

# STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET

This cover sheet MUST be attached to the front of the SWMP.

## Operator

Operator name: Collin County

## Required Program Elements

The SWMP needs to include:

- BMPs and measurable goals that are clear, specific, and measurable, (Page 17 - 58)
- Annual Reporting Year selected, and (Page 14)
- Estimated population served by the MS4. (Page 2)

## Legal Authorities

Include in the SWMP the list of local legal authorities (i.e., ordinance, rule) that the MS4 has adopted to implement any of the MCMs. List all and what MCM they each cover. (Page 8 – 9)

## Minimum Control Measures

For each MCM, complete the table by entering the page number where the required element can be found in the SWMP

### MCM 1: Public Education, Outreach, and Involvement

Table 1: Required Elements for MCM 1

MCM 1 Required Elements	SWMP page number
SWMP includes a stormwater education and outreach program to educate public employees, business, and the general public about hazards associated with the illegal discharges and improper disposal of waste and about the impacts stormwater can have on water quality, and steps they can take to reduce pollutants in stormwater	17-24
Clearly define the goals and objectives of the program based on high-priority community-wide issues	17-24
Identify the target audiences	17-24
Develop or use appropriate educational material	17-24
Procedures to distribute educational material	17-24
Make the educational material available to the target audience at least annually	17-24

<b>MCM 1 Required Elements</b>	<b>SWMP page number</b>
Post the SWMP and annual reports on the MS4's website, if the MS4 has a website	20
Include the MS4's website address where the SWMP and annual reports will be found, if the MS4 has a website	18
SWMP includes a program that complies with state and local public notice requirements	11-12
Include public input in the implementation of the program	8
Include opportunities for citizen to participate in implementation of control measures	24
Ensure the public can easily can find information about the SWMP.	20
SWMP lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs could be stream-clean-ups, storm drain stenciling, volunteer water quality monitoring, brochures, billboards, and websites.	17-24
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	17-24
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	17-24

## **MCM 2: Illicit Discharge Detection and Elimination**

Table 2: Required Elements for MCM 2

<b>MCM 2 Required Elements</b>	<b>SWMP page number</b>
Description of the program that will be used to detect, investigate and eliminate illicit discharges. The program includes a plan to detect and address illicit discharges, including illegal dumping to the MS4 system.	25-35
MS4 map: The map includes: <ul style="list-style-type: none"> <li>• Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S.;</li> <li>• Location and name of all surface waters receiving discharge from the MS4s outfalls;</li> <li>• For Level 3 and 4 small MS4s: Location of MS4 owned or operated facilities and stormwater controls; and</li> <li>• For Level 4 small MS4s: Location of priority areas.</li> </ul>	27, Appendix B
Methods for informing and training MS4 field staff	34
Procedures for tracing the source of an illicit discharge	29

<b>MCM 2 Required Elements</b>	<b>SWMP page number</b>
Procedures for removing the source of the illicit discharge	29
Procedures to facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4	39
Procedures for responding to illicit discharges and spills	29, 32
Procedures for inspections in response to complaints	29
<b>For Level 2, 3, and 4 small MS4:</b> Procedures to prevent and correct leaking on-site sewage disposal systems	33
<b>For Level 3 and 4 small MS4s:</b> Procedures for follow-up investigation to verify that the illicit discharge has been eliminated	NA
<b>For Level 4 small MS4s:</b> Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges	NA
<b>For Level 4 small MS4s:</b> Procedures for a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening consists of (1) field observations and (2) field screening.	NA
<b>For Level 4 small MS4s:</b> Procedures to reduce the discharge of floatables in the small MS4	NA
SWMP lists BMPs used to fulfill this MCM. Examples of possible BMPs could be hazardous materials disposal opportunities, inspections of the storm sewer system, and dye testing.	25-35
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	25-35
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	25-35

### **MCM 3: Construction Site Stormwater Runoff Control**

Table 3: Required Elements for MCM 3

<b>MCM 3 Required Elements</b>	<b>SWMP page number</b>
Program requires operators of construction sites one acre and greater (including larger common plan) to select, install, implement, and maintain stormwater control measures	36-39, Appendix D
Description of 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	36-39, Appendix D

MCM 3 Required Elements	SWMP page number
Program requires construction site operators to implement BMPs for erosion and sediment control	36-39, Appendix D
Program requires construction site operators to have procedures for initiating and completing soil stabilization measures	36-39, Appendix D
Program requires construction site operators to implement BMPs to control pollutants from equipment and vehicle washing and other wash waters	36-39, Appendix D
Program requires construction site operators to implement BMPs to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials	36-39, Appendix D
Program requires construction site operators to implement BMPs to minimize the discharge of pollutants from spills and leaks.	36-39, Appendix D
Program ensures that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000	36-39, Appendix D
Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities	36-39, Appendix D
Procedures for construction site plan review to consider water quality impacts	37, Appendix D
Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law	38, Appendix D
Procedures for receipt and consideration of information submitted by the public	39
Procedures for MS4 staff training	38
<b>For Level 3, and 4 small MS4s:</b> Procedures to develop and maintain an inventory of all permitted active public and private construction sites greater than one acre (and sites that are less than one acre if part of larger common plan of development or sale)	NA
SWMP lists BMPs used to fulfill this MCM. Examples may include: notification to discharger of responsibilities under TPDES CGP; hire staff to review construction site plans; provide a web page for public input on construction activities; perform site inspections and enforcement; provide	36-39



<b>MCM 3 Required Elements</b>	<b>SWMP page number</b>
education and training for construction site operators; and mechanism to prohibit discharges into MS4 where necessary.	
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	36-39
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	36-39

#### **MCM 4: Post Construction Stormwater Management in New Development and Redevelopment**

Table 4: Required Elements for MCM 4

<b>MCM 4 Required Elements</b>	<b>SWMP page number</b>
Description of a program that will be developed, implemented and enforced, to control stormwater discharges from private and public new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more (and sites that disturb less than one acre that are part of a larger common plan of development or sale)	40-41, Appendix D
Description of ordinance or other regulatory mechanism that is in place or planned which will regulate discharges from new development and redevelopment projects	40-41, Appendix D
Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality	40-41, Appendix D
Procedures to document and maintain records of enforcement actions	40-41, Appendix D
Procedures to ensure long-term operation and maintenance of post construction stormwater control measures	40-41, Appendix D
Operation and maintenance of post construction stormwater control measures is documented	40-41, Appendix D
<b>For Level 4 small MS4s:</b> Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained. Inspections must be documented	NA

<b>MCM 4 Required Elements</b>	<b>SWMP page number</b>
SWMP lists BMPs used to fulfill this MCM. Examples may include: local ordinance in place or planned; guidance document for developers to use; specific BMPs established for particular watersheds; list of appropriate BMPs provided to operators; elimination of curbs and gutters; incentives for use of permeable choices, such as porous pavement; requirements for wet ponds or other BMPs for certain size sites; and xeriscaping.	40-41, Appendix D
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	40-41
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	40-41

#### **MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations**

Table 5: Required Elements for MCM 5

<b>MCM 5 Required Elements</b>	<b>SWMP page number</b>
Description of an operation and maintenance (O&M) program, including an employee training component, to reduce/prevent pollution from municipal activities and municipally owned areas included but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations	42-57
Develop and maintain an inventory of facilities and stormwater controls that are owned or operated by the MS4	55
Procedures to inform or train staff involved in implementing pollution prevention and good housekeeping practices. Maintain training attendance records	43, 50
Procedures to remove and properly dispose of waste from the MS4	43
Contractors hired by the MS4 must be required to comply with operating procedures. Develop contractor oversight procedures	57
Evaluate O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, right-of-way maintenance, etc.	56
Identify pollutants of concern that could be discharged from the O&M activities	56
Develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities	56

<b>MCM 5 Required Elements</b>	<b>SWMP page number</b>
Conduct inspections of pollution prevention measures and maintain inspection log	44, 45, 51, 52, 53
Procedures for inspecting and maintaining structural controls	43
<b>For Level 3 and 4 small MS4s:</b> Develop and implement an O&M program to reduce the collection of pollutants in catch basins and other surface structures in the storm sewer system	NA
<b>For Level 3 and 4 small MS4s:</b> Develop a list of potential problem areas in the storm sewer system for increased inspection (for example, areas with recurring illegal dumping)	NA
<b>For Level 3 and 4 small MS4s:</b> Implement an O&M program to reduce discharge of pollutants from roads that includes at least a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure	NA
<b>For Level 3 and 4 small MS4s:</b> Assess its facilities for their potential to discharge pollutants into stormwater and identify high priority facilities that have a high potential to generate stormwater pollutants. At a minimum, facilities include the MS4s maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater. Document the results of the assessments	NA
<b>For Level 3 and 4 small MS4s:</b> Develop facility specific stormwater management Standard Operation Procedures for high priority facilities	NA
<b>For Level 3 and 4 small MS4s:</b> MS4 implements stormwater controls at high priority facilities that address good housekeeping; de-icing and anti-icing storage; fueling operations and vehicle maintenance; equipment and vehicle washing	NA
<b>For Level 3 and 4 small MS4s:</b> Develop and implement an inspection program that includes high priority facilities	NA
<b>For Level 4 small MS4s:</b> Develop an application and management program for pesticides, herbicides, and fertilizers used at public open spaces. Implement the following: educational activities, permits, etc for applicators and distributors; encourage of non-chemical solutions for pest management; develop schedules that minimizes discharge of pollutants; ensure collection and proper disposal of unused pesticides, herbicides, and fertilizers	NA
<b>For Level 4 small MS4s:</b> Evaluate flood control projects. Design, construct, and maintain new flood control structures to provide erosion prevention and pollutant removal from stormwater. Retrofitting of existing structural flood control devices is implemented to the maximum extent practicable (MEP)	NA

<b>MCM 5 Required Elements</b>	<b>SWMP page number</b>
SWMP lists BMPs used to fulfill this MCM. Examples may include: BMPs which address fleet vehicle maintenance/washing; BMPs which address parking lot and street cleaning; catch basin and storm drain system cleaning; landscaping and lawn care (e.g. xeriscaping); waste materials management; road salt application and storage practices; used oil recycling; pest management practices; fire training facilities; BMPs which address roadway and bridge maintenance; golf course maintenance/waste disposal; disposal of cigarette butts; and park maintenance (e.g., providing trash bags).	42-57
SWMP includes measurable goals that are clear, specific, and measurable, and the method of measurement, for addressing stormwater quality	42-57
SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from the general permit issuance date of January 24, 2019	42-57

#### **MCM 6: Industrial Stormwater Sources**

Table 6: Required Elements for MCM 6

<b>MCM 6 Required Elements</b>	<b>SWMP page number</b>
<b>For Level 4 MS4 only:</b> Identify and control industrial stormwater sources that at least includes the MS4's landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA).	NA
<b>For Level 4 MS4 only:</b> Procedures for inspecting and implementing control measures for discharges from industrial stormwater sources.	NA

#### **Optional MCM 7: Municipal Construction Activities**

This MCM is only applicable where the small MS4 has selected to be the construction site operator for their municipal construction activities. This MCM provides an alternative to the MS4 operator seeking discharge authorization under the Construction Stormwater General Permit TXR150000.

Table 7: Required Elements for MCM 7

<b>MCM 7 Required Elements</b>	<b>SWMP page number</b>
Description of how municipal construction activities will be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations	NA

MCM 7 Required Elements	SWMP page number
Description of the area that this MCM will address and where the MS4 operator's municipal construction activities are covered (e.g. within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary)	NA
If the area included in this MCM includes areas outside of the UA, then all MCMs (MCM 1 through MCM 7) will be implemented over those additional areas as well	NA
Description of how contractor activities will be supervised or overseen to ensure that the Stormwater Pollution Prevention Plan (SWP3) requirements are properly implemented at the construction site(s); or how the MS4 operator will make certain that contractors have a separate authorization for stormwater discharges if needed	NA
General description of how a construction SWP3 will be developed for each municipal construction site	NA
Records of municipal construction activities authorized under this optional MCM	NA



## Storm Water Management Program

Collin County

2019 SWMP Renewal

July 1, 2019

### Document history and status

Revision	Date	Description	By	Review	Approved
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002	6/18/19	Draft for County review	Joan Flowers	Tracy Homfeld, P.E.	JDF
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## Storm Water Management Program

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## List of Acronyms

BMP	Best Management Practice
CFR	Code of Federal Regulations
CGP	Construction General Permit
CSN	Construction Site Notice
CWA	Clean Water Act
DFW	Dallas-Fort Worth
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
GIS	Geographic Information System
IDDE	Illicit Discharge Detection and Elimination
ILA	Inter-Local Agreement
iSWM	Integrated Storm Water Management
MCM	Minimum Control Measure
MS4	Municipal Separate Storm Sewer System
MEP	Maximum Extent Practicable
MSGP	Multi-Sector General Permit
NCTCOG	North Central Texas Council of Governments
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
OSSF	On-Site Sewage Facilities
PWC	Public Works Council
RDI	Regionally Developed Initiative
ROW	Right-of-Way
SOP	Standard Operating Procedures
SWMP	Storm Water Management Program
SWPPP	Storm Water Pollution Prevention Plan
TCEQ	Texas Commission on Environmental Quality
TMDL	Total Maximum Daily Load
TPDES	Texas Pollutant Discharge Elimination System
TSWQS	Texas Surface Water Quality Standards
UA	Urbanized Area
UAA	Use Attainability Analysis
U.S.	United States

## **1.0 PURPOSE OF PROGRAM**

The objective of this Storm Water Management Program (SWMP) is to implement a program with which Collin County can reduce the discharge of pollutants in stormwater to the Maximum Extent Practicable (MEP). This program was originally developed in 2007 with much coordination between the County and the community to customize a program for Collin County that not only meets state and federal program requirements but also utilizes current activities, addresses issues that are important to the community, and is economically feasible.

This revision was based on a review of the County's current program including an evaluation of the effectiveness of the Best Management Practices (BMPs) during the last two permit cycles. This revised SWMP also incorporates additional BMPs required to meet permit requirements in TXR040000, which became effective on January 24, 2019.

## 2.0 DESCRIPTION OF AREA PROPOSED FOR PERMIT COVERAGE

### 2.1 Collin County Area Description and Urbanized Area Boundaries

The Bureau of Census defines an Urbanized Area (UA) as "...a land area comprising one or more places – central place(s) – and the adjacent densely settled surrounding area - urban fringe – that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile".

The current permit references the UA as defined by the 2010 Decennial Census by the U.S. Bureau of Census. While the extent of the UA has expanded over the decade from 2000 to 2010, the extent of unincorporated Collin County shrunk due to annexation of urban development by communities in Collin County. **Figure 1 (Appendix A)** illustrates the decrease in unincorporated areas of the County from 2000 to 2019. The regulated portion of the small Municipal Separate Storm Sewer (MS4) is defined as the portions located within either the 2000 or 2010 UA. Hence, the regulated UA is the farthest extent of either UA. The unincorporated areas of the County that are in the regulated UA are depicted in **Figures 2A and 2B (Appendix A)**. Collin County's regulated UA are small pockets of urban development that are non-contiguous and distributed primarily in south-central Collin County.

Based on a GIS analysis, the portions of the UA that are located in unincorporated areas of Collin County equals 10.0 square miles. Based on the EPA definition of UA density of 1,000 per square miles, it is estimated that the total population located in the regulated UA is approximately 10,000 people.

The North Central Texas Council of Governments (NCTCOG) estimates populations for jurisdictions in the DFW area (<https://data-nctcoggis.opendata.arcgis.com/datasets/2019-nctcog-population-estimates-publication>). The NCTCOG estimates that as of January 1, 2019 the population of Collin County was 1,010,330, of which 58,230 people were located in unincorporated areas.

### 2.2 MS4 Classification

The revised Small MS4 general permit issued on January 24, 2019, classifies MS4s based on their population served within the 2010 UA. All non-traditional MS4s such as counties are classified as Level 2 MS4s, which governs the requirements of the program.

### 2.3 Adjacent/Enclave MS4s

An MS4 is a conveyance that includes roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that is owned and operated by a jurisdiction for the collection and conveyance of storm water. The MS4 operator is the public entity or the entity contracted by the public entity, responsible for management and operation of the small MS4. Regulated MS4s are any jurisdiction that is wholly or partially located within the regulated UA based on the 2000 and 2010 Census. Non-traditional MS4s that may also be regulated include military bases, large hospitals, prison complexes, universities, municipal utility districts, drainage districts, and highways located within the regulated UA. For the purpose of the Small MS4 General Permit, Collin County is considered a non-traditional MS4 due to its lack of ability to enact and enforce ordinances.

