

ORDINANCE NO. 2009- 8

An ordinance adopting a Storm Water Management Program (SWMP) for the City of Victoria; repealing conflicting ordinances, providing for enforcement, providing for severability, and declaring an effective date.

In 1972, Congress amended the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act ["CWA"]) to prohibit the discharge of any pollutant to waters of the U.S. from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program. The NPDES program is designed to track point sources and require the implementation of the controls necessary to minimize the discharge of pollutants.

In 1987, Congress amended the CWA to require implementation, in two phases, of a comprehensive national program for addressing storm water discharges. EPA promulgated Phase I of the program on November 16, 1990 (Federal Register, Volume 55, Page 47,990 [55 FR 47990]). Phase I required NPDES permits for storm water discharge from a large number of priority sources, including municipal separate storm sewer systems ("MS4's") generally serving populations of 100,000 or more and several categories of industrial activity, including construction sites that disturb five or more acres of land. EPA promulgated Phase II of the program on December 8, 1999 (64 FR 68722). Phase II addressed storm water discharges from certain MS4's serving populations of less than 100,000 people (called "small MS4's"). The regulations, which may be found at 40 CFR 122, require that all small MS4 operators located in "urbanized areas" must develop, implement and enforce a Storm Water Management Program ("SWMP") to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality.

EPA has delegated authority to issue MS4 storm water discharge permits, in Texas, to the State of Texas. On August 13, 2007 the Texas Commission on Environmental Quality ("TCEQ") adopted TPDES General Permit No. TXR04000. The City of Victoria (hereinafter, "the City") operates a small MS4 located within an urbanized area, as determined by the U.S. Census Bureau; therefore, it must obtain authorization for the discharge of storm water runoff and is eligible for coverage under the TCEQ General Permit No. TXR040000.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Council authorizes the adoption of the Storm Water Management Program (SWMP) for the City of Victoria, a copy of which is attached hereto as **Exhibit "A"**.

2.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

3.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

4.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 7th day of April, 2009.

AYES: 7
NAYS: 0
ABSTENTIONS: 0

PASSED SECOND READING, this the 21st day of April, 2009.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

PASSED THIRD READING, this the 21st day of April, 2009.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 21st day of April, 2009.



Will Armstrong
WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

APPROVED AS TO LEGAL FORM

George E. Hyde w/p Linda Champion
BY: GEORGE E. HYDE, City Attorney
DENTON, NAVARRO, ROCHA & BERNAL, P.C.

Distribution: Legal Department
Department of Public Works

Copies Sent: April 22, 2009

Storm Water Management Program for the City of Victoria

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Preface

Storm Water Management Plan (SWMP) Overview

Regulatory Requirement

Phase I of the U.S. Environmental Protection Agency's (EPA) municipal storm water program was promulgated in 1990 under the authority of the Clean Water Act (CWA). Phase I relied on the National Pollutant Discharge Elimination System (NPDES) permit coverage to address storm water runoff from medium and large municipal separate storm sewer systems (MS4s), serving populations of 100,000 or greater.

The Storm Water Phase II Final Rule (promulgated December 8, 1999) was the next step in the EPA's efforts to preserve, protect, and improve the nation's water resources from polluted storm water runoff. The Phase II program requires additional operators (small MS4s in urbanized areas) to implement programs and practices to control polluted storm water runoff, through the NPDES permit program. The program requires Phase II municipalities to develop a Storm Water Management Program.

Minimum Control Measures

To meet the federal regulations, a Storm Water Management Program must provide minimum control measures for the following subject areas.

1. Public Education and Outreach

Public education and outreach is a major key to the success of a storm water management program. Through public education, people will gain an understanding of how their actions can affect storm water quality and become more informed about storm water quality issues in their community. MS4s will start to gain more support for their management programs both politically and financially as the public awareness grows. Public education is also able to perpetuate itself. As an individual becomes more informed about a topic of concern, they will inform others in their community. This aids the municipalities' efforts to educate the public, thus making resources available for other tasks. Also, when the public is aware of the impacts that they have on their surroundings, they gain a sense of responsibility for those actions. This can lead to greater compliance for the storm water management program. When the public makes an effort to comply with the management program, the program will have a greater positive effect more quickly. Many public education methods are available. Some examples of methods that are used include:

- Distributing brochures or fact sheets
- Sponsoring speaking engagements before community groups
- Providing public service announcements
- Implementing educational programs targeted at school age children
- Conducting community-based projects such as storm drain stenciling, and watershed and beach cleanups

MS4s are also able to utilize storm water education information available through the state, tribe, EPA, or other organizations in their education program. The public education program should target several different areas. First, individuals and households should be educated on how to maintain their homes in an environmentally friendly manner. This includes proper fertilizer, herbicide, and pesticide use; proper waste disposal; and proper septic system maintenance. The program should also inform the public on how to get involved in restoration activities and other conservation groups. Finally, the program should target commercial, industrial, and institutional groups, which may have business activities that could cause a significant impact to the storm water quality of the MS4.

The SWMP objectives should be:

- Inform individuals and homeowners of steps they can take to improve storm water quality.
- Educate commercial, industrial, and institutional groups about the impacts of their work on the storm water quality and the steps needed to reduce these effects.
- Address the viewpoints of all economic and ethnic groups in the design of the education program.

