAS, Phase 1 applied, among other things, to large cities with separate stormwater sewer systems. The regulations required these cities to obtain National Pollutant Discharge Elimination System (NPDES) permits. The permit process imposed controls on the cities to reduce pollution in stormwater discharges; and

WHEREAS, In 1990, the EPA issued final regulations for Phase 2. The Texas Commission on Environmental Quality (TCEQ) issued the Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR040000 (General Permit) for Phase 2 stormwater on August 13, 2007 in order to create a mechanism for non-Phase 1 Texas cities with populations of over 1,000 to come into compliance with the federal regulations; and

WHEREAS, On January 24, 2019, TCEQ issued a revision to the General Permit TXR040000. With the new General Permit all Small MS4s are defined by levels based on the population served in and Urban Area (UA) according to the 2010 decennial census. Schertz' population was 31,465 defining the community as a Level 2 Small MS4; and

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute a Notice of Intent and Stormwater Management Plan for the Texas Commission on Environmental Quality.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 9th day of July, 2019.

CITY OF SCHERTZ, TEXAS

Michael R. Carpenter, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)