

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 12, 2022

MR BRENT MCCLELLAN  
DYESS AIR FORCE BASE  
710 3RD ST BLDG 8006  
DYESS AFB, TX 79607-1670

RE: Applicant Name: US DEPARTMENT OF THE AIR FORCE  
MS4 Location: TAYLOR County  
Permit Number: TXR040235  
Customer Reference Number: CN600919401  
Regulated Entity Number: RN105564371  
Type of Authorization: RENEWAL

Dear MR MCCLELLAN :

We have completed the technical review of the above referenced Notice of Intent and Storm Water Management Program (SWMP) and have prepared a Notice of Application.

You are now required to publish notice of your proposed activity. To help you meet the requirements associated with this notice, we have included the following items:

- Notice for Newspaper Publication
- Instructions for Public Notice
- Affidavit of Publication
- Application Availability Verification Form

Please note that it is **VERY IMPORTANT** that you follow **ALL** directions in the **ENCLOSED INSTRUCTIONS**. If you do not, you may be required to republish the notice. One of the most common mistakes we see is the unauthorized changing of notice wording or the characteristics of the font (i.e. bolding, capitalization, underlining). If you have any questions, please contact us before you proceed with publication.

The following items and time limitations are also described in the enclosed instructions. However, due to their importance, we want to highlight them for you.

- Publish the enclosed notice within **30 calendar days** of the date these instructions are mailed to you.



MR BRENT MCCLELLAN

May 12, 2022

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- Place a copy of your complete Notice of Intent, technical application (the Storm Water Management Program, including any subsequent revisions), a copy of the Small Municipal Separate Storm Sewer System (MS4) general permit TXR040000, and a copy of the Fact Sheet and Executive Director's Preliminary Decision supporting general permit TXR040000 in a public place in the county where the MS4 is located. These copies must be accessible to the public for review and copying and remain in place until the commission has taken action on the application. The general permit and the fact sheet can be downloaded from the following web site:  
[www.tceq.texas.gov/permitting/stormwater/ms4/WQ\\_ms4\\_small\\_TXR04.html](http://www.tceq.texas.gov/permitting/stormwater/ms4/WQ_ms4_small_TXR04.html).
- For each publication, submit proof of publication of the notice that shows the publication date and newspaper name to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions.
- Return the original enclosed Affidavit of Publication to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions.
- Return the Application Availability Verification Form to the Office of the Chief Clerk within **60 calendar days** of receiving these written instructions.

If you do not comply with all requirements described in the instructions, further processing of your application may be suspended or the agency may take other actions, including denial of the Notice of Intent.

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at 512-239-3300. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application.

Sincerely,



Laurie Gharis  
Chief Clerk

Enclosures (4)



# Texas Commission on Environmental Quality



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

General Permit Authorization No. TXR040235

**APPLICATION AND PRELIMINARY DECISION.** U.S. Department of the Air Force, 7 Lancer Loop, Dyess Air Force Base, Texas 79607, 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 TXR040235 to discharge stormwater to surface water in the state from the U.S. Department of the Air Force Dyess Air Force Base MS4. The notice of intent (NOI) and stormwater management program (SWMP) were received by the TCEQ on July 23, 2019.

The MS4 is located in the Dyess Air Force Base limits within the Abilene Urbanized Area in Taylor County, Texas. The discharge from the MS4 will eventually reach Fort Phantom Hill Reservoir in Segment No. 1236 of the Brazos River Basin.

A copy of the NOI, SWMP, general permit, and general permit fact sheet are available for viewing and copying at the Hardin-Simmons University, Richardson Library, 2200 Hickory Street, Abilene, Texas 79698. The SWMP can also be viewed online at the U.S. Department of the Air Force's website at <https://www.dyess.af.mil/>. 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 U.S. Department of the Air Force at the address stated above or by calling Mr. Brent McClellan at 325-696-5663.

Issuance Date: May 12, 2022





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## INSTRUCTIONS FOR PUBLIC NOTICE For MS4 Notice of Intent

### NOTICE OF SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) APPLICATION

The executive director has completed the technical review of your Notice of Intent (NOI) and Storm Water Management Program (SWMP) and issued a preliminary decision. You must comply with the following instructions:

#### **Please Review Notice**

We have included all of the information we believe is necessary in the attached notice. Please read it carefully and notify us immediately if it contains any errors or omissions. You are responsible for ensuring the accuracy of all information published. You may not change the text or formatting of the notice or affidavit of publication without prior approval from the TCEQ. Changing the text or formatting of the notice may require new publication at your expense and delay processing of your application. There are four steps involved in publishing notice. Complete each step.

#### **Newspaper Notice**

- 1. You must publish the enclosed Notice of Application within 30 calendar days after the date this information was mailed to you (see date of cover letter).**
  - You must publish the enclosed notice at your expense, in the newspaper of largest circulation within the county wherein the small MS4 is located. If the small MS4 is located within multiple counties, then the notice must be published in the newspaper of largest circulation in the county containing the largest residential population.
  - The bold text of the enclosed notice must be printed in the newspaper in a font style or size that distinguishes it from the rest of the notice (i.e., **bold**, *italics*). **Failure to do so may require re-notice.**

#### **Proof of Publication**

Check each publication to ensure that the notices were accurately published. If a notice was not published correctly you may have to republish.

- 2. For each newspaper in which you published, you must submit proof of publication that shows the notice, the date of publication, and the name of**



the newspaper. Please send the proof of publication to the Office of the Chief Clerk within 60 business days after the date of publication. The Office of the Chief Clerk will accept either copies of the published notice or the original newspaper clippings of the published notice as proof of publication. If you choose to submit copies of the published notice to the Office of the Chief Clerk, the copies must be on standard-size 8 ½ x 11" paper and must show the actual size of the published notice (do not reduce the image when making copies). Published notices longer than 11" must be copied onto multiple 8 ½ x 11" pages. Please note, submitting a copy of the published notice could result in faster processing of your application. It is recommended that you maintain original newspaper clippings or tear sheets of the notice for your records.