Phase I MS4s located in Collin County include the Cities of Dallas and Plano. Thirteen permitted Phase II MS4s are located in Collin County and are listed below and are shown in **Figure 2A (Appendix A)**.

• City of Allen	TXR040092
• City of Carrollton	TXR040326
• Collin County	TXR040035
• Town of Fairview	TXR040245
• City of Frisco	TXR040248
• City of Lucas	TXR040177
• City of McKinney	TXR040108
• City of Murphy	TXR040357
• City of Parker	TXR040005
• City of Richardson	TXR040042
• City of Sachse	TXR040127
• The University of Texas at Dallas	TXR040254
• City of Wylie	TXR040075

The following MS4s in Collin County have approved waivers based on population served within the UA.

- City of Lowry Crossing (TXRMW0063)
- Town of New Hope (TXRMW0065)
- Town of St. Paul (TXRMW0043)

## 2.4 Receiving Waters

There are several waterbodies that receive discharges from the Collin County's regulated UA. Collin County's receiving waterbodies are listed below along with their TCEQ segment number. **Figure 3** in **Appendix B** depicts the classified and unclassified stream segments.

- |                            |  |
|----------------------------|--|
| • Lake Ray Hubbard (0820)  | • Wilson Creek (0821C)                             |
| • Cottonwood Creek (0820A) | • East Fork Trinity River above Lake Lavon (0821D) |
| • Rowlett Creek (0820B)    | • Doe Branch (0823D)                               |
| • Muddy Creek (0820C)      | • White Rock Creek above White Rock Lake (0827A)   |
| • Lake Lavon (0821)        |  |

### 2.4.1 Pollutants of Concern

A review of federal, state and local water quality monitoring programs was conducted to identify any water quality impairments and pollutants of concern. Two classified waterbodies of the state receive storm water runoff directly from the Collin County's urbanized area. The TCEQ designated segments include Lake Ray Hubbard (classified segment 0820) and Lake Lavon (classified segment 0821). The most recent Environmental Protection Agency (EPA) approved 303(d) list, 2014 303(d) List (approved by EPA on November 19, 2015) includes water quality impairments and concerns for these designated segments. **Table 1** below lists the impairments and concerns for these segments.

**Table 1. TCEQ Segments Receiving Stormwater from Collin County Regulated UA**

Segment #	Segment Name	Segment Description	303(d) List, Impairments/Source (2014)	Concerns/Source (2014)
0820	Lake Ray Hubbard	From Rockwall-Forney Dam in Kaufman County to Lavon Dam in Collin County, up to normal pool elevation of 435.5 feet (impounds East Fork Trinity River).	No	Chlorophyll-a / Unknown
0820A	Cottonwood Creek	Perennial stream from the confluence with Rowlett Creek up to SH 5 (near Greenville Road).	No	
0820B	Rowlett Creek	Perennial stream from the normal pool elevation of 435.5 feet of Lake Ray Hubbard to the Parker Road crossing.	Yes, Bacteria/MS4 No TMDL	Nitrate/Municipal Point Source
0820C	Muddy Creek	From the confluence with Lake Ray Hubbard, in Dallas County, to the headwaters east of Allen, in Collin County.	No	Nitrate/Unknown
0821	Lake Lavon	From Lavon Dam in Collin County, up to normal pool elevation of 492 feet (impounds East Fork Trinity River).	No	Nitrate/Unknown
0821C	Wilson Creek	From the confluence with Lake Lavon in Collin County, up to West FM 455, just east of Celina, Collin Co., TX.	Yes, Bacteria/Unknown No TMDL	
0821D	East Fork Trinity River above Lake Lavon	A portion of the East Fork Trinity River extending from the confluence with Lake Lavon (segment 0821) to the upper end of the water body in Collin County, Texas.	Yes, Bacteria/Unknown No TMDL	
0823D	Doe Branch	From the confluence with Lake Lewisville/Elm Fork Trinity in Denton County to the headwaters northeast of Celina, Collin Co., TX.	No	
0827A	White Rock Creek above White Rock Lake	Perennial stream from the headwaters of White Rock Lake upstream to the confluence with McKamy Branch east of the City of Addison.	No	Bacteria, Nitrate/MS4, Unknown

Lake Ray Hubbard (Segment 0820) is a 22,745-acre water supply reservoir that is located in Collin, Dallas, Rockwall and Kaufman counties. The reservoir was impounded in 1968 and designated uses include public water supply, contact recreation and high aquatic life use. The segment is not listed on the TCEQ's 303(d) List; however, water quality concerns have been noted for chlorophyll-a.

Cottonwood Creek (Segment 0820A) is an unclassified perennial stream extending from the confluence with Rowlett Creek up to SH 5 (near Greenville Road) in Collin County. Cottonwood Creek is currently meeting TSWQS.

Rowlett Creek (Segment 0820B) is an unclassified water body that is a perennial stream from the normal pool elevation of 435.5 feet of Lake Ray Hubbard to the Parker Road crossing. Rowlett Creek is currently not meeting TSWQS due to elevated bacteria concentration. The segment was first listed on the impaired waters list in 2014. TCEQ has also noted a concern for elevated nitrate concentrations. A TMDL has not been developed for this segment.

Muddy Creek (Segment 0820C) is an unclassified water body extending from the confluence with Lake Ray Hubbard, in Dallas County, to the headwaters east of Allen, in Collin County. This stream segment was listed on the previous 303(d) list for contact recreation impairments due to elevated bacteria concentrations. The segment was first listed in 2002 and was delisted in 2010 because it met TSWQS. Water quality concerns are noted by TCEQ for exceedances of the nitrate nitrogen nutrient screening level.

Lake Lavon (Segment 0821) is a 21,400-acre water supply reservoir that is located in Collin County. The reservoir was impounded in 1953 and designated uses include public water supply, contact recreation and high aquatic life use. The segment is not listed on TCEQ's 2014 303(d) List; however, water quality concerns have been noted for nitrate nitrogen.

Segment 0821C (Wilson Creek) is an unclassified water body that extends from the confluence with Lake Lavon in Collin County up to West FM 455 just east of Celina, in Collin County. Segment 0821C is listed on the 2014 303(d) list for contact recreation use impairment due to elevated bacteria concentrations. Segment 0821C was first listed in 2010 and is classified as Category 5c by TCEQ, meaning that additional data or information will be collected and/or evaluated before a management strategy is selected. A TMDL has not been developed for this segment.

Segment 0821D, East Fork Trinity River above Lake Lavon is an unclassified water body and consists of the portion of the East Fork Trinity River extending from the confluence with Lake Lavon to the upper end of the water body in Collin County, Texas. Segment 0821D is listed on the 2014 303(d) list for contact recreation use impairment due to elevated bacteria concentrations. Segment 0821D was first listed in 2010 and is classified as Category 5c by TCEQ, meaning that additional data or information will be collected and/or evaluated before a management strategy is selected. A TMDL has not been developed for this segment.

Segment 0823D, Doe Branch is an unclassified water body that extends from its confluence with Lake Lewisville/Elm Fork Trinity in Denton County to its headwaters northeast of Celina in Collin County. Doe Branch is currently meeting TSWQS.

White Rock Creek above White Rock Lake (Segment 0827A) is an unclassified perennial stream extending from the headwaters of White Rock Lake upstream to the confluence with McKamy Branch east of the City of Addison. The segment is not listed on the TCEQ's 2014 303(d) List; however, water quality concerns have been noted for bacteria and nitrate nitrogen.

Water quality concerns were identified based on a review of the TCEQ 2014 305(b) integrated water quality assessment report and the 2014 303(d) list. Based on this review, the following water quality parameters are perceived to be a concern in the Collin County urbanized area:

- Bacteria
- Nutrients (Nitrate Nitrogen)
- Chlorophyll-a

The draft 2016 and 2018 303(d) lists were also reviewed for changes to water quality in the affected segments. The same general impairments for bacteria are noted by TCEQ in the 2016 and 2018 Draft 303(d) Lists.

"Pollutants of Concern" as defined in the Small MS4 General Permit are those pollutants that have been identified as a cause of impairment of any water body that will receive a discharge from an MS4. Based on this definition, nutrients and chlorophyll-a are not considered a pollutant of concern. The only pollutant of concern is bacteria.

#### **2.4.2 BMPs for Pollutants of Concern**

Collin County considered the pollutant of concern (i.e., bacteria) in their selection of BMPs for Collin County's SWMP. Although none of the segments that receive permitted discharges directly from Collin County's MS4 have an approved TMDL, the Small MS4 General Permit has special requirements for discharges to impaired segments. According to Part II, Section D 4(b), any

permittees that discharge to an impaired segment without an approved TMDL must perform the following activities:

1. The permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.
2. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.
3. In addition, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.

Additionally, if the impairment is for bacteria, the permittee must identify potential significant sources and develop and implement focused BMPs for those sources. According to the Small MS4 General Permit, the County may implement the following BMPs to address bacteria sources or propose alternative BMPs, as appropriate:

1. Sanitary Sewer Systems
2. On-site Sewage Facilities (OSSFs)
3. Illicit Discharges and Dumping
4. Animal Sources
5. Residential Education

The 2019 revised SWMP includes BMPs that address the applicable categories listed above. Since Collin County is a non-traditional MS4 and lacks the legal authority to enact and enforce ordinances, the County relies on public education and other methods to reduce pollutants in stormwater.

The County does not maintain sanitary sewers within its regulated UA. Sanitary sewers are confined to incorporated areas of the County and are addressed by other MS4s. The County also does not have the authority to regulated animal sources but can affect those sources through public education. Of the five categories listed above, the County focuses on OSSFs, illegal dumping and public education. Focused BMPs to address the bacteria sources are included in the SWMP and are discussed below.

#### On-Site Sewage Facilities

The County addresses failing septic systems through administration of its OSSF Program that permits new OSSFs and conducts inspections as required by the State.

*BMP ID-7* details the County's effort to reduce failing septic systems through permitting of new systems and inspections of existing systems throughout the County. By reducing failing septic systems, the County is reducing the amount of potential bacteria contamination to area waterbodies.

#### Illicit Discharges and Dumping

The County addresses illicit discharge through visual monitoring of outfalls (*BMP ID-2*) and investigation of illicit discharges (*BMP ID-3*), if discovered. The County lacks legal authority to prohibit illicit discharges and does not have "right-of-entry" so the County relies on voluntary compliance or notification of other jurisdictions or TCEQ for enforcement.



The County addresses illegal dumping through enforcement of the State of Texas Health and Safety laws. *BMP ID-4 Reduce Illegal Dumping* is included under MCM#2 (Illicit Discharge Detection and Elimination) in the SWMP to combat illegal dumping of waste in the County. Depending on the type of waste, bacteria such as *E. coli* may be present and contribute to the impairment of waterbodies. By deterring illegal dumping and cleaning up known dump sites, the County is reducing potential pollutants including bacteria from entering waterbodies.

The County also mitigates illegal dumping through the Public Education, Outreach and Involvement MCM. *BMP PE/PI-6 Stream Clean-Up Projects* is included in the SWMP to allow citizens to participate in the clean-up of trash and debris in area creeks. This reduces potential pollutants such as bacteria from impacting water quality and impairing the designated uses of the stream.

During the next permit term, the County will add a new BMP (*BMP ID-9 Proper Pet Waste Disposal*). The County will examine and assess the use of County owned and operated parks by pets and their owners. If deemed a significant source of pollutants, the County will install and maintain pet waste stations at selected locations.

#### Residential Education

The County addresses residential education through many of its public education BMPs. In addition to distributing existing brochures, the County will develop and distribute one new brochure that specifically addresses sources of bacteria for *BMP PE/PI-3*. The County utilizes the “Doo the Right Thing” pet waste educational material developed by NCTCOG and distributes pet waste bags with animal adoption papers at the County Animal Shelter. The County also displays dog waste posters from the City of McKinney at the Animal Shelter.

During the next permit term, the County will also develop new content for their web site (*BMP PE-PI-2*), specifically for the proper disposal of pet waste and proper maintenance of OSSFs.

The County will reevaluate all known sources of bacteria each year during preparation of the annual report to determine if additional targeted BMPs need to be added to the SWMP but at this point all known sources of bacteria have been addressed through this revised SWMP.

## **2.5 Other County Activities Requiring Storm Water Permit Coverage**

Spill Prevention, Control and Countermeasures (SPCC) Plans have been prepared for industrial activities at the two Collin County Facilities that have fuel storage tanks, the Public Works Service Center and the Farmersville Facility. The County will maintain their SPCC plans.

The County does not have any facilities that are subject to the TPDES General Permit (General Permit No. TXR050000) for Industrial Storm Water Runoff (i.e., the Multi-Sector General Permit).

Collin County will be required to obtain a construction general permit for any county construction activity, which disturbs one or more acres of land in accordance with conditions of the Construction General Permit (General Permit No. TXR150000) for Construction Storm Water Runoff covering eligible storm water and certain types of non-storm water discharges to surface water in the State.

**Figure 4**, located in **Appendix C**, depicts all Collin County's regulated facilities.



### **3.0 ACTIVITIES CONDUCTED IN SUPPORT OF PROGRAM DEVELOPMENT**

Many activities were performed to support the SWMP revision for Collin County, as described below:

- Reviewed existing storm water program information provided by the County
- Performed a legal review of the County's storm water related ordinances and County's authority to implement BMPs
- Reviewed the County's existing storm water mapping information
- Reviewed available water quality data in the Collin County area
- Developed BMP implementation schedule and measurable goals
- Prepared SWMP and NOI

Some of the more significant activities are described in detail as follows:

#### **3.1 Storm Water Stakeholders Committee**

The original Storm Water Stakeholders Committee for Collin County consisted of citizens representing a broad cross-section of the County's constituency. Stakeholders invited to participate included:

- Collin County staff
- Collin County Planning Board
- City of McKinney
- City of Frisco
- Town of New Hope
- City of Wylie
- City of Lucas
- Texas AgriLife Research and Extension
- North Texas Municipal Water District
- Keep Texas Beautiful
- Heard Natural Science Museum and Wildlife Sanctuary
- Home Builders Association of Greater Dallas, North Texas/Collin County Division

The stakeholders assisted the County with selection of appropriate BMPs to include in the original SWMP. Stakeholders were engaged annually throughout the first permit term to provide feedback on annual reporting requirements and offer suggestions for alternative BMPs when chosen BMPs failed to perform as intended.

#### **3.2 Review of County Authority**

The Texas Constitution and State statutes do not grant Texas counties the ability to create and enforce ordinances, and counties only have the specific authority granted to them in these statutes. Collin County is only required to develop and implement a SWMP to the extent allowable under State and local law. The General Permit includes this "to the extent allowable under State and local law" language in recognition of the fact that Texas counties do not have the rule/ordinance making authority that cities have. Thus, Collin County typically cannot enforce against violators, but instead, will seek voluntary compliance and then refer continued violations to either TCEQ or an adjacent MS4 with enforcement authority, if appropriate, for further investigation and enforcement.

The County has clear authority to regulate on-site sewage facilities, or septic systems, through TCEQ's On-Site Sewage Facility ("OSSF") program. Because Collin County is an Authorized Agent for TCEQ's OSSF program it has the authority outlined in Texas Health and Safety Code

Chapter 366, relating to the regulation of On-Site Sewage Disposal Systems. The County can enforce against violators to the extent allowed under state law, typically in relation to county regulation of subdivisions (See Texas Local Government Code Chapter 232), abatement of public nuisances (See Texas Health and Safety Code Chapter 343), and illegal dumping (See Texas Health and Safety Code Chapter 365). The County will review the public nuisance and illegal dumping statutes to ensure that the County implements enforcement under those statutes to the greatest extent possible to implement the SWMP in compliance with the General Permit.

With regard to illicit connections and/or discharges observed from another MS4, the County will notify the MS4 operator within 48 hours of discovery. If notification of the other MS4 operator is not practicable, then the County will notify the regional TCEQ office.

## **4.0 SUMMARY OF PHASE II STORM WATER REGULATIONS AND PROGRAM REQUIREMENTS**

### **4.1 Regulatory Chronology**

The current effort to improve the water quality in the Nation's streams started in 1972 with the passage of the Clean Water Act. The main emphasis of this legislation was to establish a system to control pollution from point sources, with the goal of reducing pollutants so that the water in our lakes and streams is both fishable and swimmable. To achieve this goal, the CWA established the National Pollutant Discharge Elimination System (NPDES). The NPDES requires that anyone discharging a pollutant from a municipal wastewater or industrial point source must obtain an NPDES permit, which specifies effluent limits, monitoring requirements, and enforcement mechanisms.