2. Public Involvement/Participation

Public involvement/participation is important for the development of the storm water management program. By encouraging input from all economic and cultural groups, there can be beneficial impacts to the development of the program. One such benefit is that early and frequent public input can lead to a shorter implementation schedule and greater support for the program. As with public education, people who take an active roll in the development of the program also feel a sense of responsibility for the program's success. For this reason, people may be less likely to challenge the MS4's program, which can lead to delays and hinder the program's success. Finally, with a larger number of people involved in the development of the

program, there are more opportunities to gain expertise from these individuals and cooperation with other programs or governments in that watershed. These added resources can improve the success of the program. Members of the community can get involved in several ways. Possibilities for participation include serving as citizen representatives on a local storm water management panel, attending public hearings, working as citizen volunteers to educate other individuals about the program, assisting in program coordination with other pre-existing programs, or participating in volunteer monitoring efforts.

The objectives should be:

- Include the public in the development, implementation, and review of the storm water management program.
- Include input from all economic and cultural groups.

3. Illicit Discharge Detection and Elimination

The illicit discharge detection and elimination minimum control measure is intended to reduce improper waste and management practices. A study by the Nationwide Urban Runoff Program (NURP) found that a little less than half of the water that is discharged from a MS4 during dry weather conditions was not directly related to storm water runoff. These dry weather discharges were found to have pollutant levels high enough to significantly impact the water quality of the receiving water bodies. It is believed that most of the flow during dry weather conditions is due to illicit and/or inappropriate discharges and connections to the MS4 such as mistaken or deliberate connections of wastewater lines to the MS4. The MS4 may also receive the illicit discharge through an indirect connection such as infiltration into the MS4 or spills flowing into storm drains.

There are four parts to this minimum control measure. The first part is to develop an MS4 map that identifies all outfalls and the name and location of all waters of the United States that receive the discharge from the outfalls. The second part of the illicit discharge and elimination control measure is to prohibit the discharge of non-storm water discharges to the MS4 through regulatory avenues and to develop a means to enforce these regulations. The third part is to execute a plan to detect and address non-storm water discharges. Dry weather screening is one method for localizing illicit discharges in MS4s. Finally, the public should be educated about the hazards of improper waste disposal and non-storm water discharges. The educational component may include storm drain stenciling, a program to promote, publicize, and facilitate public reporting of illicit connections or discharges, and distribution of outreach materials. The objectives should be:

- Develop procedures to locate areas suspected of having illicit discharges.
- Develop procedures to track down the source of an illicit discharge.
- Develop procedures to remove the illicit discharge.
- Develop procedures to evaluate the programs performance.

4. Construction Site Storm Water Runoff Control

Construction site storm water runoff control is a minimum control measure designed to address the pollution of storm water runoff from construction sites. Activities that are performed on construction sites usually disturb a large amount of land and generate large amounts of waste. This has been found to lead to high levels of sediment, phosphorus, nitrogen, pesticides, petroleum derivatives, construction chemicals, and solid wastes in receiving streams.

Several actions must be taken under this minimum control measure to deal with these pollutants. First, construction sites must be required through regulations or ordinances, to establish erosion and sediment controls. A mechanism to enforce compliance must also be established with the regulation or ordinance to ensure that the necessary controls are implemented. This may include non-monetary penalties, fines, bonding requirements, and permit denials. Next, the MS4 must establish the necessary requirements for erosion and sediment control Best Management Practices (BMPs) and methods to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste. This will serve as guidance for construction site operators to establish control measures appropriate to their activities and size. Finally, the MS4 must establish procedures for site plan review, receipt and consideration of public input, and inspection and enforcement of controls.

The objectives should be:

- Develop erosion and sediment control and waste control requirements for construction sites.
- Develop procedures for site plan review to ensure consistency with local erosion and sediment control requirements.
- Develop procedures for receipt and consideration of public input.
- Develop procedures for inspection and enforcement to include identification of priority sites based on characteristics such as nature of the construction activities, topography, and the characteristics of soils and receiving water quality.

5. Post-Construction Storm Water Management In New Development and Redevelopment

Post-construction storm water management in new development and redevelopment focuses on implementation of controls that will try to maintain good water quality conditions after an area has been developed or after construction. This minimum control includes three parts. First, the MS4s are required to develop and implement structural and non-structural BMPs. Many studies have shown that it is much easier and more cost-effective to control pollution at its source rather than after it enters into

an MS4. For this reason it is important to consider BMPs that may be needed for post-construction pollution control prior to the construction of an area. Minimization of impervious areas, wetland protection, and vegetated drainage ways are some of the controls that may be considered for use during the design of a new development or redevelopment project. The BMPs that are chosen should be appropriate for the community that it is to serve, minimize water quality impacts, and try to maintain pre-development runoff conditions. Second, regulations and ordinances will be created to establish requirements for post-construction runoff from new development and redevelopment projects. Third, the MS4 needs to develop a mechanism to ensure that there is long-term operation and maintenance of the BMPs.

The objectives should be:

- Develop and implement structural and non-structural BMPs.
- Develop ordinances or regulations for runoff from new development and redevelopment projects.
- Develop a mechanism to ensure long-term operation and maintenance of the BMPs.

6. Pollution Prevention/Good Housekeeping For Municipal Operations

Pollution prevention/good housekeeping for municipal operations is a minimum control measure designed to emphasize the operation and maintenance of MS4s and proper training of municipal employees. Performing municipal activities in a careful and proper manner prevents or reduces pollutant runoff. Municipal operations include parks, golf courses and open space maintenance; fleet maintenance; new construction or land disturbance; building oversight; planning; and storm water system maintenance. The following items should be considered when developing this program:

- Maintenance activities
- Maintenance schedules
- Long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from the separate storm sewer
- Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations disposal areas, and waste transfer stations
- Procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris)
- Ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for protection devices or practices

The objectives should be:

- Develop and implement good housekeeping practices.
- Develop and implement an employee training program.

