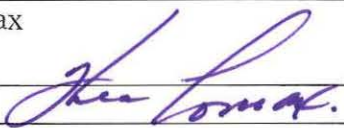


**Region 6 Compliance Assurance and Enforcement Division
sMS4 PRE-ASSESSMENT REPORT**

Inspection Date(s):	June 14, 2018		
Media:	Water		
Regulatory Program(s):	Clean Water Act		
Company Name:	City of Waxahachie		
Facility Name:	City of Waxahachie		
Facility Physical Location:	401 S. Rogers		
City, State, Zip Code:	Waxahachie, TX 75165		
Mailing Address:	Same as above		
City, State, Zip Code:	Same as above		
County/Parish:	Ellis		
Facility Contact:	James Gaertner, City Engineer, Phone: (469) 309-4293 jgaertner@waxahachie.com		
FRS Number:	N/A		
Identification/Permit Number:	TXR040474		
Media Number:	N/A		
NAICS:	237110-Water and Sewer Line and Related Structures Construction		
SIC:	1623-Water, Sewer, Pipeline Communications and Power Line Construction		
EPA and or State Personnel Participating in Pre-Assessment			
Name	Office/Mail Code	Title	Phone
Thea Lomax	EPA (6EN-WS)	Lead Technical/Enforcement Officer	(214) 665-8098
Linda Smith	EPA (6EN-WS)	Enforcement Officer	(214) 665-6641
James Gaertner	City of Waxahachie	City Engineer	(469) 309-4293
Jeff Chambers	City of Waxahachie	Director of Public Works	(972) 309-4301
David Bailey	City of Waxahachie	Director of Utilities	(469) 309-4321
Tommy Ludwig	City of Waxahachie	Executive Director of Developmental Services	(469) 309-4021
Ryan Studdard	City of Waxahachie	Director of Building and Community Services	(469) 309-4038
Macey Beazley	City of Waxahachie	Engineering Technician	(806) 470-8602
Stephen Brigman	City of Waxahachie	Environmental Program Manager	(214) 399-8660 (469) 309-4347
Sam Robinson	City of Waxahachie	Chief, Public Works Inspector	(469) 309-4303
Pre-Assessment Lead Signature/Date	Thea Lomax		(214) 665-8098
	Signature: 		Date 07/03/2018
Supervisor Signature/Date	Robert Houston		07/06/2018
	Signature: 		Date

Section I – INTRODUCTION

PURPOSE OF THE PRE-ASSESSMENT

Environmental Protection Agency (EPA) Region 6 inspectors Thea Lomax-*Lead Inspector* and Linda Smith arrived at the City of Waxahachie (City) City Hall, 401 S. Rogers, Waxahachie, Texas, 75165 at 9:00 am on June 14, 2018, for an announced Pre-Assessment. The inspectors met with James Gaertner, City Engineer; Jeff Chambers, Director of Public Works; David Bailey, Director of Utilities; Tommy Ludwig, Executive Director of Developmental Services; Ryan Studdard, Director of Building and Community Services; Macey Beazley, Engineering Technician; Stephen Brigman, Environmental Program Manager; and Sam Robinson, Chief, Public Works Inspector. There were no attendees from the Texas Department of Environmental Quality (TCEQ) present.

Representatives of the City were informed that this was an EPA Pre-Assessment to determine compliance with the Texas Pollutant Discharge Elimination System (TPDES) Small Municipal Separate Storm Sewer System (sMS4) Phase II Permit and the Clean Water Act. The City's storm water discharges are regulated under the TCEQ sMS4 Permit TXR040000, in which they are authorized by Permit Number TPDES Permit Number TXR040474 to discharge storm water to their MS4 in compliance with the permit. The City has been permitted under this MS4 Permit almost 5 years (Effective December 1, 2014; Expiration Date: December 13, 2018).

The Pre-Assessment was conducted under the authority of the National Pollutant Discharge Elimination System (NPDES) permit program, in accordance with the Federal Clean Water Act. The year evaluated is from June 2017 to June 2018. The City is responsible for compliance with permit conditions relating to discharges from portions of the MS4 for which it is the operator, and, development and implementation of a Storm Water Management Program (SWMP). The SWMP should describe a systematic, goal-oriented approach to implement these required six Minimum Control Measures: 1) Public Education, Involvement and Outreach; 2) Illicit Discharge Detection and Elimination; 3) Construction Site Runoff Control; 4) Post-Construction Storm Water Management in New Development and Re-Development Projects; 5) Pollution Prevention and Good Housekeeping for Municipal Operations; and, 6) Industrial Storm Water Sources.