The CWA also contains regulations to address pollution from diffuse non-point sources. The EPA defines non-point source pollution as "any pollution associated with diffuse land use activities that cumulatively results in water quality degradation." Phase I of the NPDES regulations required municipalities with populations over 100,000 to classify their storm water runoff and develop programs to reduce the pollutants in their runoff.

On December 8, 1999, U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from small MS4s and required small MS4s to obtain permit coverage by March 10, 2003. Since Texas has delegation authority to administer the NPDES program in the State, the Texas Commission of Environmental Quality (TCEQ) developed and released their draft Texas Pollutant Discharge Elimination System (TPDES) Small MS4 General Permit on September 1, 2002 to meet the March 10th deadline.

A series of lawsuits followed the permit release, which ultimately ended up in the 9th Circuit Court. A suit brought by business groups, developers and a coalition of Texas cities and counties challenged the constitutionality of the Phase II regulations. On January 14, 2003, the U.S. 9th Circuit Court issued its decision in *Environmental Defense Center et al. vs. EPA*. The ruling upheld the Phase II regulations on all but 3 of the 20 issues that were contested. On September 15, 2003, the U.S. 9th Circuit Court of Appeals issued a revised panel decision, which denied all petitions for rehearing and remanded portions of the rule affecting small MS4s to the EPA. The Court found that portions of the federal regulations were not consistent with the Clean Water Act, because the Phase II rules did not address permitting authority review and public participation and notification. The three issues that were remanded back to EPA required that the NOI and SWMP be made available to the public and undergo meaningful review by the State to determine if the MEP standard is met, and there must be a process to accommodate public hearings.

An EPA guidance memo, dated April 16, 2004, was issued to permitting authorities and the TCEQ revised and released their second draft TPDES Small MS4 General Permit on August 8, 2005. After a second public comment period, the TCEQ revised and released the final TPDES Small MS4 General Permit on August 13, 2007.

The original general permit expired August 12, 2012. A notice of intent to renew the general permit was published by TCEQ in the Texas Register on April 13, 2012, to allow administrative continuance of coverage to regulated Phase II MS4 entities under the 2007 MS4 general permit. Revisions to the Small MS4 General Permit, TPDES Permit No. TXR040000, were issued on December 13, 2013 and January 24, 2019. All regulated entities (new and existing) have 180 days to apply for coverage or a waiver under the revised general permit. The deadline to apply is July 23, 2019. Each regulated entity must submit a Notice of Intent (NOI) and a new or revised (for existing regulated entities) Stormwater Management Program (SWMP) by July 23, 2019.

## 4.2 Summary of TPDES Permit TXR040000 Requirements

The Texas Commission of Environmental Quality (TCEQ) adopted the TPDES Small MS4 General Permit to authorize discharges of storm water from small MS4s located in the state of Texas to Water of the United States. This Small MS4 General Permit is briefly summarized below and a complete copy is located in **Appendix F - TPDES Small MS4 General Permit for Storm Water Discharges from Small MS4s**.

### 4.2.1 Permit Applicability and Coverage

This section of the Small MS4 General Permit states that an MS4 that is fully or partially within urbanized areas, as determined by the 2000 or 2010 Decennial Census by the U.S. Bureau of Census is eligible for this permit and must obtain authorization for the discharge of storm water runoff. Small MS4s seeking to obtain coverage pursuant to TPDES Small MS4 General Permit (TXR040000) are required to submit a completed Notice of Intent (NOI) with a SWMP.

Operators of small MS4s that were previously covered under the TPDES general permit must reapply for permit coverage by submitting an NOI and revised SWMP within one hundred and eighty (180) days following the effective date of the Small MS4 General Permit.

The most recently revised TPDES Small MS4 General Permit became effective on January 24, 2019 and the deadline for submission of the NOI and SWMP is July 23, 2019. The Small MS4 General Permit requires that an application fee of \$400.00 be submitted with the NOI. A SWMP Cover Sheet must be completed and attached to the front of the SWMP. One (1) copy of the NOI and SWMP must be submitted to TCEQ. The signed NOI is provided in Appendix E - Notice of Intent Form.

Upon notification from the TCEQ Office of Chief Clerk, the County will comply with public notice requirements by publishing notice in a newspaper of general circulation in Collin County. The Dallas Morning News is the newspaper of largest circulation. The notice will include the executive director's preliminary determination on the NOI and SWMP. The notice must also include the following information:

- The legal name of the MS4 operator;
- Identify whether the NOI is for a new authorization or a renewal of an existing authorization;
- The County's address;
- A brief summary of the information included in the NOI (general location and description of classified receiving waters that receive discharges from the small MS4);
- The location and mailing address for the public to provide comments to TCEQ;
- The public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and
- If required by the executive director, the date, time, and location of the public meeting.

The public comment period begins on the first date that the notice is published and lasts for at least 30 days. If TCEQ determines that there is a significant public interest, the County will be instructed to publish a notice of public meeting and hold a public meeting in Collin County. The notice of public meeting must be published at least 30 days prior to the meeting. If a public meeting is held, then the public comment period ends at the closing of the public meeting. The County is required to file an affidavit of publication within 60 days of receiving written instructions from the Chief Clerk. Although the TCEQ

will facilitate the public meeting, the County will be required to present to the public the contents of the NOI and SWMP and provide maps, data, and a sign-in sheet for the public meeting.

#### **4.2.2 Allowable Non-Storm Water Discharges**

The Small MS4 General Permit provides that certain non-storm water sources may be discharged from the Small MS4 and are not required to be addressed in the Small MS4 operator's Illicit Discharge minimum control measure, provided that these sources have *not* been determined by the operator or the TCEQ to be significant contributors of pollutants. These allowable non-storm water discharges are listed below:

- Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- Discharges from potable water sources that do not violate the Texas Surface Water Quality Standards (TSWQS);
- Diverted stream flows;
- Rising ground waters and springs;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Foundation and footing drains;
- Air conditioning condensation;
- Water from crawl space pumps;
- Individual residential vehicle washing;
- Flows from wetlands and riparian habitats;
- Dechlorinated swimming pool discharges that do not violate TSWQS;
- Street wash water (excluding street sweeper waste water);
- Discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- Other allowable non-storm water discharges listed in 40 CFR § 122.26 (d)(2)(iv)(B)(1);
- Non-storm water discharges specifically listed in the TPDES Multi-Sector General Permit (MSGP) or the TPDES Construction General Permit (CGP);
- Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
- Other similar occasional incidental non-storm water discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Collin County does not consider any of these non-storm water sources to be a significant contributor of pollutants to their MS4 and will therefore adopt the TCEQ's list of allowable non-storm water discharges with no further modifications.

#### **4.2.3 Storm Water Management Program Requirements**

This section of the Small MS4 General Permit again states that the SWMP must be developed and implemented for discharges of storm water that reach "Waters of the United States." The Small MS4 General Permit also states that the SWMP must be "developed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the Texas Water Code" The "maximum extent

practicable” (“MEP”) standard is common in EPA’s storm water regulations and permits, but it is not defined, so it is a very subjective standard for the operator of the Small MS4 to meet. EPA has stated: “Compliance with the conditions of the general permit and the series of steps associated with identification and implementation of the minimum control measures will satisfy the MEP standard.” 64 Fed. Reg. at 68,754. As stated in the Small MS4 General Permit, a permittee that implements best management practices consistent with the provisions of their permit and SWMP constitutes compliance with the standard of reducing pollutants to the MEP.

The TPDES Small MS4 General Permit (TXR040000) identified seven minimum control measures (MCMs), which are as follows:

1. Public Education, Outreach, and Involvement,
2. Illicit Discharge Detection and Elimination (IDDE),
3. Construction Site Storm Water Runoff Control,
4. Post-Construction Storm Water Management in New Development and Redevelopment,
5. Pollution Prevention/Good Housekeeping for Municipal Operations,
6. Industrial Stormwater Sources (only for Level 4 MS4s), and
7. Authorization for Municipal Construction Activities (Optional).

The first six MCMs are required components of the SWMP; however, the seventh measure is optional and is an alternative to the MS4 operator seeking separate coverage under the TPDES Construction General Permit (TXR150000). The sixth MCM is only required for Level 4 MS4 operators.

As part of the general requirements for the SWMP, the permittee must provide documentation, implementation, and evaluation of the SWMP. This information is provided in detail in section 5.0 Collin County’s Program for the Required Minimum Control Measures.

#### **4.2.4 Record Keeping and Reporting**

The Small MS4 General Permit requires the operator of the Small MS4 to retain all records, a copy of the Small MS4 General Permit, and records of all data to complete the NOI and satisfy the public participation requirements, for a period of at least three years or for the remainder of the term of the Small MS4 General Permit, whichever is longer. Because the permit term is five years, it appears that the minimum period of time to maintain such information will be five years.

The Small MS4 General Permit also contains provisions regarding how records related to the SWMP are to be made available to the public. The Small MS4 General Permit requires the operator of the Small MS4 to make the records, including the NOI and the SWMP, available to the public if requested to do so in writing. The Small MS4 General Permit states:

The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act.

A concise annual report must be submitted by Collin County to the Executive Director of TCEQ within 90 days of the end of each reporting year during the permit term. The annual report must be prepared and submitted regardless of whether the County’s

SWMP and NOI have been approved by TCEQ. The permit term began when the TPDES Small MS4 General Permit was reissued (January 24, 2019). The reporting years and deadlines for annual reports are specified below.

The County has chosen calendar year as their reporting year for their MS4 permit. Annual reports are due 90 days following the end of their reporting year. Therefore, annual reports are due to TCEQ on March 31st of each year from 2020 through 2024.

<b>Year</b>	<b>Reporting Cycle</b>	<b>Annual Report Due Date</b>
1	01/24/2019 – 12/31/2019	03/31/2020
2	01/01/2020 – 12/31/2020	03/31/2021
3	01/01/2021 – 12/31/2021	03/31/2022
4	01/01/2022 – 12/31/2022	03/31/2023
5	01/01/2023 – 12/13/2023	03/31/2024



A copy of the annual report must be readily available for review by authorized TCEQ personnel upon request. The report must contain a number of elements including:

- Status of compliance with permit conditions, assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- A summary of the results of the information (including monitoring data) collected and analyzed during the reporting period;
- If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;
- A summary of activities planned for the next reporting year;
- Proposed changes to the SWMP;
- Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementations plans;
- Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);
- Number of municipal construction activities authorized under the 7th optional MCM and total number of acres disturbed; and
- The number of construction activities that occurred within the jurisdictional area of the Small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7th MCM.

#### **4.2.5 Standard Permit Conditions**

The Small MS4 General Permit identifies ten standard permit conditions, which are summarized below:

- The permittee has a duty to comply with all permit conditions and failure to so is a violation of the permit.
- The fact that compliance with the permit conditions may require the permitted activity to be halted or reduced is not a defense for a discharger in an enforcement action.
- The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- The executive director may revoke or suspend the authorization under this general permit for cause.
- The permittee shall at all times properly operate and maintain all facilities and system of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP.
- The TCEQ shall be allowed inspection and entry to any part of a facility or site as provided in Texas Water Code Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i).
- The discharger is subject to administrative, civil, and criminal penalties under Texas Water Code Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for certain violations.
- Signatory and authorized persons requirements set forth in 30 TAC § 305.128 must be followed for all reports and other information requested by the executive director.



- Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- The permittee must implement its SWMP on any new areas under its jurisdiction that are located in a UA within 3 years of acquiring the new area or 5 years from the date of the initial permit coverage.



## **5.0 COLLIN COUNTY'S PROGRAM FOR THE REQUIRED MINIMUM CONTROL MEASURES**

### **5.1 MCM #1 - Public Education, Outreach and Involvement**

An effective public education program can significantly reduce other program costs, such as inspection and enforcement costs for the illicit discharge program. Informed citizens and business owners will usually take steps to reduce potential pollution from their own activities.

As specified in the Small MS4 General Permit, all permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.

Existing permittees such as Collin County shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term.

At a minimum, the Public Education and Outreach program must:

1. Define goals and objectives based on high priority community wide issues;
2. Identify target audiences;
3. Utilize appropriate educational materials;
4. Determine cost effective and practical methods for distribution of materials; and
5. Materials must be made available at least annually.

All permittees must involve the public in developing and implementing the SWMP. At a minimum, the permittees shall:

1. Consider using public input in implementation of the program;
2. Create opportunities for citizens to participate in implementation of BMPs;
3. Ensure the public has easy access to information about the SWMP.


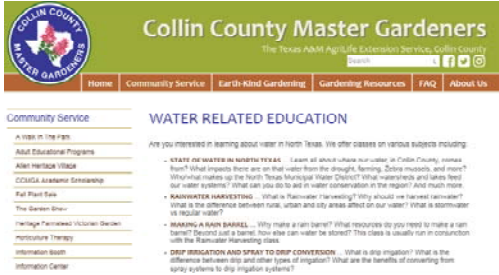
The County originally utilized a stakeholder group to select appropriate BMPs based on community-wide issues. County staff assessed the efficacy of the original BMPs based on performance during the first and second permit terms and determined that all of the original BMPs with some slight modifications were still appropriate. Three BMPs were combined for ease of reporting.


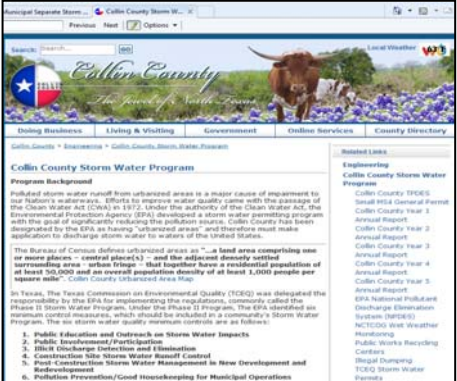
The list of BMPs below has been developed to modify the method and message on a regular basis in order to keep the program fresh and effective. Collin County will utilize six different BMPs to inform the public about the impacts that storm water runoff can have on water quality, hazards associated with illegal discharges and the improper disposal of waste, and steps that they can take to reduce pollutants in storm water runoff.



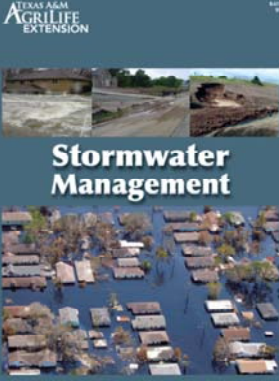
- PE/PI -1 AgriLife Education Programs
- PE/PI -2 Stormwater Web Site
- PE/PI -3 Storm Water Brochures
- PE/PI -4 NCTCOG Committee Participation
- PE/PI -5 Collin County Adventure Camp
- PE/PI -6 Stream Cleanup Projects

The following BMP sheets describe individual BMPs in Collin County's Storm Water Management Program. The County Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as un-bolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Collin County's Public Education BMPs target all six sectors of the public including residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel.


The County maintains a stormwater website and utilizes it to distribute educational material (<https://www.collincountytx.gov/engineering/stormwater/Pages/default.aspx>). The County posts copies of the SWMP and annual reports on the website.