Definitions (40CFR122)

BMPs (Best Management Practices) – schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of “waters of the United States.” BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

CWA – Clean Water Act

Illicit Discharge – any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the municipal separate storm sewer) and discharges resulting from fire fighting activities.

MEP – Maximum Extent Practicable

MS4 – Municipal Separate Storm Sewer System – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)

NPDES (National Pollutant Discharge Elimination System) – National program for issuing, modifying, revoking and reissuing, terminating, imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA.

Outfall – a point source at the point where a municipal separate storm sewer discharges to waters of the United States.

Redevelopment – alterations of a property that change the footprint of a site or building in such a way that results in the disturbance of equal to or greater than 1 acre of land.

Document Organization

This Storm Water Management Program (SWMP) is organized to aid development and implementation of the programs required by the Phase II Storm Water Regulations, and to aid in completion of permit notification documents (NOI) and tracking progress for the Annual Reports.

Part I of the Storm Water Management Program provides background information on the City of Victoria.

Following the City of Victoria's background description, the required six minimum control measures (MCMs) are addressed in Part II of the Storm Water Management Plan.

For each minimum control measure, the following are discussed:

Regulatory Requirement	The specific regulatory citation from EPA's final regulations on the Phase II storm water program (64FR235, December 8, 1999) is provided for each minimum control measure.
Selected BMPs	A description of the best management practices the City of Victoria will implement to address the regulatory requirement.
Measurable Goals (MGs)	The EPA requires the City of Victoria to designate a measurable goal for each BMP.
Schedule	The implementation schedule for each BMP is described.
Responsible Persons	The person or position responsible for implementation of each BMP is provided.

These information items are required elements identified by EPA to be part of the SWMP that supports the General Permit Application (Notice of Intent, NOI) to the TNRCC. The information is presented in a manner that will aid implementation of the SWMP and documentation of progress in the required Annual Report.

Part I Background of the City of Victoria

Nestled beside the meandering Guadalupe River, the City of Victoria is located at the convergence of U.S. Highways 59, 77 and 87 in Victoria County. With a population of 61,000, Victoria is the largest city in the central coastal region known as the Golden Crescent, a group of seven Texas counties including Calhoun, Dewitt, Goliad, Gonzales, Jackson, and Lavaca. Major Texas metropolitan areas of Houston (124 miles), San Antonio (114 miles), Austin (122 miles), and Corpus Christi (85 miles) are within a two-hour drive. In addition, it is just 30 miles inland from the Gulf of Mexico.

The City of Victoria is accessible by three U.S. highways, rail, commercial air, and a barge canal connected to the Gulf Intra-coastal Waterway, it offers tremendous growth potential for manufacturing and distribution facilities as well as recreational and cultural opportunities. Victoria lies about 105 feet above sea level.

Victoria is Located on the South-central Texas Coastal Plain, the area enjoys moderate temperatures and mild weather conditions throughout the year. At a latitude of 28 degrees above the equator, the area climate is comparable to Orlando, Florida. Annual precipitation averages 36 inches per year with a mean annual temperature of 71 degrees. The surrounding countryside is flat with a majority of the land being used for grazing and cultivation.

The City of Victoria is a home-rule city governed by a City Council, which appoints the City Manager, City Attorney and specified other officials.

The City of Victoria does not have zoning. However, it does have an active and professional Planning Department. Land use is generally controlled through City requirements for building permits and certificates of occupancy. Land uses are further restricted through minimum construction requirements, infrastructure requirements, off-street parking requirements, screening-fence requirements, landscaping requirements and private restrictive covenants.

As a home-rule city in Texas, Victoria has authority to control many storm water runoff issues.

Storm-water is generally managed by routing it through street gutters and various creeks and ditches to the Guadalupe River, which empties into the Gulf of Mexico. The City's Department of Public Works maintains and handles the design of the part of Victoria's network of storm water discharge mechanisms that is owned or managed by the City. Settling basins are appropriate in some parts of Victoria's drainage system. However, due to Victoria's location on a coastal plain, in some areas, the grade is so slight that settling basins are unnecessary or impractical.

The City has 4 building inspectors. In addition, the City's Public Works Department has 6 inspectors and/or administrators. All of these persons are empowered to inspect and correct wastewater or discharge violations. The City's building inspectors will be able to inspect and implement construction regulations during their regular inspections of construction sites. The City's Public Works Department will be able to inspect and interdict many illegal discharges of non-storm water into the City's storm water management system. The City's Public Information Officer will be able to engage in outreach and publicity concerning the SWMP.

Part II
Minimum Control Measures

1. Public Education and Outreach

1.1 Regulatory Requirement

Part III.A.1

(a) A public education program must be developed and implemented to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups and the SWMP shall provide justification for any listed group that is not included in the program:

- (1) residents;
- (2) visitors;
- (3) public service employees;
- (4) businesses;
- (5) commercial and industrial facilities; and
- (6) construction site personnel.

The outreach must inform the public about the impacts that storm water run-off can have on water quality, hazards associated with illegal discharges and improper disposal of waste, and steps that they can take to reduce pollutants in storm water runoff.

(b) The MS4 operator must document activities conducted and materials used to fulfill this control measure. Documentation shall be detailed enough to demonstrate the amount of resources used to address each group. This documentation shall be retained in the annual reports required in Part IV.B.2. of this general permit.

1.2 Current Programs

The City of Victoria provides general public education to residents on a variety of subjects by several means of communication. The City has a Public Information Officer and a web site for disseminating information. They also send information to the public using the monthly water bills. No specific information has been provided to the public regarding municipal storm sewer discharge quality.

1.3 Selected BMPs for Public Education and Outreach

1.3.1 BMP1-1 - Utility Bill Inserts

The City of Victoria will use the monthly utility bills to post messages about the Storm Water Management Program that are of interest to the general public and discuss residential issues such as proper management of pesticides, fertilizer and used oil.