FACILITY DESCRIPTION

The City is a Phase II MS4, population 34, 345 (2016 Bureau of the Census), located in Ellis County, that discharges to its MS4 and thence to the South Prong Creek and Waxahachie Creek. The classified water bodies that ultimately receive the discharge from the City are Lake Bardwell and Lake Waxahachie, which are surface waters of the United States.

The City's Storm Water contact person is Mr. James Gaertner, City Engineer who directs the implementation of a SWMP and checks the program for compliance with the permit in reducing pollutants in storm water discharges to the Maximum Extent Practicable. Several City Departments have a significant responsibility in carrying out the SWMP which are Public Works/Utilities; Planning and Zoning Commission; Parks and Recreation; Keep Waxahachie Beautiful; and the GIS and Mapping Services.

The City does not operate a landfill. Contractors are hired to dispose waste associated with residential areas and street cleaning. The City has mapped 80% of its outfalls and expects to complete mapping the remaining 20% by December 2018. Currently 1,126 GPS points for storm inlets have been mapped.

Section II - OBSERVATIONS

1. The City showed a power point presentation, highlighting its implementation of all six SWMP Minimum Control Measures. Following the presentation EPA Inspectors reviewed the City's SWMP and found that the Minimum Control Measures inconsistently included quantifiable results.
2. The City has developed and implemented a **Public Education and Outreach** program that targets all ages for storm water educational programs and events to participate in reducing pollutants in storm water discharges. The outreach programs that have proven to be effective in reducing pollutants in storm water are the: Fats Oil and Grease program, Keep Waxahachie Beautiful, Pet Waste Management, Recycling Program, and the Youth Educational Program. Residents and children are encouraged to take part in each event through public announcements, posters, school visits, tours, door tags, mail inserts and other methods of communication. The City has collected over 10,000 pounds of household hazardous waste this reporting period.
3. The City has obtained the necessary ordinances for authorization to enforce the Minimum Control Measures as applicable.
4. The City makes available to residents an app called "My Waxahachie" convenient for reporting environmental problems that need to be addressed.
5. The City requires all contractors to submit a copy of their storm water prevention plan, Notice of Intent and attend a meeting about storm water compliance prior to getting permitted by them, to construct a project. The City inventoried 28 active construction projects this reporting period of which, only 6 construction sites remain active. The City however, has not required contractors to show a Notice of Termination at the completion of a project.
6. The TCEQ permit categorizes the City a *Level 2* permittee. Level 2 permittees are not required to identify industrial facilities and control pollutants in storm water discharges from

these facilities to the permittees' MS4. Though the City is a Level 2 permittee, it has identified the location of industrial facilities within its jurisdiction that requires authorization, to discharge storm water. City Inspectors visit these facilities and provide educational information to them about permit compliance.

7. City Inspectors are trained and take part in job-related training as available and applicable. They also use a checklist in the field when conducting inspections; generate signed and dated inspection reports and timely enter them into a database. The reports are tracked and inspection follow-ups are done as needed. The City too also shared an e-tool, design in progress, which will be used as an e-inspection form for inspectors to use in the field. The e-tool will allow inspectors to access the network to enter inspections while in the field.

8. Accompanied by the City, EPA Inspectors made field observations of three construction sites and inspected two city owned and operated facilities. The climate temperature during this activity exceeded 100 degrees Fahrenheit. The following was found during the observations/inspections:

a. First Baptist Church, 450 Highway 287, Bypass E- poorly installed silt fences. Silt fences were not properly and securely installed; storm drain within an estimated 300 feet, was not satisfactorily protected from potential discharge of sediment and floatables, in the event of a precipitation event that equals to or exceeds ½ inch (Photo No. 2).