	<b>AGRI LIFE EDUCATION PROGRAMS</b>	<b>PE/PI-1</b>																		
<b>RESPONSIBLE AUTHORITY</b>  <b>*Engineering AgriLIFE</b>	<div data-bbox="483 296 667 323">DESCRIPTION</div> <div data-bbox="727 342 1222 615">  </div> <p data-bbox="493 632 1458 869">Texas AgriLIFE Extension of Collin County is a local partnership between Collin County Commissioners Court, the Texas A&amp;M University System and the United States Department of Agriculture. The County AgriLIFE Extension staff conduct educational activities in Collin County. One of the programs supported by AgriLIFE extension is the Master Gardeners Program which offers training, certification and continuing education to Collin County residents. Master Gardeners provide education on Earth-Kind Gardening and other water related topics such as those listed below.</p> <ul data-bbox="493 877 1458 1121" style="list-style-type: none"> <li>• <b>STATE OF WATER IN NORTH TEXAS.</b> Learn all about where our water, in Collin County, comes from? What impacts there are on that water. What watersheds and lakes feed our water systems? What can you do to aid in water quality and conservation in the region?</li> <li>• <b>RAINWATER HARVESTING.</b> What is Rainwater Harvesting? Why should we harvest rainwater? What is the difference between rural, urban and city areas effect on our water? What is stormwater vs regular water?</li> <li>• <b>MAKING A RAIN BARREL.</b></li> </ul> <p data-bbox="493 1129 1458 1213">AgriLife meets on a regular basis to plan educational activities in Collin County. These Leadership Advisory Board meetings are attended by the County extension agents and other County staff.</p> <div data-bbox="477 1241 932 1268">RATIONALE FOR SELECTION</div> <ul data-bbox="477 1297 1458 1415" style="list-style-type: none"> <li>• AgriLife educational programs have been shown to be a very effective way to increase environmental awareness.</li> <li>• This BMP was the highest ranked of the public education BMPs that were reviewed by the County's original Storm Water Stakeholders Committee.</li> </ul>																			
<b>APPLICABILITY</b>  X Residents  Visitors  Public Service Employees  Businesses  Commercial/Industrial  Construction	<table> <tr> <th data-bbox="159 1415 347 1478">YEAR</th><th data-bbox="347 1415 1117 1478">IMPLEMENTATION ACTIVITY</th><th data-bbox="1117 1415 1487 1478">MEASURABLE GOAL</th></tr> <tr> <td data-bbox="159 1478 347 1575">01/24/19 - 12/31/19</td><td data-bbox="347 1478 1117 1575"> <ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul> </td><td data-bbox="1117 1478 1487 1575">           Dates of conference Attendance List         </td></tr> <tr> <td data-bbox="159 1575 347 1671">01/01/20 - 12/31/20</td><td data-bbox="347 1575 1117 1671"> <ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul> </td><td data-bbox="1117 1575 1487 1671">           Dates of conference Attendance List         </td></tr> <tr> <td data-bbox="159 1671 347 1768">01/01/21 - 12/31/21</td><td data-bbox="347 1671 1117 1768"> <ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul> </td><td data-bbox="1117 1671 1487 1768">           Dates of conference Attendance List         </td></tr> <tr> <td data-bbox="159 1768 347 1864">01/01/22 - 12/31/22</td><td data-bbox="347 1768 1117 1864"> <ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul> </td><td data-bbox="1117 1768 1487 1864">           Dates of conference Attendance List         </td></tr> <tr> <td data-bbox="159 1864 347 1940">01/01/23 - 12/13/23</td><td data-bbox="347 1864 1117 1940"> <ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul> </td><td data-bbox="1117 1864 1487 1940">           Dates of conference Attendance List         </td></tr> </table>		YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL	01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul>	Dates of conference Attendance List	01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul>	Dates of conference Attendance List	01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul>	Dates of conference Attendance List	01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul>	Dates of conference Attendance List	01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Educational display at Master Gardener annual conference at Myers Park</li> <li>• Attend 2 Leadership Advisory Board meetings</li> </ul>	Dates of conference Attendance List
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	<h2>STORMWATER WEB SITE</h2>	<h2>PE/PI-2</h2>
<p><b>RESPONSIBLE AUTHORITY</b></p> <p>* Information Technology Public Information Engineering</p>	<p><b>DESCRIPTION</b></p> <p>Collin County's website is nationally recognized and was named among the top county government portals in 2007. The County has developed a web page for their existing website that specifically addresses storm water related issues. The Storm Water Web Site is used to educate the public on various stormwater issues. Digital copies of educational brochures (PE/PI-3) are distributed on the site. The website publicizes illicit discharge BMPs such as Used Oil Recycling (ID-5). The website also provides information on illegal dumping (ID-4), subdivision regulations, and links to both the EPA and TCEQ storm water websites for additional information on NPDES/TPDES regulations.</p>  <p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>The County currently maintains an award-winning web site that can be modified to include a storm water page with links from several of the existing department pages.</li> <li>A storm water page is an excellent tool for relaying an unlimited amount of information about storm water issues and activities, reaching a wide variety of audiences.</li> <li>A calendar of events can promote the public involvement activities.</li> <li>The web page can educate the public on regulations prohibiting Illicit Discharge and Illegal Dumping.</li> <li>Will allow the public to submit information to the County regarding Construction Activities as required by regulation.</li> <li>The Storm Water Stakeholders Committee selected this BMP as the second highest priority BMP for Public Education.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul>	
<p><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>		
YEAR	IMPLEMENTATION ACTIVITY	MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Update web site to reflect revised MS4 permit and SWMP</li> <li>Post annual report on website</li> <li>Maintain website links</li> </ul>	1 Screen shot of stormwater web pages
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Update web content to include pet waste brochure</li> <li>Post annual report on website</li> <li>Maintain website links</li> </ul>	1 Pet Waste Brochure 1 Screen shot of stormwater web pages
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Update web content to include AgriLife Stormwater Management brochure</li> <li>Post annual report on website</li> <li>Maintain website links</li> </ul>	1 Screen shot of stormwater web pages
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Update web content to include AgriLife septic system maintenance brochure</li> <li>Post annual report on website</li> <li>Maintain website links</li> </ul>	1 Septic Maintenance Brochure 1 Screen shot of stormwater web pages
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Post annual report on website</li> <li>Maintain website links</li> </ul>	1 Screen shot of stormwater web pages



		STORM WATER BROCHURES	PE/PI-3
<b>RESPONSIBLE AUTHORITY</b>  * <b>Engineering</b> Development Services Animal Shelter		<b>DESCRIPTION</b>  These are multi-page printed materials used to convey detailed information on specific topics related to storm water management. The brochure, "The Dirty Dozen," has been added to all permit packets distributed by Collin County Development Services. Brochures that educate contractors and builders on construction SWPPPs and inform them of TCEQ construction storm water requirements are distributed as part of the all commercial building packets. The County will continue to distribute existing brochures.	  
<b>APPLICABILITY</b>  X Residents  X Visitors  X Public Service Employees  X Businesses  X Commercial/Industrial  X Construction		In Year 2, the County will develop a new brochure on the proper disposal of pet waste. Hardcopies of the brochures will be distributed by the Collin County Animal Shelter with adoption papers in order to encourage proper disposal of pet wastes.  During Year 3, the County will utilize the AgriLife educational pamphlet on Stormwater Management and distribute it in digital format on their website. During Year 4, the County will distribute AgriLife brochures on proper septic tank maintenance with OSSF permits and in PDF format on the County's Storm Water Web Page (PE/PI-2).	
		<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>This BMP was ranked third by the original Storm Water Stakeholders Committee.</li> <li>May be tailored to specific storm water quality problems in the County such as bacterial contamination and recreational use impairments.</li> <li>Many topical brochures have been developed by federal and state agencies and are available for download and printing.</li> <li>Brochures can be used to compliment other BMPs and can be distributed on the County's web site (PE/PI-2).</li> <li>The County has existing brochures for distribution.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul>	
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Continue to distribute existing brochures</li> </ul>		Links to brochures on web site (screen shot of web page)
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Continue to distribute existing brochures</li> <li>Develop and distribute new pet waste brochure</li> </ul>		Links to brochures on web site (screen shot of web page)
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Continue to distribute existing brochures</li> <li>Distribute new Stormwater Management brochure</li> </ul>		Links to brochures on web site (screen shot of web page)
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Continue to distribute existing brochures</li> <li>Distribute new septic tank maintenance brochure</li> </ul>		Links to brochures on web site (screen shot of web page)
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Continue to distribute existing brochures</li> </ul>		Links to brochures on web site (screen shot of web page)



		<b>NCTCOG COMMITTEE PARTICIPATION</b>		<b>PE/PI-4</b>
<b>RESPONSIBLE AUTHORITY</b>  * Engineering		<b>DESCRIPTION</b>  The NCTCOG has assembled several committees to address issues affecting the DFW service area. The County has participated in several committees in the past including the Regional Stormwater Management Coordinating Council, Public Education Task Force, and the Public Works Council. Collin County will continue to participate in NCTCOG meetings and regionally developed initiatives (RDIs) for public education.  The Regional Stormwater Management Coordinating Council (RSWMCC) is composed of 22 representatives from participating entities. Collin County is a representative for the East Fork Watershed.  The Public Education Task Force is a subcommittee of the RSWMCC and was formed to develop and distribute educational materials and to conduct community outreach activities to inform the public within the MS4 service area. The targeted audience includes visitors to the County as well as residents, businesses owners, commercial and industrial facilities, construction site personnel and public service employees. Outreach activities have sought to inform the public about storm water impacts on water quality and hazards associated with illegal discharges and improper disposal of waste and steps that citizens can take to reduce pollutants in storm water runoff. Collin County is represented on the Task Force.  The Public Works Council (PWC) provides expertise and support to the NCTCOG on a wide range of local public works issues. The PWC provides continuing advice regarding the Public Works Construction Standards and comprehensive and consistent storm water management through iSWM. The PWC structure has 16 seats for the cities and the 4 for counties including Collin County. The Director of Engineering of Collin County is a member of the PWC.		
<b>APPLICABILITY</b>  X Residents  X Visitors  X Public Service Employees  X Businesses  X Commercial/Industrial  X Construction				
<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"><li>• The County can participate in an established, regional program that has a proven track record for disseminating information throughout the community.</li><li>• Participating in regional meetings allows the sharing of information about products, experiences, and opportunities among participants from different cities, and counties within the DFW area.</li><li>• This BMP was highly effective during the first two permit terms.</li></ul>				
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"><li>• Attend at least 3 committee meetings of interest to County staff</li></ul>		Copy of sign-in sheets	
01/01/20 - 12/31/20	<ul style="list-style-type: none"><li>• Attend at least 3 committee meetings of interest to County staff</li></ul>		Copy of sign-in sheets	
01/01/21- 12/31/21	<ul style="list-style-type: none"><li>• Attend at least 3 committee meetings of interest to County staff</li></ul>		Copy of sign-in sheets	
01/01/22 - 12/31/22	<ul style="list-style-type: none"><li>• Attend at least 3 committee meetings of interest to County staff</li></ul>		Copy of sign-in sheets	
01/01/23 12/13/23	<ul style="list-style-type: none"><li>• Attend at least 3 committee meetings of interest to County staff</li></ul>		Copy of sign-in sheets	



	<b>COLLIN COUNTY ADVENTURE CAMP</b>		<b>PE/PI-5</b>
<b>RESPONSIBLE AUTHORITY</b> * Engineering Collin County Adventure Camp	<b>DESCRIPTION</b>  In 1995, representatives of the Collin County Commissioner's Court, the YMCA, the Heard Museum, and school districts initiated a plan to construct, and operate a camp to provide life enhancing outdoor educational and recreational experiences for Collin County children and families. County bond funds were used to acquire land and construct camp facilities. The Camp is operated by the Metropolitan Dallas YMCA. The Camp opened in 2006 and its first Open House "Community Day" was attended by 500 community residents. By the Fall of 2006, over 7,000 students had attended Collin County YMCA Adventure Camp for outdoor education, and over 3,000 family and community guests attended for conferences and retreats. The Camp offers several lesson plans that are well suited for storm water education including "Taming the Land" and "Learning the Lake". In the Water Quality Lab students assess the quality of the lake water through biological sampling (using pond nets to find aquatic life), physical tests (using a Secchi disc and thermometer), and chemical tests (for dissolved oxygen and carbon dioxide).		
<b>APPLICABILITY</b>  X Residents  X Visitors  Public Service Employees  Businesses  Commercial/Industrial  Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Camp curriculum focuses on environmental education.</li> <li>• The Camp is used by many local ISDs, as well as home schoolers, offering hands-on learning experiences.</li> <li>• All classes have full lesson plans, available electronically or in print.</li> <li>• State TEKS are delineated and linked in every lesson.</li> <li>• This BMP was selected as the highest ranking Public Involvement BMP by the Storm Water Stakeholders Committee.</li> <li>• The BMP was highly effective during the first permit term and educated over 5,000 students each year.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Continue to offer educational activities related to environmental topics including stormwater pollution</li> <li>• Track numbers of students and ISDs attending</li> </ul>		1 List of ISDs # of students
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Continue to offer educational activities related to environmental topics including stormwater pollution</li> <li>• Evaluate the use of other TEKS aligned programs such as AgriLife Extension's Water Education Program, "Investigating Water" to supplement existing programs.</li> <li>• Track numbers of students and ISDs attending</li> </ul>		1 List of ISDs # of students
01/01/21- 12/31/21	<ul style="list-style-type: none"> <li>• Continue to offer educational activities related to environmental topics including stormwater pollution</li> <li>• Track numbers of students and ISDs attending</li> </ul>		1 List of ISDs # of students
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Continue to offer educational activities related to environmental topics including stormwater pollution</li> <li>• Track numbers of students and ISDs attending</li> </ul>		1 List of ISDs # of students)
01/01/23 12/13/23	<ul style="list-style-type: none"> <li>• Continue to offer educational activities related to environmental topics including stormwater pollution</li> <li>• Track numbers of students and ISDs attending</li> </ul>		1 List of ISDs # of students

	<b>STREAM CLEANUP PROJECTS</b>		<b>PE/PI-6</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>* Road and Bridge</b>	<div> <div data-bbox="488 317 704 348"><b>DESCRIPTION</b></div> <div data-bbox="488 352 1078 653"> <p>Collin County Road and Bridge Department coordinates stream cleanup projects. Specific sites are selected based on illegal dumping reports/complaints and needs submitted by the Sheriff's office. Access also guides site selection for convenience of the volunteers and to minimize permission requirements. One cleanup event is held each year. The County tracks the locations and the amount of debris removed from each location.</p> </div> <div data-bbox="1110 344 1492 701">  </div> </div>		
<b>APPLICABILITY</b>  X Residents  Visitors  X Public Service Employees  X Businesses  Commercial/ Industrial  Construction	<div> <div data-bbox="488 772 935 804"><b>RATIONALE FOR SELECTION</b></div> <div data-bbox="532 808 1492 1121"> <ul style="list-style-type: none"> <li>Stream cleanup projects are a great way to improve aquatic habitat, water quality, and aesthetics while promoting storm water awareness.</li> <li>This BMP is generally inexpensive and Collin County can obtain promotional material and volunteer kits through the "Keep Texas Beautiful" organization.</li> <li>The Texas Waterway Cleanup Program helps communities and organizations establish waterway cleanups and litter prevention activities by providing free gloves, trash bags, litter pickup tools, posters, and educational activities.</li> <li>The Storm Water Stakeholders Committee selected Stream Cleanup Projects as the third highest priority BMP for Public Involvement and Participation.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul> </div> </div>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Schedule and hold one cleanup event</li> <li>Track locations and amount of debris removed</li> </ul>		At least 1 cleanup event
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Schedule and hold one cleanup event</li> <li>Track locations and amount of debris removed</li> </ul>		At least 1 cleanup event
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Schedule and hold one cleanup event</li> <li>Track locations and amount of debris removed</li> </ul>		At least 1 cleanup event
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Schedule and hold one cleanup event</li> <li>Track locations and amount of debris removed</li> </ul>		At least 1 cleanup event
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Schedule and hold one cleanup event</li> <li>Track locations and amount of debris removed</li> </ul>		At least 1 cleanup event

## 5.2 MCM #2 - Illicit Discharge Detection and Elimination (IDDE)

This program element is designed to ensure the elimination of illegal plumbing connections and discharges to Collin County's storm water system.

As specified in the Small MS4 General Permit, all permittees shall develop, implement and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

The IDDE program must include the following elements:

1. An up-to-date MS4 map;
2. Methods for informing and training MS4 field staff;
3. Procedures for tracing the source of an illicit discharge;
4. Procedures for removing the source of the illicit discharge;
5. For Level 2, 3 and 4 small MS4s, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4.

As discussed in **Section 3.4 Review of County Authority**, the County lacks the authority to enact ordinances that prohibit illicit discharges and illegal connections. As stated in the Small MS4 General Permit, non-traditional small MS4s such as counties that lack the authority to develop ordinances, shall exert enforcement authority for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UA under the jurisdiction of the County. The County will use visual methods to detect and trace sources of illicit discharge and will notify the adjacent MS4 of violations. Where the adjacent MS4 does not have enforcement authority, the County will notify the TCEQ field office for enforcement.

The County does have enforcement authority over OSSFs and illegal dumping through the Texas Health and Safety Code and will enforce those programs within the County's regulated UA.

Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term.


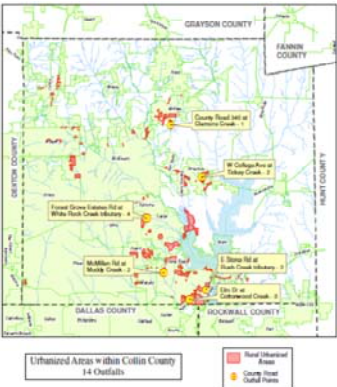
County staff assessed the efficacy of the previous BMPs based on performance during the first two permit terms and determined that eight of the previous BMPs with some slight modifications were still appropriate. Two BMPs were eliminated from the SWMP. BMP ID-4 relating to the NCTCOG's wet weather monitoring program was removed since the monitoring was discontinued. BMP ID-7 relating to recycling centers was also removed from the SWMP. Cooperative funding for maintenance of the recycling centers was no longer available. The County discontinued recycling services for County residents in October 2018.