1.3.1.1 Measurable Goals

The measurable goal for implementation of this BMP is to develop and distribute the storm water information piece to area residents in Permit Year 1. Development and implementation will be according to the schedule below.

1.3.1.2 Schedule

Program	BMP1-1	Activity	Date Due
Public Education and Outreach	Utility bill storm water messages	1. Develop Information piece insert	Year 1
		2. Distribute information piece	Year 2
		3. Implementation complete	Year 2
		4. Document Activity	Year 2

1.3.1.3 Responsible Persons

The Public Information Officer and Director of Public Works have responsibility for implementation of Public Information BMP1-1 to meet Measurable Goal 1.3.1.1.

1.3.2 BMP1-2 - Municipal Website Storm Water Information

The City of Victoria will use the municipal website to inform the public about the storm water management program. It will include general storm water quality information as well as topics of interest to the general public.

1.3.2.1 Measurable Goals

The measurable goal for implementation of BMP1-2 is to update the website with storm water message in Permit Year 2. Development and implementation will be according to the schedule below.

1.3.2.2 Schedule

Program	BMP1-2	Activity	Date Due
Public Education and Outreach	Municipal Website Storm Water Information	1. Update Website with storm water quality information	Year 2
		2. Implementation complete	Year 2
		3. Document Website at least once per year.	Year 2

1.3.2.3 Responsible Persons

The Public Information Officer and Director of Public Works have responsibility for implementation of BMP1-2 to meet Measurable Goal 1.3.2.1.

1.3.3 BMP1-3 - Annual Newsletter

The City of Victoria will publish an article in its annual newsletter to the citizens concerning the development and importance to the community of the Storm Water Management Program.

1.3.3.1 Measurable Goal

The measurable goal for implementation of this BMP1-3 is to publish an article in the annual newsletter to the citizens in Year 1.

1.3.3.2 Schedule

Program	BMP1-3	Activity	Date Due
Public Education and Outreach	Annual Newsletter Article	Publish article in the annual newsletter to the citizens	Year 1
		Implementation complete	Year 1
		Document newsletter at least once per year	Year 1

1.3.3.2 Responsible Persons

The Public Information Officer and Director of Public Works have responsibility for implementation of BMP1-3 to meet Measurable Goal 1.3.3.1.

2. Public Involvement in Storm Water Management Program Development

2.1 Regulatory Requirement

Part III.A.2 - The MS4 operator must, at a minimum, comply with any state and local public notice requirements when implementing a public involvement/participation program. It is recommended that the program include provisions to allow all members of the public within the small MS4 the opportunity to participate in SWMP development and implementation. Correctional facilities will not be required to implement this MCM.

2.2 Current Programs

Currently, the City of Victoria has general public involvement through Earth Day activities and the Keep Victoria Beautiful Program. The City also participates in Household Hazardous Waste Day and Texas Recycles Day.

2.3 Selected BMPs for Public Involvement

The public should be included in developing, implementing, and reviewing the storm water management program.

2.3.1 BMP2-1 - Comply with State and Local Public Notice Requirements

The City of Victoria will comply with state and local public notice requirements when implementing a public involvement/participation program.

2.3.1.1 Measurable Goals

The measurable goal for implementation of BMP2-1 is to provide state and local required public notice in the process of implementing a public involvement/participation program (specify requirement). Implementation will be according to the schedule below.

2.3.1.2 Schedule

Program	BMP2-1	Activity	Date Due
Public Involvement	Notice compliance	1. Comply with notice requirements for Council Meetings and Public Hearings	Year 1
		2. Documentation of at least one public hearing.	Year 1
		3. Implementation Complete (meets Measurable Goal 2.3.1.1)	Year 1

2.3.1.3 Responsible Persons

The City Secretary has responsibility for implementation of BMP2-1 to meet Measurable Goal 2.3.1.1.

2.3.2 BMP2-2 - Advisory Committee

The City will form an Advisory Committee as part of this Storm Water Management Program. The committee will represent different segments of the community that will be affected by the Storm Water Management Program (SWMP) implementation. They will review this Storm Water Management Program and provide recommendations to facilitate implementation. They will be updated periodically regarding the ongoing program implementation.

2.3.2.1 Measurable Goals

The measurable goal for implementation of this BMP is to form the Advisory Committee. Development and implementation will be according to the schedule below.

2.3.2.2 *Schedule*

Program	BMP2-2	Activity	Date Due
Public Involvement	Advisory Committee	1. Form Advisory Committee	Year 1
		2. Advisory Committee meets and makes recommendations concerning plan implementation	Year 2
		3. Continue updating group on implementation of the SWMP	Years 2-5
		4. Document at least one Advisory Committee meeting per year.	Years 2-5
		5. Implementation Complete	Year 5

2.3.2.3 *Responsible Persons*

The Director of Public Works has responsibility for implementation of this BMP to meet Measurable Goal 2.3.2.1.

2.3.3 BMP2-3 - Public Meetings

Following review and comment of this Storm Water Management Plan by the Advisory Committee, the City of Victoria will hold a public meeting to present the plans to the public.

2.3.3.1 *Measurable Goals*

The measurable goal for implementation of BMP2-3 is to hold a Public Meeting in Permit Year 1. Implementation will be according to the schedule below.

2.3.3.2 *Schedule*

Program	BMP2-3	Activity	Date Due
1. Public Involvement	Public Meeting	1. Identify schedule for meeting	Year 1
		2. Hold Public Meeting	Year 2
		3. Document meeting	Year 2
		4. Implementation Complete	Year 5

2.3.3.3 *Responsible Persons*

The Director of Public Works has responsibility for implementation of Activity 3 to meet Measurable Goal 2.3.3.1

3. Illicit Discharge Detection and Elimination

3.1 Regulatory Requirement

Part III A. 3.