City Inspectors implement an inspection schedule and currently inspect City projects. They had not developed an inspection program to check the permit compliance of all active construction sites, requiring storm water permit coverage. For example, the City referred to the First Baptist Church as a private construction project and because of this category, had not inspected the facility for permit compliance. Part III, Section B.3.(b)(2) of the permit requires the permittee to ensure effective implementation and permit compliance for all small and large construction activities discharging to its MS4. Part III, Section B.3. (b)(5) of the permit requires the permittee to inspect all large and small construction projects for compliance within its regulated area.

b. Tacos4Life, 1760 N. Highway 77-adequate and properly installed Best Management Practices (BMPs) to reduce pollutants in storm water discharges; location where to find the Storm Water Pollution Prevention Plan posted at the site and gravel installed at the entrance to reduce sediment tracking ; storm drain inlet needed maintenance to make the protective materials fully functional (Photo No. 1).

c. Public Works and Utilities office complex, 301 Clift Street-silt fences partially down (Photo No. 8); storm drain (Photo No. 9) within 100 feet, north of the facility was not protected

from site pollutant discharges, in the event of a precipitation event that equals to or exceeds ½ inch.

d. Public Works and Utilities Yard, 400 E. Madison Street, is a City owned and operated facility. The majority of operations occur indoors; City vehicles are parked at the facility-no fueling or vehicle washing takes place; two empty, labeled, partially sealed oil drums stored outside of a storage facility and spout was opened on one of the drums (Photo No. 3); sewer pipes and loose materials are stored at the facility; oil and grease spots untreated (Photo No. 6); trash bins were filled to capacity with debris exposed to the atmosphere (Photo No. 5); other items and floatables were found exposed outside of a storage unit (Photo Nos. 4 & 7); a spill and emergency kit was not found at this facility; loose materials are stored in bins near a tree line. A small creek is within a mile of the tree line. The tree line and heavy vegetation are natural buffers and the hay bales placed around the perimeter as an applied BMP, helps prevent and or slow down the discharge of pollutants from this area. Water flow is eastward at the facility (in the direction of the tree line).

e. Waxahachie Sports Complex, 151 Broadhead Road is a City owned and operated facility. The majority of operations occur indoors; first aid kit is on-site; spill kit was not in its regular storage space and was located before the EPA Inspectors left the facility; and debris and an unknown substance were found on the facility's paved work area (Photo Nos. 10& 11).

9. Non-compliant construction operators are given reasonable amount of time to take corrective action when they are cited violations. The City has an enforcement plan and procedure in place but has not had to use it.

10. The City tracks SWMP activities in the Cass Works database. All departments engaged in carrying-out the SWMP meet at least one time a year to discuss and evaluate the program's performance and next action items and budget. Currently the budget to operate the SWMP is adequate.

Section III – AREAS OF CONCERN

These Areas of Concern were discussed with the City during the Pre-Assessment:

1. Quantifiable results are not consistently included in each Minimum Control Measure.
2. Require contractors to submit proof of an approved Notice of Termination at the completion of a project.
3. Refine inspection schedule to inspect all construction projects required to obtain authorization to discharge storm water.
4. Check the permit compliance of the First Baptist Church.

Corrective Action: City Inspector contacted the church's storm water operator about needed erosion control measure repairs. Problem corrected and pictures submitted showing this problem has been satisfactorily addressed.

5. Conduct a follow-up inspection at Tacos4Life to address maintenance of its storm drain protectors.

Corrective Action: City Inspector inspected the site and had Tacos4Life maintain the storm drain. Problem corrected and pictures submitted showing this problem has been satisfactorily addressed.

6. Conduct a follow-up inspection of the Public Works and Utility office complex for permit compliance.

Corrective Action: Final grading completed and decomposed granite to be removed within a few days.

7. Clean up oil, grease, debris and items exposed to storm water at the Public Works Utility yard.

Corrective Action: City initiated site clean up and submitted pictures, showing the problem satisfactorily addressed.

8. Clean up oil, grease and unknown substance at the Sports Complex.

Corrective Action: City initiated site clean up and submitted pictures, showing the problem satisfactorily addressed.

Section IV – FOLLOW UP

EPA requested information from the City via email on June 15, 2018. The City submitted a satisfactory response via email on June 27, 2018. The response is filed in EPA Record at:

H:\6EN\6EN-WS\6EN-WS Programs\STORM WATER\3-SW TEAM CASES\1-SW TEAM CASE FOLDERS\pre-assessment cases\2018 team pre-assessment cases\LOMAX-City of Waxahachie\city resources.

EPA recommends that the City do the following to meet permit compliance:

1. Revise Control Measures;
2. Plan an inspection schedule to look at all construction activities within the City's regulated area;
3. Require contractors to submit proof of an approved Notice of Final Termination at the completion of their project(s);
4. Complete mapping all minor and major outfalls by December 2018.
5. Place a spill kit at the Public Works and Utilities yard.