For each newspaper notice, you must submit an original publisher's affidavit to the Office of the Chief Clerk within 60 calendar days after the date of publication. For each required published notice, you must use the appropriate Publisher's Affidavit form that is enclosed with these instructions. The affidavit must clearly identify the applicant's name and permit number. Note: On occasion, newspapers have attempted to provide applicants their own affidavit. The newspaper's affidavit will not be accepted by the Office of the Chief Clerk.

- You are encouraged to submit the Publisher's Affidavit at the same time you submit the proof of publication described above. However, the affidavit must be submitted no later than **60 calendar days** after publication of the notice.
  - The enclosed affidavit form must be filled out completely by the newspaper. The county or counties of circulation listed on the affidavit form must reflect the county wherein the MS4 is located; or, if the MS4 is located within multiple counties, the county or counties of circulation must reflect the county containing the largest resident population for the MS4.
3. **You must complete the attached Application Availability Verification Form. This form must be submitted to the Office of the Chief Clerk with the Publisher's Affidavit within 30 calendar days after publication of the notice.**
  4. **The original Publisher's Affidavit, Application Availability Verification Form, and proof of publication of the published notices must be emailed to [PROOFS@tceq.texas.gov](mailto:PROOFS@tceq.texas.gov) OR mailed to:**

**TCEQ  
Office of the Chief Clerk, MC 105  
Attn: Notice Team  
P.O. Box 13087  
Austin, Texas 78711-3087**

- Please ensure that all blanks on the affidavits are filled in correctly.



### **Failure to Publish and Submit Proof of Publication**

If you fail to publish the notice or submit proof of publication by the deadlines set forth above, then the TCEQ may suspend further processing on your application or take other actions.

### **Application in a Public Place**

**You must provide a copy of the complete Notice of Intent, technical application (the storm water management program, including any subsequent revisions), copy of the Small Municipal Separate Storm Sewer System (MS4) general permit TXR040000, and a copy of the Fact Sheet and Executive Director's Preliminary Decision (fact sheet) supporting general permit TXR040000 at a public place for review and copying by the public. This place must be in the county in which the MS4 is located. The general permit and the fact sheet can be downloaded from the following web site:**

**[www.tceq.texas.gov/permitting/stormwater/ms4/WQ\\_ms4\\_small\\_TXR04.html](http://www.tceq.texas.gov/permitting/stormwater/ms4/WQ_ms4_small_TXR04.html)**

- A public place is one that is publicly owned or operated (ex: libraries, county courthouses, or city halls).
- This copy must be accessible to the public for review and copying beginning on the first day of newspaper publication and remain in place until the commission has taken action on the Notice of Intent.
- **If the Notice of Intent and technical application ("application") is submitted to the TCEQ with information marked as confidential, you are required to indicate which specific portions of the application are not being made available to the public. These portions of the application must be accompanied with the following statement: "Any request for portions of this application that are marked as confidential must be submitted in writing, pursuant to the Public Information Act, to the TCEQ Public Information Coordinator, MC 197, P.O. Box 13087, Austin, Texas 78711-3087".**

### **General Information**

When contacting the Commission regarding this Notice of Application, please refer to the General Permit Authorization Number at the top of the Notice of Application for Small Municipal Separate Storm Sewer System (MS4).

If you have any questions regarding publication requirements, please contact the Office of the Chief Clerk at 512-239-3300. If you have any questions regarding the content of the notice, please contact the individual in the permitting area assigned to your application. If you wish to obtain an electronic copy of the English version of this notice, please visit our web site at [www.tceq.texas.gov/agency/decisions/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/decisions/cc/pub_notice.html). Please be aware that formatting codes may be lost and that any notices downloaded from these web sites must be reformatted by you so that your downloaded copy looks like the notice document you received from us.



TCEQ-OFFICE OF THE CHIEF CLERK  
MC-105 Attn: Notice Team  
PO BOX 13087  
AUSTIN TX 78711-3087

APPLICANT NAME: US DEPARTMENT  
OF THE AIR FORCE  
PERMIT NO.: TXR040235  
CCO #: 127801  
Notice of Application for Small Municipal  
Separate Storm Sewer System (MS4)

### AFFIDAVIT OF PUBLICATION

STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_, who being by me duly  
*(name of person representing newspaper)*

sworn, deposes and says that (s)he is the \_\_\_\_\_  
*(title of person representing newspaper)*

of the \_\_\_\_\_; that said newspaper is  
*(name of newspaper)*

regularly published in \_\_\_\_\_ County, Texas, and is generally  
*(name of county)*

circulated within the following county or counties \_\_\_\_\_,  
*(name of county or counties)*

Texas; that the enclosed notice was published in said newspaper on the following date:

\_\_\_\_\_.

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

My Commission Expires \_\_\_\_\_





# APPLICATION AVAILABILITY VERIFICATION FORM

**Applicant Name:** US DEPARTMENT OF THE AIR FORCE

**Permit No.:** TXR040235

**APPLICATION AVAILABILITY:**

- I certify that a copy of the complete notice of intent application and storm water management program (including any subsequent revisions to the application), the Executive Director's Preliminary Decision, and a copy of General Permit Number TXR040000 and the Fact Sheet, were made available for review and copying at a public place in the county where the municipal separate storm sewer system (MS4) is located, as required by the Small MS4 General Permit TXR040000, Part II Section D.12.(6).

**Location where documents were made available:**

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**Signed by:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Company:** \_\_\_\_\_

**Date:** \_\_\_\_\_