(a) Illicit Discharges

A section within the SWMP must be developed to establish a program to detect and eliminate illicit discharges to the small MS4. The SWMP must include the manner and process to be used to effectively prohibit illicit discharges. To the extent allowable under state and local law, an ordinance or other regulatory mechanism must be utilized to prohibit and eliminate illicit discharges. Elements must include:

(1) Detection

The SWMP must list the techniques used for detecting illicit discharges; and

<p>(2) Elimination</p> <p>The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.</p> <p>(b) Allowable Non-Storm Water Discharges</p> <p>Non-storm water flows listed in Part II.B and Part VI.B. do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-storm water sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-storm water discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3. of the general permit.</p> <p>(c) Storm Sewer Map</p> <p>(1) A map of the storm sewer system must be developed and must include the following:</p> <ul style="list-style-type: none">(i) the location of all outfalls;(ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and(iii) any additional information needed by the permittee to implement its SWMP. <p>(2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls are verified and how the map will be regularly updated.</p>

3.2 Current Programs

Currently, the City of Victoria has a GIS, but it does not include a storm sewer layer. The City is in the process of developing a storm sewer layer for the GIS system. The Department of Public Works investigates reported or discovered illicit discharges and spills and works with the Fire Department and the responsible party to get the situation remedied. The Fire Marshall has investigative and enforcement capabilities regarding illegal dumping.

3.3 Selected BMPs for Illicit Discharge Detection and Elimination

3.3.1 BMP3-1 - Storm Sewer Map

The City of Victoria will develop a storm sewer system layer for the GIS map, showing the location of storm sewer pipes, ditches and other conveyances owned by the City of Victoria, or at minimum the drainage area for each outfall; the location of all major outfalls and the names and locations of all water of the U.S. that receive discharges from those outfalls. A document will be developed including the source of the information used to develop the storm sewer map, including how the outfalls were verified and how the map will be regularly updated.

3.3.1.1 *Measurable Goals*

The measurable goal for implementation of BMP3-1 is to develop a GIS map of the drainage system according to the criteria set forth in Section 3.3.1 of this manual. Development and implementation will be according to the schedule below.

3.3.1.2 *Schedule*

Program	BMP3-1	Activity	Date Due
Illicit Discharge Detection and Elimination	Map Storm Sewer System	1. Map 25% of the drainage system	Year 1
		2. Map 25% of the drainage system	Year 2
		3. Map 25% of the drainage system	Year 3
		4. Map 25% of the drainage system and develop a document verifying how the map was developed and how it will be updated.	Year 4
		5. Implementation Complete	Year 4

3.3.1.3 *Responsible Persons*

The City Engineer and Director of Planning have responsibility for implementation of this BMP to meet Measurable Goal 3.3.1.1.

3.3.2 BMP3-2 - Illicit Discharge Ordinance

The City of Victoria will develop an ordinance (or other regulatory mechanism) to effectively prohibit illicit and non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions.

3.3.2.1 *Measurable Goals*

The measurable goal for implementation of this BMP is to develop a draft ordinance in Year 1 of the permit period and finalize and implement the ordinance in Year 2 of the permit period.

3.3.2.2 *Schedule*

Program	BMP3-2	Activity	Date Due
Illicit Discharge Detection and Elimination	Ordinance for Illicit Discharge Detection and Elimination	1. Review city ordinances to determine if a new city ordinance is needed to detect and prosecute persons illicitly discharging into the City of Victoria storm water system.	Year 1
		2. If needed, develop a draft ordinance	Year 2
		3. Finalize ordinance	Year 3
		4. Implement ordinance	Year 4
		5. Identify areas of outfalls with a high likelihood of illicit discharges.	Year 5
		6. Enforce ordinance with periodic inspections of area outfalls with a high likelihood of illicit discharges.	Year 5
		7. Document inspections and prosecute if necessary.	Year 5

3.3.2.3 *Responsible Persons*

The City Attorney has responsibility for review, development and implementation of any illicit discharge ordinances.

3.3.3 BMP3-3 - Program to Detect and Address Illicit Discharges

The City of Victoria will develop a program to detect and address illicit and non-storm water discharges including illegal dumping into the storm sewer system. The City of Victoria will evaluate existing programs and identify additional program requirements and resource needs.

3.3.3.1 Measurable Goals

The measurable goal for implementation of BMP3-3 is to evaluate the existing program and identify additional program requirements and resources and training needs in Year 1. Additional resources and training will be acquired in Year 2. The program implementation will begin in year 3.

3.3.3.2 Schedule

Program	BMP3-3	Activity	Date Due
Illicit Discharge Detection and Elimination	Program to Detect and Address Illicit Discharges	1. Evaluate existing program and identify additional program requirements, resources and training needs.	Year 2
		2. Acquire needed resources & training	Year 3 & 4
		3. Implement program	Year 5

3.3.3.3 Responsible Persons

The Director of Public Works and the Director of Inspections and Maintenance Services have responsibility for development and implementation of the illicit discharge program.

3.3.4 BMP3-4 - Public Education on Illegal Discharges and Improper Disposal

The City of Victoria will develop a public education effort to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. (This BMP also addresses the minimum control measure for public education.)

3.3.4.1 Measurable Goals

The City of Victoria will develop or acquire public education materials in Year 1 of the permit period and determine an effective means of distribution (with prioritization). The materials will be distributed to all public employees in Year 2 of the permit period. The materials will be distributed to half of the businesses in Year 2 and half in Year 3 of the permit period.