EPA will give a copy of this report to TCEQ and ask that they follow-up with the City pertaining to its permit compliance.

Section V – LIST OF APPENDICES

Appendix 1- Photo Log (11 photos taken 06/14/2018)

Appendix 2-Sign-in sheet

Appendix 3-Agenda

Appendix 4-Pre-Assessment Overview

Appendix 1

Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: DSCN3795

Photographer: Linda Smith

Description: Protective devices for storm drain within close proximity of the Tacos4Life construction site, 1760 N. Highway 77, need maintenance to ensure full functional capacity.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: First Baptist Church-1

Photographer: Thea Lomax

Description: Compromised silt fence at church construction site at the First Baptist Church construction site, 450 Hwy 387 Bypass, E.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: DSCN3759

Photographer: Linda Smith

Description: Partially sealed oil drums stored outside of a storage facility. The spout was opened on one of the drums.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: DSCN3763

Photographer: Linda Smith

Description: Lose gravel and sediment outside of bay area at the Public Work and Utilities yard.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: DSCN3767

Photographer: Linda Smith

Description: One trash bin properly closed. Trash exposed to storm water in the event of a precipitation event that equals to or exceeds 1/2" inch. Items are outside of the smaller trash bin and the lid not properly closed at the Public Works and Utilities yard.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: DSCN3770

Photographer: Linda Smith

Description: Oil and grease in contact with concrete pavement, located at the base of a truck trailer. These pollutants were noticed at the Public Works and Utilities yard, 400 E. Madison Street.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: DSCN3772

Photographer: Linda Smith

Description: Debris and floatables in contact with pavement, placed outside of a storage facility at the Public Works and Utilities yard.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: PW&U office complex 1

Photographer: Thea Lomax

Description: Silt fence not maintained at the Public Works and office complex construction site at 301 Clift Street. Debris and floatables exposed to storm water in the event of a precipitation event that equals to or exceeds $\frac{1}{2}$ inch.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: PW&U office complex 2

Photographer: Thea Lomax

Description: Unprotected storm drains within 200 feet of the Public Works and Utilities office complex construction site.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: DSCN3801

Photographer: Linda Smith

Description: Combination of sediment, oil grease contacts concrete pavement outside of the Sports Complex.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: City of Waxahachie		
City: Waxahachie	County/Parish: Ellis County	State: Texas



Photo File Name: DSCN3804

Photographer: Linda Smith

Description: Unknown granular substance in contact with pavement and exposed to storm water in the event of a precipitation event that equals to or exceeds $\frac{1}{2}$ inch, at the Sports Complex, 151 Broadhead Road.

Appendix 2

Pre-Assessment Sign-In Sheet



CITY OF Waxahachie, PRE-ASSESSMENT SIGN IN -Address, Meeting Time and Date 9:00 am, Thursday, June 14, 2018

NAME AND TITLE (Print)	SIGNATURE	EMAIL	PHONE	COMPANY
Thea Lomax Storm Water Ent Mgr.		lomax.thea@epa.gov	(214) 665-8098	EPA
David Bailey		d.bailey@waxahachie.com	(469) 309-4321	City of Waxahachie
James Gaertner		jgaertner@waxahachie.com	469 309 4293	City of Waxahachie
Linda Smith		smith.linda@epa.gov	(214) 665-6641	EPA
JEFF CHAMBERS DIRECTOR OF PUBLIC WORKS		JEFFCHAMBERS@WAXAHACHIE.COM	(972) 466-4301	City of Waxahachie
Tommy Ludwig Executive Director of Dev. Services		TLudwig@waxahachie.com	469-309-4102	City of Waxahachie
Ryan Studdard Director of Building & Community Services		rstuddard@waxahachie.com	469-309-4038	City of Waxahachie
Macey Beazley Engineering Technician		mbeazley@waxahachie.com	806-470-8602	City of Waxahachie
Stephen Brigman Engineering Program Manager		Sbrigman@waxahachie.com	214-399-8660 469-309-4347	City of Waxahachie
CHARIT PUGH PUBLIC WORKS DEPARTMENT		CHARITPUGH@WAXAHACHIE.COM	469-309-4303	CITY OF WAXAHACHIE