One new BMP was added to reduce potential pollutants from pet waste to the MEP. Several waterbody impairments due to elevated bacteria concentrations have been noted by TCEQ for receiving waterbodies in Collin County. The two main sources of bacteria that may be attributed to urban storm water runoff in Collin County are OSSFs and animal waste. The County continues to reduce OSSF sources through BMP ID-7 (Reduce Failing Septic Systems). A new BMP was added to address pet waste. The County maintains and operates several parks throughout Collin County and will explore the potential for pet waste contamination at County Parks and will install pet waste stations as needed at specific locations.



The list of BMPs below includes activities that meet regulatory requirements and will aid Collin County in the elimination of illicit discharges.


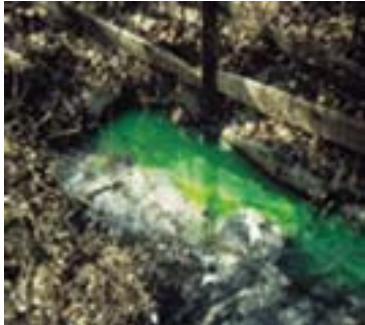
- ID-1 Storm Drain System Outfall Mapping
- ID-2 Visual Monitoring of Outfalls
- ID-3 Illicit Discharge Investigations
- ID-4 Reduce Illegal Dumping
- ID-5 Promote Used Oil Recycling
- ID-6 Hazardous Material Spill Response
- ID-7 Reduce Failing Septic Systems
- ID-8 Illicit Discharge Training
- ID-9 Proper Disposal of Pet Waste (New)


The following BMP sheets describe individual BMPs in Collin County's Storm Water Management Program. The County Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as un-bolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Collin County's Illicit Discharge BMPs target all six sectors of the public including residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel.

		<b>STORM DRAIN SYSTEM OUTFALL MAPPING</b>		<b>ID-1</b>	
<b>RESPONSIBLE AUTHORITY</b> * Engineering GIS / Rural Addressing		<b>DESCRIPTION</b> <p>To facilitate their illicit discharge detection and elimination program, Collin County has developed a storm drain system outfall map, which identifies the location of all outfalls and the names and locations of the waters of the U.S. to which they drain. The County will update outfall/storm system maps based on the 2010 census and the most recent city boundary files during the next permit cycle. The GIS mapping analysis will be performed to identify outfalls from roadside ditches along County roads where they enter Waters of the U.S. This analysis will focus on the County's regulated UA and will intersect the county road GIS shapefile with the stream shapefile to identify outfalls. There will generally be 4 outfalls at each bridge and/or culverts under county roads where the waterbody is classified as a Waters of the U.S. If the regulated UA is only located on one side of the county road, there will only be 2 regulated outfalls. Supplemental information on outfall locations is derived from visual inspections along streambanks. Precise locations of outfalls are determined through the inspection of aerial photographs and field verification.</p> 			
<b>APPLICABILITY</b> X Residents X Visitors X Public Service Employees X Businesses X Commercial/Industrial X Construction		<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>A storm drain system outfall map is a required component of this minimum control measure and must identify the locations of all outfalls to the MS4 and the names and locations of the surface waters to which they drain.</li> <li>The storm drain system outfall map will facilitate the County's investigation of any identified illicit discharges and hazardous materials spills.</li> <li>The BMP was highly effective during the first two permit years.</li> </ul>			
<b>YEAR</b>		<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19		<ul style="list-style-type: none"> <li>Update storm drain outfall map for new areas of regulated UA</li> </ul>		1 Updated outfall map	
01/01/20 - 12/31/20		<ul style="list-style-type: none"> <li>Maintain outfall map and updated based on visual screening of outfalls (ID-2)</li> </ul>		1 Updated outfall map	
01/01/21 - 12/31/21		<ul style="list-style-type: none"> <li>Maintain outfall map and updated based on visual screening of outfalls (ID-2)</li> </ul>		1 Updated outfall map	
01/01/22 - 12/31/22		<ul style="list-style-type: none"> <li>Maintain outfall map and updated based on visual screening of outfalls (ID-2)</li> </ul>		1 Updated outfall map	
01/01/23 - 12/13/23		<ul style="list-style-type: none"> <li>Maintain outfall map and updated based on visual screening of outfalls (ID-2)</li> </ul>		1 Updated outfall map	





	<b>VISUAL MONITORING OF OUTFALLS</b>		<b>ID-2</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works</b>	<b>DESCRIPTION</b>  Collin County staff performs visual monitoring in the Urbanized Areas during dry weather periods to make visual inspections for the presence of certain pollutants. If the County finds that the contamination is coming from an adjacent MS4, the County will refer the inspection results to the storm water coordinator for that municipality. The County GIS staff performed a mapping analysis to identify outfalls in Collin County's UA areas during the first permit term. The outfall map will be updated for new outfalls in the regulated UA based on the 2010 Census. The County will visually inspect all identified outfalls once per permit term.		
<b>APPLICABILITY</b>  X Residents  Visitors  Public Service Employees  X Businesses  X Commercial/Industrial  Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>The County lacks the legal authority to prohibit illicit discharges and illegal connections in the unincorporated UA.</li> <li>Visual inspections will seek voluntary compliance.</li> <li>The County may refer suspected illicit discharges to adjacent MS4 operators or the TCEQ.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Visual screening of newly identified outfalls in regulated UA</li> <li>Maintain tracking system/verify GIS map</li> </ul>		1 Outfall monitoring map and visual screening forms
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Visual screening of 25% of outfalls</li> <li>Maintain tracking system/verify GIS map</li> </ul>		1 Outfall monitoring map and visual screening forms
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Visual screening of 25% of outfalls</li> <li>Maintain tracking system/verify GIS map</li> </ul>		1 Outfall monitoring map and visual screening forms
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Visual screening of 25% of outfalls</li> <li>Maintain tracking system/verify GIS map</li> </ul>		1 Outfall monitoring map and visual screening forms
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Visual screening of 25% of outfalls</li> <li>Maintain tracking system/verify GIS map</li> </ul>		1 Outfall monitoring map and visual screening forms




		ILLICIT DISCHARGE INVESTIGATIONS		ID-3
RESPONSIBLE AUTHORITY  *Public Works		<div>DESCRIPTION</div> <p>The County lacks the legal authority to prohibit illicit discharges and illegal connections in the unincorporated UA. The County uses Visual Monitoring of Outfalls (ID-2) to detect illicit discharges. As the County does not have “right-of-entry” typically granted by ordinances, the County seeks the voluntary cooperation of suspected dischargers. The County will visually track illicit discharges to attempt to identify the source. If illicit connections or discharges are observed from another operator’s MS4, the County will notify that MS4 within 48 hours of discovery. If notification of the MS4 is not practicable, the County will notify the TCEQ regional office.</p> 		
APPLICABILITY				
<div>X Residents</div> <div>Visitors</div> <div>Public Service Employees</div> <div>X Businesses</div> <div>X Commercial/Industrial</div> <div>Construction</div>		<div>RATIONALE FOR SELECTION</div> <ul style="list-style-type: none"><li>• The County lacks the legal authority to prohibit illicit discharges and illegal connections in the unincorporated UA.</li><li>• Illicit discharge investigations will seek voluntary compliance.</li><li>• The County may refer suspected illicit discharges to adjacent MS4 operators or the TCEQ.</li><li>• This BMP is a required component of the Small MS4 General Permit.</li></ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL	
01/24/19 - 12/31/19	<ul style="list-style-type: none"><li>• Investigate 100% of suspected illicit discharges reported</li><li>• Seek voluntary compliance or refer to adjacent MS4 or TCEQ</li></ul>		1 List of investigations 1 List of compliance or referral	
01/01/20 - 12/31/20	<ul style="list-style-type: none"><li>• Investigate 100% of suspected illicit discharges reported</li><li>• Seek voluntary compliance or refer to adjacent MS4 or TCEQ</li></ul>		1 List of investigations 1 List of compliance or referral	
01/01/21- 12/31/21	<ul style="list-style-type: none"><li>• Investigate 100% of suspected illicit discharges reported</li><li>• Seek voluntary compliance or refer to adjacent MS4 or TCEQ</li></ul>		1 List of investigations 1 List of compliance or referral	
01/01/22 - 12/31/22	<ul style="list-style-type: none"><li>• Investigate 100% of suspected illicit discharges reported</li><li>• Seek voluntary compliance or refer to adjacent MS4 or TCEQ</li></ul>		1 List of investigations 1 List of compliance or referral	
01/01/23 12/13/23	<ul style="list-style-type: none"><li>• Investigate 100% of suspected illicit discharges reported</li><li>• Seek voluntary compliance or refer to adjacent MS4 or TCEQ</li></ul>		1 List of investigations 1 List of compliance or referral	



	<h2 style="text-align: center;">REDUCE ILLEGAL DUMPING</h2>		<h3 style="text-align: center;">ID-4</h3>
<p style="text-align: center;"><b>RESPONSIBLE AUTHORITY</b></p> <p style="text-align: center;">* County Sheriff</p>	<p><b>DESCRIPTION</b></p> <p>Illegal dumping consists of disposal of waste in undesignated areas or pouring of liquid wastes or disposal of trash down storm drains. The most effective method of curbing illegal dumping is to implement an aggressive public education program. A plan to detect and address illegal dumping is a component of illicit discharge detection and elimination MCM, mandated by the Small MS4 General Permit.</p>		
<p style="text-align: center;"><b>APPLICABILITY</b></p> <p>X Residents</p> <p>X Visitors</p> <p>X Public Service Employees</p> <p>X Businesses</p> <p>X Commercial/Industrial</p> <p>X Construction</p>	<p>Public education programs for illegal dumping in Collin County rely on a number of methods including the Storm Water Web Site (PE/PI-2) and Storm Water Education Classes (PE/PI-1). The County web site advertises NCTCOG hotline number and the "Don't Mess with Texas" web site for reporting illegal dumping. The County aggressively investigates and enforces illegal dumping regulations as set forth in Texas Statutes (Chapter 343 of the Health and Safety Code). The County also participates in the NCTCOG's Regional Stop Illegal Dumping Initiative which utilizes a hotline to report illegal dumping. The Collin County Sheriff's office investigates illegal dumping reports.</p> <p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>Satisfies illicit discharge requirements under Phase II</li> <li>The County has an existing program to combat illegal dumping, with enforcement authority under Chapter 343 of the Texas Health and Safety Code.</li> <li>The County has a dedicated Illegal Dumping Investigator.</li> <li>The Storm Water Stakeholder Committee ranking this BMP the highest priority Illicit Discharge BMP.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul>		
<p style="text-align: center;"><b>YEAR</b></p>	<p style="text-align: center;"><b>IMPLEMENTATION ACTIVITY</b></p>		<p style="text-align: center;"><b>MEASURABLE GOAL</b></p>
<p>01/24/19 - 12/31/19</p>	<ul style="list-style-type: none"> <li>Continue existing program to combat illegal dumping</li> </ul>		<p>1 Map of known dump sites 1 List of illegal dumping investigations</p>
<p>01/01/20 - 12/31/20</p>	<ul style="list-style-type: none"> <li>Continue existing program to combat illegal dumping</li> </ul>		<p>1 Map of known dump sites 1 List of illegal dumping investigations</p>
<p>01/01/21 - 12/31/21</p>	<ul style="list-style-type: none"> <li>Continue existing program to combat illegal dumping</li> </ul>		<p>1 Map of known dump sites 1 List of illegal dumping investigations</p>
<p>01/01/22 - 12/31/22</p>	<ul style="list-style-type: none"> <li>Continue existing program to combat illegal dumping</li> </ul>		<p>1 Map of known dump sites 1 List of illegal dumping investigations</p>
<p>01/01/23 - 12/13/23</p>	<ul style="list-style-type: none"> <li>Continue existing program to combat illegal dumping</li> </ul>		<p>1 Map of known dump sites 1 List of illegal dumping investigations</p>






	<b>PROMOTE USED OIL RECYCLING</b>		<b>ID-5</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>* Engineering</b>	<b>DESCRIPTION</b>  Collin County has promoted used oil recycling through the storm water website (PE/PI-2). Using the link, members of the community can find out the nearest used motor oil recycling centers where they can take their used oil to and also learn about the benefits of recycling used oil. The County promotes oil recycling through various businesses that accept the oil for free.		
<b>APPLICABILITY</b>  X Residents  Visitors  X Public Service Employees  X Commercial  Industrial  Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>Used oil important issue for Collin County, as the improper disposal of these materials into the sanitary sewer or storm drain system can pose significant risks to human health and the environment.</li> <li>This BMP was recommended by the Storm Water Stakeholders Committee, and was the second highest priority BMP for Illicit Discharge Detection and Elimination.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Promote used oil recycling through various businesses on web site</li> </ul>		1 Web page screen shot
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Promote used oil recycling through various businesses on web site</li> </ul>		1 Web page screen shot
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Promote used oil recycling through various businesses on web site</li> </ul>		1 Web page screen shot
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Promote used oil recycling through various businesses on web site</li> </ul>		1 Web page screen shot
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Promote used oil recycling through various businesses on web site</li> </ul>		1 Web page screen shot

	<b>HAZARDOUS MATERIAL SPILL RESPONSE</b>		<b>ID-6</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Fire Marshal</b>	<b>DESCRIPTION</b>  <p>The County has a HAZMAT truck and certified technicians for spill response and will continue their Spill Response Program throughout the County in unincorporated areas. Collin County also coordinates spill response with the City of Plano, who has a dedicated fire station that provides 24-hour, 7 days per week spill response.</p>		 
<b>APPLICABILITY</b>  X Residents  X Visitors  X Public Service Employees  X Businesses  X Commercial/Industrial  X Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• The County has a HAZMAT truck and certified technicians for spill response.</li> <li>• The County has a brochure developed by the Collin County Local Emergency Planning Committee (LEPC) that provides education to the general public on what to do in the event of hazardous spills.</li> <li>• First Responder seminars, classes, hands-on training and drills are conducted within the County to train personnel on spill responses.</li> <li>• The BMP was highly effective during the first two permit terms.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Continue HAZMAT responsibilities in the County</li> </ul>		1 List of HAZMAT calls and responses
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Continue HAZMAT responsibilities in the County</li> </ul>		1 List of HAZMAT calls and responses
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Continue HAZMAT responsibilities in the County</li> </ul>		1 List of HAZMAT calls and responses
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Continue HAZMAT responsibilities in the County</li> </ul>		1 List of HAZMAT calls and responses
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Continue HAZMAT responsibilities in the County</li> </ul>		1 List of HAZMAT calls and responses

	<b>REDUCE FAILING SEPTIC SYSTEMS</b>		<b>ID-7</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>* Development Services</b>	<b>DESCRIPTION</b>  The County administers the On-Site Sewage Facility (OSSF) program in Collin County. The County has regulations that help to reduce the number of failing septic systems. The County is in charge of licensing and inspection of OSSFs. Each new homeowner must re-register their septic system. Upon transfer of utility the electrical provider in the area requires that the septic system be inspected prior to setting up a new account. The County maintains a database of inspections in the County.		
<b>APPLICABILITY</b>  X Residents  Visitors  Public Service Employees  Businesses  Commercial/Industrial  Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Reduces human health risks, odors and bacterial contamination of surface and ground water supplies.</li> <li>• Reduces odors.</li> <li>• The Storm Water Stakeholders Committee selected this BMP as one of the top illicit discharge BMPs.</li> <li>• This BMP was highly effective during the first two permit terms.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Continue OSSF inspection program</li> </ul>		1 List of OSSF inspections
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Continue OSSF inspection program</li> </ul>		1 List of OSSF inspections
01/01/21- 12/31/21	<ul style="list-style-type: none"> <li>• Continue OSSF inspection program</li> </ul>		1 List of OSSF inspections
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Continue OSSF inspection program</li> </ul>		1 List of OSSF inspections
01/01/23 12/13/23	<ul style="list-style-type: none"> <li>• Continue OSSF inspection program</li> </ul>		1 List of OSSF inspections