3.3.4.2 Schedule

Program	BMP3-4	Activity	Date Due
Illicit Discharge Detection and Elimination	Public Education on Illegal Discharges and Improper Disposal	1. Develop or acquire public education materials.	Year 1
		2. Determine an effective means of distribution.	Year 1
		3. Distribute materials to public employees.	Year 2
		4. Distribute materials to businesses.	Year 3

3.3.4.3 Responsible Persons

The Public Information Officer has responsibility for distribution of public education materials on illegal discharges and improper disposal.

4. Construction Site Storm Water Controls

4.1 Regulatory Requirement

Part III.A - The MS4 operator, to the extent allowable under State and local law, must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre or if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more of land. The MS4 operator is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from sites where the construction site operator has obtained a waiver from permit requirements under NPDES or TPDES construction permitting requirements based on a low potential for erosion.

- (a) The program must include the development and implementation of, at a minimum, an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.
- (b) Requirements for construction site contractors to, at a minimum:
 - (1) implement appropriate erosion and sediment control BMPs; and
 - (2) control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
- (c) The MS4 operator must develop procedures for:
 - (1) site plan review which incorporate consideration of potential water quality impacts;
 - (2) receipt and consideration of information submitted by the public; and
 - (3) site inspection and enforcement of control measures to the extent allowable under state and local law..

4.2 Current Programs

Currently, the City of Victoria requires construction sites to comply with the federal Construction General Permit.

4.3 Selected BMPs for Construction Site Storm Water Controls

4.3.1 BMP4-1 - Evaluate and update Regulatory Authority and Procedures

The City of Victoria will evaluate the existing authority to enforce the requirements for erosion and sediment controls and proper waste management at construction sites, as well as sanctions to ensure compliance with the requirements. If necessary the city will enact an ordinance or other regulatory mechanism to require erosion and sediment controls at construction sites, as well as sanctions to comply with the requirements, as part of this Storm Water Management Program. If necessary, the ordinance and associated City of Victoria requirements or procedures will require construction site operators to comply with the TPDES Construction General Permit. City of Victoria procedures will be modified to require site plan review and site inspection and enforcement.

4.3.1.1 Measurable Goals

The measurable goal for implementation of this BMP is to evaluate existing legal authority in the first permit year and, if necessary, enact the ordinance or other regulatory mechanism in the second permit year. Development and implementation will be according to the schedule below.

4.3.1.2 Schedule

Program	BMP4-1	Activity	Date Due
Construction Site Storm Water Controls	Ordinance requiring erosion and sediment controls at construction sites.	1. Evaluate existing legal authority and procedures	Year 2
		2. Update ordinance or other regulatory mechanisms and procedures and adopt them	Year 3
		3. Implement ordinance	Year 4

4.3.1.3 *Responsible Persons*

The Director of Public Works and City Attorney has responsibility for implementation of this BMP to meet Measurable Goal 4.3.1.1.

4.3.2 BMP4-2 - Reporting Hotline

City of Victoria will set up a reporting hotline or other measure of information collection for the public to report construction site problems. (This hotline may be combined with one for reporting illicit discharges.) This will facilitate the ability of the public to provide information that will assist in detection of problem discharges.

4.3.2.1 *Measurable Goals*

The measurable goal for implementation of BMP4-2 is to identify a department to monitor the hotline in the first permit year and set up and publicize the hotline in the second permit year.

4.3.2.2 *Schedule*

Program	BMP4-2	Activity	Date Due
Construction Site Storm Water Controls	Reporting hotline	1. Identify department to monitor hotline.	Year 1
		2. Set up and publicize hotline.	Year 2
		3. Set up method of forwarding reports to city inspectors	Year 2
		4. Implement response program	Year 2
		5. Implementation complete	Year 2

4.3.2.3 *Responsible Persons*

The Public Information Officer has responsibility for implementation of this BMP to meet Measurable Goal 4.3.2.1.

4.3.3 BMP4-3 - Implement changes to Site Plan Review

The City of Victoria will evaluate the existing site plan review process and implement any necessary changes which incorporate consideration of potential water quality impacts and conform to an ordinance or other regulatory mechanism to require erosion and sediment controls.

4.3.3.1 *Measurable Goals*

The measurable goal for implementation of BMP4-3 is to evaluate the existing site review process in the first permit year and, if necessary, make any changes to that process after the applicable ordinance is enacted. Development and implementation will be according to the schedule below.

4.3.3.2 *Schedule*

Program	BMP4-3	Activity	Date Due
Construction Site Storm Water Controls	Review existing site plan review process and implement any need changes	1. Evaluate existing site plan review process	Year 2
		2. Update site plan review process and implement any need changes	Year 3
		3. Implement changes	Year 4

4.3.3.3 *Responsible Persons*

The Director of Public Works, City Attorney, the Director of Planning and the Director of Inspections and Maintenance Services have responsibility for implementation of this BMP to meet Measurable Goal 4.3.3.1.

4.3.4 BMP4-4 - Evaluate and update Site Inspection and Enforcement procedures

The City of Victoria will evaluate the existing authority to enforce the requirements for erosion and sediment controls and proper waste management at construction sites, as well as sanctions to ensure compliance with the requirements. If necessary the city will enact an ordinance or other regulatory mechanism to require erosion and sediment controls at construction sites, as well as sanctions to comply with the requirements, as part of this Storm Water Management Program. If necessary, Changes will be made to the site inspection process and measures be enacted to properly enforce the ordinance.