Appendix 3

Pre-Assessment Agenda



Agenda for EPA sMS4 Pre-Assessment

Thursday, June 14, 2018, 9:00 am

City of Waxahachie-Permit Number: TXR040474

401 South Rogers Street

Waxahachie, TX 75165

9:00 am

Sign in and Introductions

9:15 am

Overview of Storm Water Management Program (SWMP)

- a. Integrated Planning
- b. Special Projects to reduce pollutants in storm water
- c. SWMP implementation of Minimum Control Measures and other program components:
 - Legal authority
 - Annual Budget
 - Equipment
 - Staffing and Training
 - Data Management
 - Public Education, Outreach and Participation
 - Illicit Discharge Detection and Elimination
 - Construction Site Runoff
 - Post Construction
 - Pollution Prevention and Good Housekeeping for Municipal Operations
 - Industrial Storm Water Resources (Only in Texas-Level 4 sMS4)
 - Authorization for Construction Activities where the sMS4 is the site operator (as applicable)
 - Inspection schedules
 - Citizen complaints
 - Enforcement

- d. Concerns/Questions/Compliance Assistance

11:30 am

Working Lunch (optional)

12:30 pm

Inspection of sMS4 Service Center or other facility

1:30 pm

Observation of Inspection Techniques

Appendix 4

Pre-Assessment Overview



**United States Environmental Protection Agency
Dallas, Texas 75202-2733
sMS4 PRE-ASSESSMENT OVERVIEW**

Section A: sMS4 Information

Name of sMS4 and Address:	City of Waxahachie 401 S. Rogers Waxahachie, TX 75165		Permit Number:	TXR040474	
Permit Issuance Date:	11/25/2014	Permit Effective Date:	12/01/2014	Permit Expiration Date:	12/13/2018
Pre-Assessment Date:	06/14/2018				

sMS4 Storm Water Contact/Title/Address/Phone: James Gaertner, City Engineer, 401 S. Rogers, Waxahachie, TX 75165;
Phone: (469) 309-4293

Section B: Summary of the Interview

(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Evaluated, NA=Not Applicable)

S	SWMP implemented (<i>All Control Measures</i>)	S	Integrated Planning and Green Infrastructure Projects
S	SWMP Team organization and assignments	S	Data Management
M	Construction Site Runoff program-inspect all construction sites required to get storm water permit coverage.	M	Inspection Schedules for Construction and or Post-Construction-schedule to inspect all construction sites.
S	Post-Construction Site Runoff program	NA	Inspection Program for Industrial Facilities)
S	Illicit Discharge Detection and Elimination program	S	Meetings and SWMP Evaluation
M	Municipal Good Housekeeping program-establish and maintain a routine clean-up schedule.	S	Inventory of owned and operated facilities
N	Structural Controls	S	Enforcement Actions
M	Measurable Goals-Include a quantifiable component.	S	Funding and Resources

Section C: Summary of the sMS4 Inspection

(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Evaluated, NA= Not Applicable)

S	Permit	S	Records/Reports/Inventory
S	SWPPP, SOP, Management Guidelines or Good Housekeeping Manual in place	S	Trained Staff (emergency spill response, storm water)
M	Spill Kit -place spill kit at the Public Works yard.	M	Scheduled facility inspection and clean up-establish a clean-up schedule.
NA	Fueling Station	M	Trash bins and disposal areas-establish frequent pick-up to have items removed before bin capacity is at the point of overflow.
NA	Equipment and Vehicle Wash area	M	Outfalls-complete mapping the minor and major outfalls.
S	Storage Bins	S	Training programs
NA	Vehicle Maintenance area	S	NOI or Permit and SWPPP for Construction projects
N	Structural Controls	M	General Good Housekeeping-maintain facility clean-up.

Section D: Summary of the Inspection Observation

(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Evaluated, NA= Not Applicable)

S	Uses an Inspection form or Checklist	S	Checks inspection reports for completion: date, signature
S	Documents findings in a database	S	Notifies operator about areas of concern
S	Checks for SWPPP on site or directions to it	S	Files the completed inspection report in a database
S	Check for NOI or storm water permit on site	S	Follows-up with the operator if corrective action/s required
M	Checks for NOT after project is completed-Check for approved NOTs.	M	Inspects all construction sites that need a storm water permit-City to revised its Construction Site Runoff Control program.
S	Checks for storm water discharges	S	Presents credentials
S	Checks storm drains for protective covering	S	Takes appropriate and timely enforcement action
S	Checks contractor's inspection log for implementation	S	Provides storm water information to the operator