		<b>ILLICIT DISCHARGE TRAINING</b>		<b>ID-8</b>	
<b>RESPONSIBLE AUTHORITY</b>  * <b>Engineering</b>		<b>DESCRIPTION</b> The Small MS4 General permit requires that all permittees implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on site and made available for review by the TCEQ.  Collin County currently conducts pollution prevention training as one of the Good Housekeeping BMPs but the training does not go into enough detail regarding illicit discharges and procedures to notify appropriate staff. The County will develop specific training for field staff on what is considered an illicit discharge, how to recognize an illicit discharge and who to notify to follow up on illicit discharges.  The County has identified appropriate departments and staff to receive training. Sign-in sheets of training attendees will be maintained on-site and made available for review by TCEQ.			
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction					
		<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"><li>The Small MS4 General Permit requires that all permittees implement this training program.</li><li>Field staff who are out in the community on a daily basis are the staff that will be most likely to observe illicit discharges as they are occurring and will be instrumental in implementing the IDDE program.</li></ul>			
<b>YEAR</b>		<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19		<ul style="list-style-type: none"><li>Conduct 1 Illicit Discharge training</li></ul>		1 training/year Sign in sheets	
01/01/20 - 12/31/20		<ul style="list-style-type: none"><li>Conduct 1 Illicit Discharge training</li></ul>		1 training/year Sign in sheets	
01/01/21- 12/31/21		<ul style="list-style-type: none"><li>Conduct 1 Illicit Discharge training</li></ul>		1 training/year Sign in sheets	
01/01/22 - 12/31/22		<ul style="list-style-type: none"><li>Conduct 1 Illicit Discharge training</li></ul>		1 training/year Sign in sheets	
01/01/23 12/13/23		<ul style="list-style-type: none"><li>Conduct 1 Illicit Discharge training</li></ul>		1 training/year Sign in sheets	

	<b>PROPER PET WASTE DISPOSAL</b>		<b>ID-9</b>
<b>RESPONSIBLE AUTHORITY</b>  * Engineering Parks & Open Space	<b>DESCRIPTION</b> The County operates and maintains several parks for use by residents and visitors to Collin County. These include Myers Park and Event Center, Parkhill Prairie, Sister Grove Park, Trinity Trail and Bratonia Park. During the next permit term, the County will assess the use of individual parks by pet owners and determine the potential for bacterial contamination from pet waste at the parks. The assessment will be completed based on surveys of maintenance staff at individual parks and will consider slope, soils, vegetation type, proximity to waterbodies and buffer zones. If the assessment determines that specific locations have the potential to be significant sources of bacteria, the County will install and maintain pet waste stations at the locations.		
<b>APPLICABILITY</b>  X Residents  X Visitors  Public Service Employees  Businesses  Commercial/Industrial  Construction	<ul style="list-style-type: none"> <li>Myers Park and Event Center has more than 158 acres with lush landscapes and an event venue.</li> <li>Parkhill Prairie - A 436-acre preserve located in northeast Collin County.</li> <li>Sister Grove Park - A 75-acre hike/bike trail located between Princeton and Farmersville, adjacent to Lake Lavon.</li> <li>Bratonia Park - A park for the radio-controlled airplane enthusiast, located east of Lucas adjacent to Lake Lavon.</li> <li>Trinity Trail - An equestrian and hiking trail with trailheads located at Brockdale Park and East Fork Park adjacent to Lake Lavon.</li> </ul>		
	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>Several of the waterbodies that receive stormwater from the Collin County MS4 have impairments due to elevated bacteria concentrations.</li> <li>Parks have the potential to contribute to bacteria impairments due pet waste.</li> <li>Many parks and trails are located adjacent to waterbodies such as lakes and streams.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>None</li> </ul>		None
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Meet with Parks/Open Space staff to design survey</li> </ul>		1 Meeting Date
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Conduct survey of maintenance staff</li> </ul>		1 Survey Results
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Assessment of potential sources and locations</li> </ul>		1 Assessment Results with recommendations
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Research vendors and cost of implementation</li> <li>Update budget to include recommended stations</li> </ul>		1 Budget Item



### 5.3 MCM #3 - Construction Site Storm Water Runoff Control

As specified in the Small MS4 General Permit, all permittees shall develop, implement and enforce a program requiring operators of small and large construction activities to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control.

As discussed in Section 3.4 Review of County Authority, the County lacks the authority to enact ordinances related to construction sites and lacks the legal authority to inspect construction sites. As stated in the Small MS4 General Permit, non-traditional small MS4s such as counties that lack the authority to inspect construction sites shall at a minimum conduct inspections of sites operated by the County or its contractors that are located in the County's regulated area. The County has entered into ILAs with the Cities of Lucas, McKinney and Wylie for inspections and enforcement of construction sites within each City's ETJ. Complaints regarding construction sites will be referred to the appropriate MS4 for inspection and enforcement. Where the particular city does not have enforcement authority, the County will notify the TCEQ field office for enforcement.



Existing permittees, such as Collin County must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. The County has determined that its current program, with minor modifications, meets the permit requirements and reduces the discharge of pollutants from the MS4 to the MEP.



The list of BMPs below was developed to meet the regulatory requirements and will enable Collin County to promote and monitor compliance with this program element.

- C-1 Erosion Control Plan Review
- C-2 Construction Inspection
- C-3 Information Submitted by the Public


Collin County has interlocal agreements with all the municipalities in the County (**Appendix D – Interlocal Agreements**) for implementation of plan review procedures for erosion and sediment control within their extraterritorial jurisdictions (ETJs). All of Collin County's urbanized areas are included within the ETJs of one of the municipalities.

The following BMP sheets describe individual BMPs in Collin County's Storm Water Management Program. The County Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as un-bolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Collin County's Construction BMPs target all six sectors of the public including residents, visitors, public service employees, businesses, commercial and industrial facilities, and construction site personnel.

	<b>EROSION CONTROL PLAN REVIEW</b>		<b>C-1</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>* Engineering Development Services</b>	<div style="display: flex; justify-content: space-between;"> <div style="width: 70%;"> <p><b>DESCRIPTION</b></p> <p>All of the urbanized area in the unincorporated areas of Collin County is contained within the ETJs of the Cities of Lucas, McKinney and Wylie, and the County has interlocal agreements with each of these cities (see Appendix D) to regulate subdivisions in their ETJ, in accordance with House Bill 1445 and Chapter 242 of the Local Government Code. Within each City's ETJ, construction plans must conform to that City's requirements. Construction plans including erosion and sediment control plans are submitted and reviewed by the Cities. For subdivisions that disturb 1 acre or more of land in unincorporated Collin County, the CGP requires the development of a SWPPP and submittal of the construction site (CSN) or Notice of Intent (NOI) to the MS4 operator (County). For each CSN or NOI submitted, the County will determine if the construction site is located in the ETJ of either Lucas, McKinney or Wyle and share the information with the respective city. The County will also determine if the site is located in the County's regulated UA.</p> <p>For the unincorporated areas that are outside of the ETJs, the County's authority is limited to commercial or residential building permits, which includes submittal of ESC plans for disturbances greater than 1 acre. The County's subdivision regulations were updated during the previous permit term through signed Court Order (No. 2012-828-11-05) which was adopted on November 5, 2012.</p> </div> <div style="width: 25%; text-align: center;">  </div> </div>		
<b>APPLICABILITY</b>  <div style="text-align: center;">Residents</div> <div style="text-align: center;">Visitors</div> <div style="text-align: center;">Public Service Employees</div> <div style="text-align: center;">Businesses</div> <div style="text-align: center;">Commercial/Industrial</div> <div style="text-align: center;">X Construction</div>	<p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"> <li>The Small MS4 General Permit regulations require the establishment of plan review procedures that consider potential water quality impacts.</li> <li>The BMP was highly effective during the first two permit terms.</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Verify and track NOIs/CSNs submitted to the County</li> <li>Review ESC plans outside of ETJ for commercial or residential building permits and enforce subdivision regulations</li> </ul>	1 List NOIs/CSNs # of plans reviewed	
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Verify and track NOIs/CSNs submitted to the County</li> <li>Review ESC plans outside of ETJ for commercial or residential building permits and enforce subdivision regulations</li> </ul>	1 List NOIs/CSNs # of plans reviewed	
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Verify and track NOIs/CSNs submitted to the County</li> <li>Review ESC plans outside of ETJ for commercial or residential building permits and enforce subdivision regulations</li> </ul>	1 List NOIs/CSNs # of plans reviewed	
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Verify and track NOIs/CSNs submitted to the County</li> <li>Review ESC plans outside of ETJ for commercial or residential building permits and enforce subdivision regulations</li> </ul>	1 List NOIs/CSNs # of plans reviewed	
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Verify and track NOIs/CSNs submitted to the County</li> <li>Review ESC plans outside of ETJ for commercial or residential building permits and enforce subdivision regulations</li> </ul>	1 List NOIs/CSNs # of plans reviewed	

	<b>CONSTRUCTION INSPECTION</b>		<b>C-2</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>* Engineering</b>	<b>DESCRIPTION</b> <p>As described in BMP C-1, the County has interlocal agreements with all the municipalities in Collin County granting them exclusive jurisdiction to regulate subdivisions in their ETJs.</p> <p>For areas outside the ETJs, Collin County's current subdivision regulations require that the developer notify the Engineering department 48 hours prior to commencement of construction and gives Engineering the authority to inspect the construction of all drainage structures or streets during the course of construction. Inspection and tracking procedures have been developed by the County and a general inspection checklist is used to document inspections for compliance with CGP requirements.</p>		
<b>APPLICABILITY</b>  Residents  Visitors  Public Service Employees  X Businesses  X Commercial/Industrial  X Construction	<p>Collin County will notify the respective city of any citizen complaints that it receives through their email reporting system (C-3) regarding construction sites located in the City's ETJ. If allowed under State and local law, the City will perform construction inspections of those sites located in the City's ETJ and share inspection results with Collin County.</p> <p>As stated in the Small MS4 General Permit, non-traditional small MS4s such as counties that lack the authority to inspect construction sites shall at a minimum conduct inspections of sites operated by the County or its contractors that are located in the County's regulated area. The County conducts construction inspections of County roadway projects operated by the County or independent contractors. The County conducts inspections of all commercial, OSSF, floodplain development and driveway permits in the County.</p>		<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Current subdivision regulations require notification of County 48 hours prior to commencement of construction.</li> <li>• Interlocal agreements with municipalities in the County allow the cities to inspect land development in their ETJs.</li> </ul>
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Perform and track construction inspections</li> </ul>		1 List of inspections
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Perform and track construction inspections</li> </ul>		1 List of inspections
01/01/21- 12/31/21	<ul style="list-style-type: none"> <li>• Perform and track construction inspections</li> </ul>		1 List of inspections
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Perform and track construction inspections</li> </ul>		1 List of inspections
01/01/23 12/13/23	<ul style="list-style-type: none"> <li>• Perform and track construction inspections</li> </ul>		1 List of inspections



	<b>INFORMATION SUBMITTED BY THE PUBLIC</b>		<b>C-3</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>* Engineering</b> Information Technology	<b>DESCRIPTION</b>  The Small MS4 General Permit requires that the County develop and implement procedures for the receipt and consideration of public inquiries, concerns, and information submitted regarding local construction activities. The County is required to consider the information submitted but may not need to follow-up or respond to every complaint or concern. The County is required to adopt procedures to acknowledge receipt of information (verbal and written). A tracking process will be required to document the nature of the information submitted and any follow-up activities (if warranted). This BMP will be coordinated with several of the public education or public involvement BMPs. A dedicated email address ( <a href="mailto:engineer@co.collin.tx.us">engineer@co.collin.tx.us</a> ) and the Engineering Department phone number will be used for receipt of written and verbal comments and inquiries.  Collin County will notify the respective city with enforcement authority over the construction site of any citizen complaints that it receives through their reporting system regarding construction sites located in the City's ETJ. If allowed under State and local law, the City will perform construction inspections of those sites located in the City's ETJ and share results with Collin County.		
<b>APPLICABILITY</b>  X Residents  X Visitors  X Public Service Employees  X Businesses  X Commercial/Industrial  X Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Required component of the Small MS4 General Permit.</li> <li>• May be coordinated with many of the public education, outreach and public involvement BMPs.</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Promote reporting methods (email/phone)</li> <li>• Receive and log public comments</li> </ul>	1 Web page screen capture 1 List of public comments & investigations	
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Promote reporting methods (email/phone)</li> <li>• Receive and log public comments</li> </ul>	1 Web page screen capture 1 List of public comments & investigations	
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Promote reporting methods (email/phone)</li> <li>• Receive and log public comments</li> </ul>	1 Web page screen capture 1 List of public comments & investigations	
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Promote reporting methods (email/phone)</li> <li>• Receive and log public comments</li> </ul>	1 Web page screen capture 1 List of public comments & investigations	
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Promote reporting methods (email/phone)</li> <li>• Receive and log public comments</li> </ul>	1 Web page screen capture 1 List of public comments & investigations	

#### 5.4 MCM #4 - Post-Construction Storm Water Management in Areas of New Development and Redevelopment

Numerous studies have documented that storm water runoff from developed sites contributes significant pollutant loads to receiving waters. The increase in impervious surfaces such as rooftops, roads, and parking lots can increase urban runoff and have a detrimental impact on aquatic systems due to increased concentrations of sediment, nutrients, road salts, heavy metals, pathogenic bacteria, and petroleum hydrocarbons. The best way to mitigate storm water impacts from new development is to use practices to treat, store, and infiltrate runoff onsite before it can affect downstream waterbodies. Innovative site designs that reduce imperviousness and smaller-scale low impact development practices may be dispersed throughout a site to achieve the goals of reducing flows and improving water quality.

As specified in the Small MS4 General Permit, the SWMP must include controls for post-construction stormwater management for new development and redevelopment projects. All permittees must develop, implement and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4. This applies to projects that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The post-construction program must apply to both public and private development sites.

As discussed in **Section 3.4 Review of County Authority**, the County lacks the authority to enact ordinances related to post-construction.


Existing permittees, such as Collin County must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. The County has determined that its current program, with minor modifications, meets the new permit requirements and reduces the discharge of pollutants from the MS4 to the MEP.

To address this issue and comply with the regulatory requirements for this program element, the BMP below was selected by Collin County.

- PC-1 Long Term Operation and Maintenance of BMPs

Collin County has interlocal agreements with all the municipalities in the County (**Appendix D – Interlocal Agreements**) for implementation of post-construction BMP requirements and guidance documents for construction projects within their extraterritorial jurisdictions (ETJs). All of Collin County's urbanized areas are included within the ETJs of one of the municipalities, and as such there is no need for an additional regulatory mechanism to address the urbanized areas.

The following BMP sheet describes the BMP in Collin County's Storm Water Management Program. The County Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as un-bolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Collin County's Post-Construction BMP targets primarily construction site personnel, businesses, and commercial and industrial facilities.

	<b>LONG TERM OPERATION AND MAINTENANCE OF BMPs</b>		<b>PC-1</b>
<b>RESPONSIBLE AUTHORITY</b>  * <b>Engineering</b> Public Works GIS/Rural Addressing	<b>DESCRIPTION</b>  This BMP involves an inspection process to determine the effectiveness of each structural BMP installed at County facilities located within the regulated UA. Inspections will be conducted on a regular basis and maintenance will be conducted as needed to maintain the efficiency of the BMP with respect to pollutant removal.  At this time, the only permanent structural BMPs that are located within the County's regulated MS4 and that the County has maintenance requirements for are grassed swales along county roads that comprise their stormwater conveyance system. Maintenance of these grassed swales are reported under BMP GH-2, ROW Maintenance.  The County will identify and map any new post-construction BMPs that are installed at County Facilities and establish O&M procedures for those BMPs.		
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees X Businesses X Commercial/Industrial  Construction	<b>RATIONALE FOR SELECTION</b>  The County will provide for the long-term operation and maintenance of the post-construction BMPs located on County Facilities. Privately owned post-construction BMPs are generally maintained through maintenance agreements.		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Maintain the map of permanent BMPs that require inspection and maintenance by the County</li> <li>• Inspect semi-annually and maintain as needed</li> </ul>		1 BMP map Inspection Forms
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Maintain the map of permanent BMPs that require inspection and maintenance by the County</li> <li>• Inspect semi-annually and maintain as needed</li> </ul>		1 BMP map Inspection Forms
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Maintain the map of permanent BMPs that require inspection and maintenance by the County</li> <li>• Inspect semi-annually and maintain as needed</li> </ul>		1 BMP map Inspection Forms
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Maintain the map of permanent BMPs that require inspection and maintenance by the County</li> <li>• Inspect semi-annually and maintain as needed</li> </ul>		1 BMP map Inspection Forms
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Maintain the map of permanent BMPs that require inspection and maintenance by the County</li> <li>• Inspect semi-annually and maintain as needed</li> </ul>		1 BMP map Inspection Forms

## 5.5 MCM #5 - Pollution Prevention/Good Housekeeping for Municipal Operations



As specified in the Small MS4 General Permit, all permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Existing permittees, such as Collin County must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. County staff assessed the efficacy of the previous BMPs based on performance during the first two permit terms and determined that each of the BMPs included in the previous SWMP were still appropriate. The measurable goals were updated for the upcoming permit term and were modified to include numeric goals where appropriate.