4.3.4.1 *Measurable Goals*

The measurable goal for implementation of this BMP is to evaluate existing legal authority in the first permit year and, if necessary, enact changes in the site inspection and enforcement process after the adoption of the ordinance. Development and implementation will be according to the schedule below.

4.3.4.2 *Schedule*

Program	BMP4-4	Activity	Date Due
Construction Site Storm Water Controls	Review site inspection and enforcement process and implement any needed changes	1. Evaluate existing legal authority and procedures	Year 2
		2. Update site inspection and enforcement mechanisms and procedures and adopt them	Year 3
		3. Implement changes	Year 4

4.3.4.3 *Responsible Persons*

The Director of Public Works, City Attorney and the Director of Inspections and Maintenance Services have responsibility for implementation of this BMP to meet Measurable Goal 4.3.4.1.

5. Post Construction Storm Water Management for New Development/ Redevelopment

5.1 Regulatory Requirement

Part III.A.6 - To the extent allowable under state and local law, the MS4 operator must develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre of land, including projects less than one acre that are part of a larger common plan of development or sale that will result in disturbance of one or more acres, that discharge into the small MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee shall:

- (a) Develop and implement strategies which include a combination of structural and/or non-structural BMPs appropriate for the community;
- (b) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state and local law; and
- (c) Ensure adequate long-term operation and maintenance of BMPs.

5.2 Current Programs

The Planning Commission regulates development in the City of Victoria. The Subdivision Ordinance addresses development in the City. Victoria has also developed a Storm Drainage Criteria Manual. The Planning Department, along with other departments affected by development, conducts weekly pre-development reviews of proposed development projects.

5.3 Selected BMPs for Post Construction Storm Water Management for New Development/Redevelopment

5.3.1 BMP5-1 - Evaluate and update ordinance and design criteria manual.

The City of Victoria will review the Subdivision Ordinance and the Storm Drainage Design Criteria manual. These documents will be updated to ensure that post-construction storm water management for new development and redevelopment are addressed. The City will require post-construction runoff controls from new development and redevelopment and ensure proper long-term operation and maintenance of controls.

5.3.1.1 Measurable Goals

The measurable goal for implementation of BMP5-1 is to evaluate the existing documents and identify needed updates in the first permit year and enact them in the second permit year. Development and implementation will be according to the schedule below.

5.3.1.2 Schedule

Program	BMP5-1	Activity	Date Due
Post-Construction Controls for New Development/ Redevelopment	Evaluate and update ordinance and design manual	1. Evaluate existing requirements and identify needed updates	Year 3
		2. Update and adopt changes	Year 4
		3. Implementation complete	Year 5

5.3.1.3 Responsible Persons

The Director of Planning and the Director of Public Works have responsibility for implementation of BMP5-1 to meet Measurable Goal 5.3.1.1.

5.3.2 BMP5-2 - Evaluate and Update Plan Review and Inspection Programs

The City of Victoria will integrate post-construction storm water quality requirements into plan review and inspection programs. They will review existing procedures and identify needed changes and implement the revised programs.

5.3.2.1 Measurable Goals

The measurable goal for implementation of BMP5-2 is to evaluate existing procedures and identify needed changes in Permit Year 1 and to implement the revised programs in Year 2. Development and implementation will be according to the schedule below.

5.3.2.2 Schedule

Program	BMP5-2	Activity	Date Due
Post Construction Storm Water Management for New Development/ Redevelopment	Evaluate and update Plan Review and Inspection Programs	1. Evaluate existing procedures and identify needed changes.	Year 3
		2. Implement the revised programs	Year 4
		3. Implementation Complete (meets Measurable Goal 5.3.2.1)	Year 5

5.3.2.3 Responsible Persons

The Director of Planning and the Director of Public Works have responsibility for implementation of this BMP to meet Measurable Goal 5.3.2.1.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

6.1 Regulatory Requirement

Part III.A.4 - A section within the SWMP must be developed to establish an operation and maintenance program, including an employee training component, that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

(a) Good Housekeeping and Best Management Practices (BMPs)

Housekeeping measures and BMPs (which may include new or existing structural or non-structural controls) must be identified and either continued or implemented with the goal of preventing or reducing pollutant runoff from municipal operations. Examples of municipal operations and municipally owned areas include, but are not limited to:

- (1) park and open space maintenance;
- (2) street, road, or highway maintenance;
- (3) fleet and building maintenance;
- (4) storm water system maintenance;
- (5) new construction and land disturbances;
- (6) municipal parking lots;
- (7) vehicle and equipment maintenance and storage yards;
- (8) waste transfer stations; and
- (9) salt/sand storage locations.

(b) Training

A training program must be developed for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program. The training program must include training materials directed at preventing and reducing storm water pollution from municipal operations. Materials may be developed, or obtained from the EPA, states, or other organizations and sources. Examples or descriptions of training materials being used must be included in the SWMP.

(c) Structural Control Maintenance

If BMPs include structural controls, maintenance of the controls must be performed at a frequency determined by the MS4 operator and consistent with maintaining the effectiveness of the BMP. The SWMP must list all of the following:

- (1) maintenance activities;
- (2) maintenance schedules; and
- (3) long-term inspection procedures for controls used to reduce floatables and other pollutants.

(d) Disposal of Waste

Waste removed from the small MS4 and waste that is collected as a result of maintenance of storm water structural controls must be properly disposed. A section within the SWMP must be developed to include procedures for the proper disposal of waste, including:

- (1) dredge spoil;
- (2) accumulated sediments; and
- (3) floatables.

(e) **Municipal Operations and Industrial Activities**

The SWMP must include a list of all:

- (1) municipal operations that are subject to the operation, maintenance, or training program developed under the conditions of this section; and
- (2) municipally owned or operated industrial activities that are subject to TPDES industrial storm water regulations.

6.2 Current Programs

Currently, the City of Victoria has an extensive system of storm sewers and storm water drainage ditches. The City's Department of Public Works maintains the system

6.3 Selected BMPs for Municipal Operations

6.3.1 BMP6-1 - Evaluate Street Sweeping

The City of Victoria currently sweeps its streets once a month. The City will evaluate the frequency of street sweeping for optimum sediment and litter control.

6.3.1.1 Measurable Goals

The measurable goal for implementation of BMP6-1 is to monitor the build-up of litter and sediment between sweepings in Permit Year 1 and make a schedule recommendation. In Year 2 the City will implement the recommendation. Development and implementation will be according to the schedule below.

6.3.1.2 Schedule

Program	BMP6-1	Activity	Date Due
Pollution Prevention/ Good Housekeeping for Municipal Operations	Evaluate Street Sweeping	1. Monitor build-up of litter and sediment on city streets.	Year 1
		2. Make recommendation	Year 1
		3. Implement Recommendation	Year 2
		4. Implementation Complete (meets Measurable Goal 6.3.1.1)	Year 2

6.3.1.3 Responsible Persons

The Director of Public Works has responsibility for implementation of this BMP to meet Measurable Goal 6.3.1.1.

6.3.2 BMP6-2 - Training

The City of Victoria has selected Municipal Employee Training for implementation as part of this Storm Water Management Program. This BMP develops a training program for all employees responsible for municipal operations subject to the pollution prevention/good housekeeping program.

6.3.2.1 *Measurable Goals*

The measurable goal for implementation of BMP6-2 is to develop and implement a training program for all employees responsible for municipal operations subject to the pollution prevention good housekeeping program. Development and implementation will be according to the schedule below.

6.3.2.2 *Schedule*

Program	BMP6-2	Activity	Date Due
Pollution Prevention/ Good Housekeeping for Municipal Operations	Training	1. Acquire training materials and develop training program. Identify those employees that the program applies to.	Year 1
		2. Begin training of employees.	Year 2
		3. Document materials used and training of employees.	Year 2
		3. Implementation Complete (meets Measurable Goal 6.3.2.1)	Year 2

6.3.2.3 *Responsible Persons*

The Director of Public Works and Director of Human Resources have responsibility for implementation of BMP6-2 to meet Measurable Goal 6.3.2.1.

6.3.3 BMP6-3 - Structural Controls

The City of Victoria will develop a program of maintaining structural controls in place and a program on long-term inspection procedures for those controls identified.

6.3.3.1 *Measurable Goals*

The measurable goal for this BMP is to identify those structural controls used by the City of Victoria and develop a program for the long-term inspection and proper maintenance of those controls. Development and implementation will be according to the schedule below.

6.3.3.2 *Schedule*

Program	BMP6-3	Activity	Date Due
Pollution Prevention/ Good Housekeeping for Municipal Operations	Structural Controls	1. Identify Structural Controls	Year 1
		2. Develop program for long term inspection and maintenance	Year 2
		3. Document inspection and maintenance	Year 2
		3. Implementation Complete (meets Measurable Goal 6.3.3.1)	Year 2

6.3.3.3 *Responsible Persons*

The City Engineer has responsibility for implementation of BMP6-3 to meet Measurable Goal 6.3.3.1.

6.3.4 BMP6-4 - Waste Disposal

The City of Victoria will evaluate its current method of disposal of wastes removed from structural controls or collected as a result of municipal operation and maintenance activities.

6.3.4.1 *Measurable Goals*

The measurable goal for this BMP is to evaluate the City’s current method of disposal of wastes removed from structural controls or collected as a result of municipal operation and develop a standard operating procedure for disposal of that waste. Development and implementation will be according to the schedule below.

6.3.4.2 *Schedule*

Program	BMP6-4	Activity	Date Due
Pollution Prevention/ Good Housekeeping for Municipal Operations	Waste Disposal	1. Evaluate current method of waste disposal	Year 1
		2. Develop Standard Operating Procedure for disposal of wastes	Year 2
		3. Document disposal activities	Year 2
		3. Implementation Complete (meets Measurable Goal 6.3.4.1)	Year 2

6.3.4.3 *Responsible Persons*

The City Engineer has responsibility for implementation of this BMP6-4 to meet Measurable Goal 6.3.4.1.

6.3.5 BMP6-5 - Municipal Operations and Industrial Activities

The City of Victoria will develop a list of all municipal operations that are subject to the operation, maintenance or training program and municipally owned or operated industrial activities that are subject to TPDES storm water regulations including individual or general permit authorization number or a signed copy of the NOI or NEC.

6.3.5.1 *Measurable Goals*

The measurable goal for implementation of BMP6-5 is to develop and maintain a list of the municipal operations that are subject to the operations, maintenance or training program and municipally owned or operated industrial activities that are subject to TPDES storm water regulations for inclusion in this SWMP. The list will also include the individual or general permit numbers or a copy of a signed NOI or NEC. Development and implementation will be according to the schedule below.

6.3.5.2 *Schedule*

Program	BMP6-5	Activity	Date Due
Pollution Prevention/ Good Housekeeping for Municipal Operations	Municipal Operations and Industrial Activities	1. Identify those municipal operations and municipally owned or operated industrial activities subject to be listed.	Year 1
		2. Develop list and include it in the SWMP	Year 2
		3. Document inclusion of list in the SWMP.	Year 2
		4. Implementation Complete (meets Measurable Goal 6.3.5.1)	Year 2

6.3.5.3 *Responsible Persons*

The City Engineer has responsibility for implementation of this BMP6-5 to meet Measurable Goal 6.3.5.1.