The list of BMPs below was developed to meet regulatory requirements for this program element.




- GH-1 Storm Water Pollution Prevention Training/ Facility Specific SOP Manual
- GH-2 Storm Drain System Cleaning/ROW Maintenance
- GH-3 Erosion and Sediment Control during Roadway and Bridge Maintenance
- GH-4 Metal Recycling
- GH-5 Used Tire Recycling
- GH-6 Used Oil Recycling
- GH-7 Use of Licensed Applicators for Herbicides
- GH-8 Spill Prevention Training
- GH-9 Vehicle Maintenance
- GH-10 Vehicle Washing
- GH-11 Aggregate Stockpiles
- GH-12 Vehicle Fueling
- GH-13 County Facility Control Inventory
- GH-14 Annual Assessment of County Operation and Maintenance Activities
- GH-15 Contractor Oversight



The following BMP sheets describe individual BMPs in Collin County's Storm Water Management Program. The County Department that has the primary responsibility for implementing the BMP is listed in the Responsible Authority section. The primary department is listed in bold type font with an "\*" and any support departments are listed as un-bolded font. The Applicability Section describes those sectors of the public that are targeted by the BMP. Collin County's Good Housekeeping and Pollution Prevention BMPs targets exclusively Public Service Employees.

	<b>STORM WATER POLLUTION PREVENTION TRAINING / FACILITY SPECIFIC SOP MANUAL</b>		<b>GH-1</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>* Engineering</b>	<div> <div data-bbox="492 348 711 380"><b>DESCRIPTION</b></div> <div data-bbox="492 401 1073 909"> <p>The County conducts stormwater pollution prevention training annually to educate staff on proper storm water pollution prevention techniques. The training course may be held in-house or by computer-based training modules that are reviewed by staff. The following departments receive pollution prevention training: Engineering, Development Services, Equipment Services, Facilities Maintenance, Road and Bridge, and Fire Marshal. The employee training should include the following if applicable: park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations. A facility specific SOP manual was developed during the first permit term for use during annual pollution prevention training. This manual will be reviewed annually and undated as needed. Each trainee will be required to sign an attendance sheet acknowledging that they received the training.</p> </div> <div data-bbox="1109 348 1490 636">  </div> </div>		
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction	<div> <div data-bbox="492 940 938 972"><b>RATIONALE FOR SELECTION</b></div> <div data-bbox="516 1003 1482 1224"> <ul style="list-style-type: none"> <li>Required by Small MS4 General Permit.</li> <li>Since the County occasionally hires new employees, an annual training effort will train new employees on storm water pollution prevention techniques within their first 12 months at the County and will also provide a refresher course for existing employees to remind them of their role in storm water pollution prevention.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul> </div> </div>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Review and update SOP manual and curriculum, if needed</li> <li>Hold 1 storm water training session for designated employees</li> </ul>		1 training per year Attendee list Updated SOP Manual
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Review and update SOP manual and curriculum, if needed</li> <li>Hold 1 storm water training session for designated employees</li> </ul>		1 training per year Attendee list Updated SOP Manual
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Review and update SOP manual and curriculum, if needed</li> <li>Hold 1 storm water training session for designated employees</li> </ul>		1 training per year Attendee list Updated SOP Manual
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Review and update SOP manual and curriculum, if needed</li> <li>Hold 1 storm water training session for designated employees</li> </ul>		1 training per year Attendee list Updated SOP Manual
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Review and update SOP manual and curriculum, if needed</li> <li>Hold 1 storm water training session for designated employees</li> </ul>		1 training per year Attendee list Updated SOP Manual



	<b>RIGHT-OF-WAY (ROW) MAINTENANCE</b>		<b>GH-2</b>
<b>RESPONSIBLE AUTHORITY</b> * Public Works/ Road and Bridge Maintenance	<b>DESCRIPTION</b> <p>The storm drain system in unincorporated Collin County consists of roadside ditches that are maintained by the County Public Works, Road and Bridge Department as part of the ROW maintenance program. The purpose of this management practice is to reduce the amount of debris, trash and other pollutants in the storm drain system through maintaining and cleaning of roadside ditches and ROWs on a regular basis.</p>		
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/ Industrial  Construction	<p>The Road and Bridge Division currently maintains roadside ditches and ROW through a periodic inspection and preventative maintenance program. The County utilizes log books and a work order system to document the preventative maintenance of the ROW.</p> <p>Material removed from the ROW is used as fill if possible and stabilized with erosion control mats and vegetated with a seed mixture. If contamination is suspected, the material is tested and taken to an approved site for disposal. The County currently uses the North Texas Municipal Water District landfill in Melissa for disposal of floatables.</p>		
	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>The County currently has an inspection and preventative maintenance program for the ROW and has a system in place to track maintenance activities.</li> <li>Removing clogged material from the storm drain system (roadside ditches) can prevent flooding.</li> <li>Maintenance of roadside ditches and ROW can reduce pollutants in the storm drain system.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Continue inspection, cleaning and maintenance</li> <li>Update maintenance/cleaning log</li> </ul>		At least 10,000 man-hours of maintenance activities
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Continue inspection, cleaning and maintenance</li> <li>Update maintenance/cleaning log</li> </ul>		At least 10,000 man-hours of maintenance activities
01/01/21- 12/31/21	<ul style="list-style-type: none"> <li>Continue inspection, cleaning and maintenance</li> <li>Update maintenance/cleaning log</li> </ul>		At least 10,000 man-hours of maintenance activities
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Continue inspection, cleaning and maintenance</li> <li>Update maintenance/cleaning log</li> </ul>		At least 10,000 man-hours of maintenance activities
01/01/23 12/13/23	<ul style="list-style-type: none"> <li>Continue inspection, cleaning and maintenance</li> <li>Update maintenance/cleaning log</li> </ul>		At least 10,000 man-hours of maintenance activities







		<b>EROSION CONTROL DURING ROAD AND BRIDGE MAINTENANCE AND CONSTRUCTION</b>		<b>GH-3</b>	
<b>RESPONSIBLE AUTHORITY</b>  *Public Works / Bridge Maintenance		<b>DESCRIPTION</b>  The goal of this BMP is to reduce pollutant loads which may result from the routine maintenance or repairs to roadways and bridges or construction of new county roads. Routine maintenance of roads and bridges and maintenance of erosion and sediment control BMPs can alleviate the impacts of various pollutants including heavy metals, hydrocarbons and sediment that are typically deposited on streets and bridges.			
X	<b>APPLICABILITY</b>  Residents	<p>The County uses Curlex erosion control mats and socks that are filled with aspen shavings at all construction sites and complies with the TPDES Construction General Permit (CGP). After maintenance activities are completed, the areas are seeded with a seed mixture consisting of Rye, Bermuda, Foxtail, or Fescue depending on the season for stabilization. Construction site notices and NOIs will be tracked through BMP C-1.</p> <p>Material removed during roadway upgrades, bridge maintenance, and drainage ditch maintenance is used as fill if possible and stabilized with erosion control mats and vegetated with a seed mixture. If contamination is suspected, the material is tested and taken to an approved site for disposal. The County currently uses the North Texas Municipal Water District landfill in Melissa for disposal of floatables.</p> <p><b>RATIONALE FOR SELECTION</b></p> <ul style="list-style-type: none"><li>The County currently has a program for maintenance of roads and bridges and complies with the TPDES CGP.</li><li>This BMP was highly effective during the first permit year.</li></ul>			
	Visitors				
	Public Service Employees				
	Businesses				
	Commercial/Industrial				
Construction					
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>			<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"><li>Maintain work order system and erosion &amp; sediment control BMPs during activities as required by the TPDES CGP</li></ul>			Expend at least 500 man-hours per year on erosion control activities	
01/01/20 - 12/31/20	<ul style="list-style-type: none"><li>Maintain work order system and erosion &amp; sediment control BMPs during activities as required by the TPDES CGP</li></ul>			Expend at least 500 man-hours per year on erosion control activities	
01/01/21- 12/31/21	<ul style="list-style-type: none"><li>Maintain work order system and erosion &amp; sediment control BMPs during activities as required by the TPDES CGP</li></ul>			Expend at least 500 man-hours per year on erosion control activities	
01/01/22 - 12/31/22	<ul style="list-style-type: none"><li>Maintain work order system and erosion &amp; sediment control BMPs during activities as required by the TPDES CGP</li></ul>			Expend at least 500 man-hours per year on erosion control activities	
01/01/23 12/13/23	<ul style="list-style-type: none"><li>Maintain work order system and erosion &amp; sediment control BMPs during activities as required by the TPDES CGP</li></ul>			Expend at least 500 man-hours per year on erosion control activities	



	<b>METAL RECYCLING</b>		<b>GH-4</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works</b>	<b>DESCRIPTION</b> This BMP involves the proper storage of metals at County facilities to prevent or reduce the discharge of pollutants to storm water. This BMP involves storing metals in a designated area, under cover to reduce exposure to storm water, inspecting the storage areas frequently and training employees. Used metal is recycled through a contact with Garland Steel. The metal is picked up on a monthly basis to minimize storage times. Any metal that requires temporary outdoor storage is covered with a tarp to prevent contact with storm water.		
	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Proper storage can greatly reduce the likelihood of discharges during storm events.</li> <li>• Metal parts and scrap should be covered and protected from exposure to rainfall.</li> <li>• This BMP was highly effective during the first two permit terms.</li> <li>• Over 100,000 pounds of metal was recycled during the previous reporting year.</li> </ul>		
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction			
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Continue recycling and storage procedures</li> </ul>	Recycle at least 80,000 pounds of metal per year	
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Continue recycling and storage procedures</li> </ul>	Recycle at least 80,000 pounds of metal per year	
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Continue recycling and storage procedures</li> </ul>	Recycle at least 80,000 pounds of metal per year	
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Continue recycling and storage procedures</li> </ul>	Recycle at least 80,000 pounds of metal per year	
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Continue recycling and storage procedures</li> </ul>	Recycle at least 80,000 pounds of metal per year	





	<b>USED TIRES RECYCLING</b>		<b>GH-5</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works</b>	<b>DESCRIPTION</b> <p>This BMP involves the proper storage of used tires at County facilities to prevent or reduce the discharge of pollutants to storm water. This BMP typically involves storing material in a designated area, inspecting the storage areas frequently and training employees. The County has designed material storage areas for used tires that are stored at two of the County facilities, the Public Works Service Center and the Farmersville County facility. The County keeps storage times to a minimum with regularly scheduled pickups during the year. The tires are tarped during storage to prevent exposure to rain water.</p>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Continue to recycle used tires</li> </ul>	Recycle at least 400 used tires per year	
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Continue to recycle used tires</li> </ul>	Recycle at least 400 used tires per year	
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Continue to recycle used tires</li> </ul>	Recycle at least 400 used tires per year	
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Continue to recycle used tires</li> </ul>	Recycle at least 400 used tires per year	
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Continue to recycle used tires</li> </ul>	Recycle at least 400 used tires per year	



	<b>USED OIL RECYCLING</b>		<b>GH-6</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works/ Equipment Services</b>	<b>DESCRIPTION</b> Used oil collection and recycling programs provide a responsible alternative to disposal that is beneficial to the environment and public health. Collin County currently collects and recycles used motor oil and filters from the Public Works Service Center. The County documents the recycling of automotive fluids and provides trip tickets from the disposal contractor.		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Continue used oil collection and recycling program at the Public Works Service Center</li> </ul>	Recycle at least 1,000 gallons of waste oil per year	
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Continue used oil collection and recycling program at the Public Works Service Center</li> </ul>	Recycle at least 1,000 gallons of waste oil per year	
01/01/21- 12/31/21	<ul style="list-style-type: none"> <li>• Continue used oil collection and recycling program at the Public Works Service Center</li> </ul>	Recycle at least 1,000 gallons of waste oil per year	
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Continue used oil collection and recycling program at the Public Works Service Center</li> </ul>	Recycle at least 1,000 gallons of waste oil per year	
01/01/23 12/13/23	<ul style="list-style-type: none"> <li>• Continue used oil collection and recycling program at the Public Works Service Center</li> </ul>	Recycle at least 1,000 gallons of waste oil per year	



	<b>USE OF LICENSED APPLICATORS FOR HERBICIDES</b>		<b>GH-7</b>
<b>RESPONSIBLE AUTHORITY</b> *Public Works Parks and Open Space	<b>DESCRIPTION</b> <p>This program focuses on education and certification of County employees to reduce water quality impacts from pesticides. Education is provided on proper storage and application techniques. This certification program is administered by the Texas Department of Agriculture and provides information on alternative pest control techniques and explains dosage calculations. The certification program requires an annual exam and continuing education credits for recertification. The County's applicators are licensed as Noncommercial Applicators for restricted-use or state-limited-use pesticides. Noncommercial applicators must renew annually and obtain five CEUs each year with one credit each from two of the following categories: laws and regulations, integrated pest management or drift minimization. The County will require their applicators to maintain their licenses and attend annual training classes and retain copies of their licenses for submittal with the annual reports.</p>		
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>The proper application of pesticides and fertilizers can significantly reduce the potential contamination of storm water runoff and subsequent impacts to local waterways.</li> <li>A well-developed management program has the potential to significantly limit the pesticides entering the nation's waterways from municipal operations.</li> <li>As many pesticides are highly soluble and cannot be reduced through common wastewater treatment technologies, educating municipal employees on proper application techniques is one of the best ways to reduce water quality impacts from pesticide application.</li> <li>The County currently participates in certification programs for employees who apply pesticides.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Annual training for applicators</li> <li>Document training and copies of licenses</li> </ul>		At least 3 staff with applicator license
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Annual training for applicators</li> <li>Document training and copies of licenses</li> </ul>		At least 3 staff with applicator license
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Annual training for applicators</li> <li>Document training and copies of licenses</li> </ul>		At least 3 staff with applicator license
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Annual training for applicators</li> <li>Document training and copies of licenses</li> </ul>		At least 3 staff with applicator license
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Annual training for applicators</li> <li>Document training and copies of licenses</li> </ul>		At least 3 staff with applicator license

	<b>SPILL PREVENTION TRAINING</b>		<b>GH-8</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works</b>	<b>DESCRIPTION</b> <p>The County has 20 employees that are trained and certified in spill prevention. The 8-hour training is conducted annually by Sigma Consultants. The County has spill response kits at the service centers with a 30' long sock boom for large spills and absorbent pads for smaller spills. The spill response kits contain Tyvex suits and personal protection equipment for employee safety. The annual spill prevention training refreshes the employee's knowledge of spill prevention, cleanup and personal protection equipment.</p>		
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Implementation of a training program will have positive impacts on the water quality in the County and reduce the risks of contamination of local ponds and streams.</li> <li>• Implementation of a training program will also keep the County employees knowledgeable about spill prevention and cleanup so they will be familiar with techniques in an emergency situation.</li> <li>• This BMP was highly effective during the first permit term.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Continue annual spill prevention training of County staff</li> </ul>		1 training per year Attendee list
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Continue annual spill prevention training of County staff</li> </ul>		1 training per year Attendee list
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Continue annual spill prevention training of County staff</li> </ul>		1 training per year Attendee list
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Continue annual spill prevention training of County staff</li> </ul>		1 training per year Attendee list
01/01/23 - 12/31/23	<ul style="list-style-type: none"> <li>• Continue annual spill prevention training of County staff</li> </ul>		1 training per year Attendee list




	<b>VEHICLE MAINTENANCE</b>		<b>GH-9</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works / Equipment Services</b>	<b>DESCRIPTION</b> <p>This BMP involves the development of a program that focuses on controlling pollutants and reducing storm water impacts from the County's automobile maintenance shop. Vehicle maintenance facilities typically contain significant quantities of fuels, solvents and motor oils and often generate large amounts of waste. Preventative measures such as good housekeeping, spill control, parts cleaning and recycling of automotive fluids including antifreeze, waste oil, transmission and hydraulic fluid are necessary to minimize the impacts of this generated waste.</p> <p>The Collin County Public Works Service Center performs maintenance on County vehicles. A central floor drain within the fleet maintenance shop drains through an oil/sand separator before being discharged to the sanitary sewer. The soil/sand separator must be maintained on a regular basis to function properly. The County will continue to maintain the oil/sand separator and document these maintenance activities as part of their SWMP.</p>		
<b>APPLICABILITY</b>  <div>Residents</div> <div>Visitors</div> <div>X Public Service Employees</div> <div>Businesses</div> <div>Commercial/Industrial</div> <div>Construction</div>	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>A reduction in spills, discharges and improper disposal of automobile maintenance wastes can prevent toxic materials from entering ground and surface water supplies and prevent public health and environmental risks.</li> <li>Regular maintenance of the Oil/Sand separator will ensure proper functioning of this BMP.</li> <li>This BMP was highly effective during the first two permit terms.</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Inspect oil/sand separator twice per year</li> <li>Clean oil/sand separator annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Inspect oil/sand separator twice per year</li> <li>Clean oil/sand separator annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Inspect oil/sand separator twice per year</li> <li>Clean oil/sand separator annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Inspect oil/sand separator twice per year</li> <li>Clean oil/sand separator annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Inspect oil/sand separator twice per year</li> <li>Clean oil/sand separator annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year






	<b>VEHICLE WASHING</b>		<b>GH-10</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works/ Equipment Services</b>	<b>DESCRIPTION</b> <p>This pollution prevention measure focuses on education efforts to inform County employees of the water quality impacts that result from the outdoor washing of vehicles and measures that can be taken to prevent the runoff from entering the storm drain system. Practices such as selecting low phosphate and biodegradable detergents can reduce receiving water impacts.</p> <p>The County has a covered wash bay at the Public Works Service Center which utilizes a pre-wash and wash water is treated through a grit trap. Proper maintenance of the grit trap is conducted on a regular basis. The County inspects the grit trap at least twice per year and maintains the trap, as need (at least annually).</p>		
<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Most car washing BMPs are inexpensive, relying more on good housekeeping practices.</li> <li>• Utilizing pollution prevention measures for vehicle washing may reduce high loads of detergents, nutrients, metals and hydrocarbons from entering storm drains and streams.</li> <li>• Inspection and maintenance of the grit trap will ensure proper functioning of this BMP.</li> <li>• This BMP was highly effective during the first two permit terms.</li> </ul>			
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Inspect grit trap twice per year</li> <li>• Maintain grit trap at least annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Inspect grit trap twice per year</li> <li>• Maintain grit trap at least annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year
01/01/21- 12/31/21	<ul style="list-style-type: none"> <li>• Inspect grit trap twice per year</li> <li>• Maintain grit trap at least annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Inspect grit trap twice per year</li> <li>• Maintain grit trap at least annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year
01/01/23 12/13/23	<ul style="list-style-type: none"> <li>• Inspect grit trap twice per year</li> <li>• Maintain grit trap at least annually</li> </ul>		At least 2 inspection reports per year 1 clean out per year



	<b>AGGREGATE STOCKPILES</b>		<b>GH-11</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works/ Road and Bridge</b>	<div> <div data-bbox="493 363 711 394"><b>DESCRIPTION</b></div> <div data-bbox="493 428 812 762"> <p>This practice involves the development of a program to properly store road sand and aggregate. Proper storage and application can prevent the transport of the material with runoff. Stockpiles of sand and other road base materials are located at all four of the County Facilities: the Public Works Service Center in McKinney, the Farmersville Facility, the Weston Facility, and the Copeville Facility. The County maintains erosion control BMPs (silt fence or socks) around stockpile areas to prevent the transport of material off-site. The County also inspects these BMPs quarterly and replaces or repairs the BMPs as necessary.</p> </div> <div data-bbox="836 373 1498 556">  </div> </div>		
<b>APPLICABILITY</b>  <div> <div>Residents</div> <div>Visitors</div> <div>X Public Service Employees</div> <div>Businesses</div> <div>Commercial/Industrial</div> <div>Construction</div> </div>	<div> <div data-bbox="493 873 938 905"><b>RATIONALE FOR SELECTION</b></div> <div data-bbox="516 911 1484 1035"> <ul style="list-style-type: none"> <li>• Large stockpiles are kept at three outlying County Facilities.</li> <li>• BMPs to include berms, silt fence or filter socks are required to prevent off-site transport.</li> <li>• This BMP was highly effective during the first two permit terms.</li> </ul> </div> </div>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Inspect quarterly and maintain erosion control BMPs around stockpile sites</li> </ul>		4 inspection reports per year for each stockpile site
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Inspect quarterly and maintain erosion control BMPs around stockpile sites</li> </ul>		4 inspection reports per year for each stockpile site
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Inspect quarterly and maintain erosion control BMPs around stockpile sites</li> </ul>		4 inspection reports per year for each stockpile site
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Inspect quarterly and maintain erosion control BMPs around stockpile sites</li> </ul>		4 inspection reports per year for each stockpile site
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Inspect quarterly and maintain erosion control BMPs around stockpile sites</li> </ul>		4 inspection reports per year for each stockpile site



	<b>VEHICLE FUELING</b>		<b>GH-12</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Public Works/ Equipment Services</b>	<b>DESCRIPTION</b> This BMP involves the implementation of procedures to minimize or prevent spills of fuel and other automotive fluids. The County dispenses fuel at two locations, the Public Works Service Center and the Farmersville Facility. The County maintains spill prevention control and counter-measure (SPCC) plans for both facilities and maintains procedures to prevent spills. The County maintains absorbent material at all fuel islands for small spills and spill kits for larger spills. The County utilizes canopies over the fuel islands at the Public Works Service Center and Farmerville Facility to prevent contact of rainwater with the fueling stations and potential spills.		 
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>	<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Maintain compliance with SPCC plan</li> </ul>	12 leak detection reports per site per year	
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Maintain compliance with SPCC plan</li> </ul>	12 leak detection reports per site per year	
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Maintain compliance with SPCC plan</li> </ul>	12 leak detection reports per site per year	
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Maintain compliance with SPCC plan</li> </ul>	12 leak detection reports per site per year	
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Maintain compliance with SPCC plan</li> </ul>	12 leak detection reports per site per year Updated SPCC plans	

		<b>COUNTY FACILITIES AND CONTROL INVENTORY</b>	<b>GH-13</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*GIS</b>		<b>DESCRIPTION</b> <p>The Small MS4 General Permit requires that all regulated MS4s develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory should include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include (if applicable):</p> <ul style="list-style-type: none"> <li>• Equipment storage and maintenance facilities;</li> <li>• Fuel storage facilities;</li> <li>• Materials storage yards;</li> <li>• Pesticide storage facilities;</li> <li>• Buildings, including schools, libraries, police stations, fire stations, and office buildings;</li> <li>• Parking lots;</li> <li>• Swimming pools;</li> <li>• Public works yards;</li> <li>• Recycling facilities;</li> <li>• Street repair and maintenance sites;</li> <li>• Vehicle storage and maintenance yards; and</li> <li>• Structural stormwater controls.</li> </ul>	
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction		<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Required by the Small MS4 General Permit</li> </ul>	
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Update GIS map annually</li> </ul>		1 Updated GIS map
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Update GIS map annually</li> </ul>		1 Updated GIS map
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Update GIS map annually</li> </ul>		1 Updated GIS map
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Update GIS map annually</li> </ul>		1 Updated GIS map
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Update GIS map annually</li> </ul>		1 Updated GIS map

		<b>ASSESSMENT OF COUNTY OPERATION AND MAINTENANCE ACTIVITIES</b>		<b>GH-14</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Road and Bridge</b>		<b>DESCRIPTION</b> The Small MS4 General Permit requires that all regulated MS4s evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including the following: <ul style="list-style-type: none"> <li>• Road and parking lot maintenance may include such areas as pothole repair, pavement marking, sealing, and re-paving;</li> <li>• Bridge maintenance may include such areas as re-chipping, grinding, and saw cutting;</li> <li>• Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and</li> <li>• Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.</li> </ul>		
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction		The County will evaluate these O&M activities and identify pollutants of concern that could be discharged from the O&M activities and develop and implement specific pollution prevention measures to reduce the identified pollutants. The pollution prevention (PP) measures and/or structural controls implemented will be inspected on a regular basis to maintain the effectiveness of the BMP.		
		<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>• Required by the Small MS4 General Permit</li> </ul>		
<b>YEAR</b>	<b>IMPLEMENTATION ACTIVITY</b>		<b>MEASURABLE GOAL</b>	
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>• Annual Assessment of O&amp;M activities</li> </ul>		1 assessment results	
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>• Annual Assessment of O&amp;M activities</li> </ul>		1 assessment results	
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>• Annual Assessment of O&amp;M activities</li> </ul>		1 assessment results	
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>• Annual Assessment of O&amp;M activities</li> </ul>		1 assessment results	
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>• Annual Assessment of O&amp;M activities</li> </ul>		1 assessment results	

	<b>CONTRACTOR OVERSIGHT</b>		<b>GH-15</b>
<b>RESPONSIBLE AUTHORITY</b>  <b>*Engineering Various Department</b>	<b>DESCRIPTION</b> <p>The Small MS4 General Permit requires that any contractors that are hired by the County to perform maintenance activities on County-owned facilities must be contractually obligated to comply with all of the stormwater control measures, good housekeeping practices, and facility specific SOPs. The County is also required to provide oversight of contractor activities to ensure they are utilizing appropriate measures and SOPs. Written oversight procedures must be developed by the end of the permit term. The oversight procedures must be maintained on site and made available for review by TCEQ.</p>		
<b>APPLICABILITY</b>  Residents  Visitors  X Public Service Employees  Businesses  Commercial/Industrial  Construction	<b>RATIONALE FOR SELECTION</b> <ul style="list-style-type: none"> <li>Required by the Small MS4 General Permit</li> </ul>		
YEAR	IMPLEMENTATION ACTIVITY		MEASURABLE GOAL
01/24/19 - 12/31/19	<ul style="list-style-type: none"> <li>Track number of contracts with stormwater oversight provisions</li> </ul>		1 list of contracts issued
01/01/20 - 12/31/20	<ul style="list-style-type: none"> <li>Track number of contracts with stormwater oversight provisions</li> </ul>		1 list of contracts issued
01/01/21 - 12/31/21	<ul style="list-style-type: none"> <li>Track number of contracts with stormwater oversight provisions</li> </ul>		1 list of contracts issued
01/01/22 - 12/31/22	<ul style="list-style-type: none"> <li>Track number of contracts with stormwater oversight provisions</li> </ul>		1 list of contracts issued
01/01/23 - 12/13/23	<ul style="list-style-type: none"> <li>Track number of contracts with stormwater oversight provisions</li> </ul>		1 list of contracts issued

## **5.6 MCM #6 – Industrial Stormwater Sources**

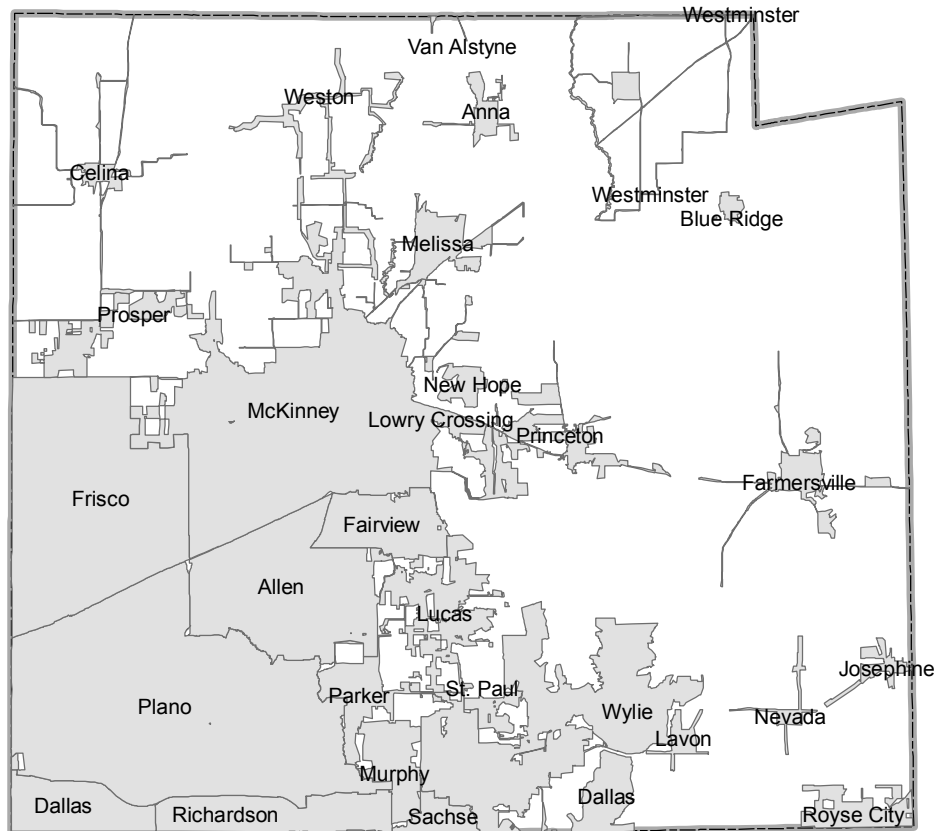
This MCM is only applicable to Level 4 MS4s.

## **5.7 MCM #7 - Authorization for Municipal Construction Activities**

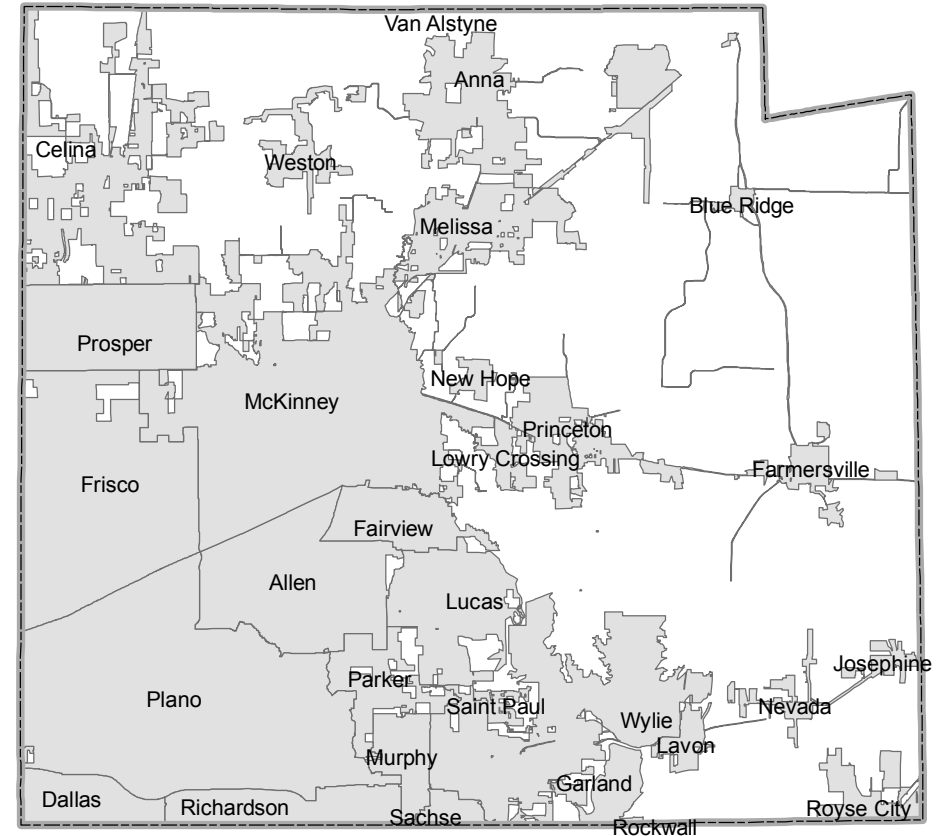
Collin County may apply under the TPDES Small MS4 General Permit for authorization to discharge storm water runoff from each construction activity performed by the County that results in the disturbance of one or more acres of land as an alternative to applying for coverage under the TPDES Construction General Permit. Collin County has decided not to develop the optional seventh minimum control measure for municipal construction activities. This optional 7th minimum control measure may be developed after the submittal of the initial NOI and would require a Notice of Change (NOC) to be submitted to notify the executive director of this change and identify the geographical area or boundary where the activities will be conducted under the provisions of this permit.

## **Appendix A. Urbanized Area Maps**

## Unincorporated Areas - 2000



## Unincorporated Areas - 2019



**JACOBS**

0 1 2 3 4 5  
Miles



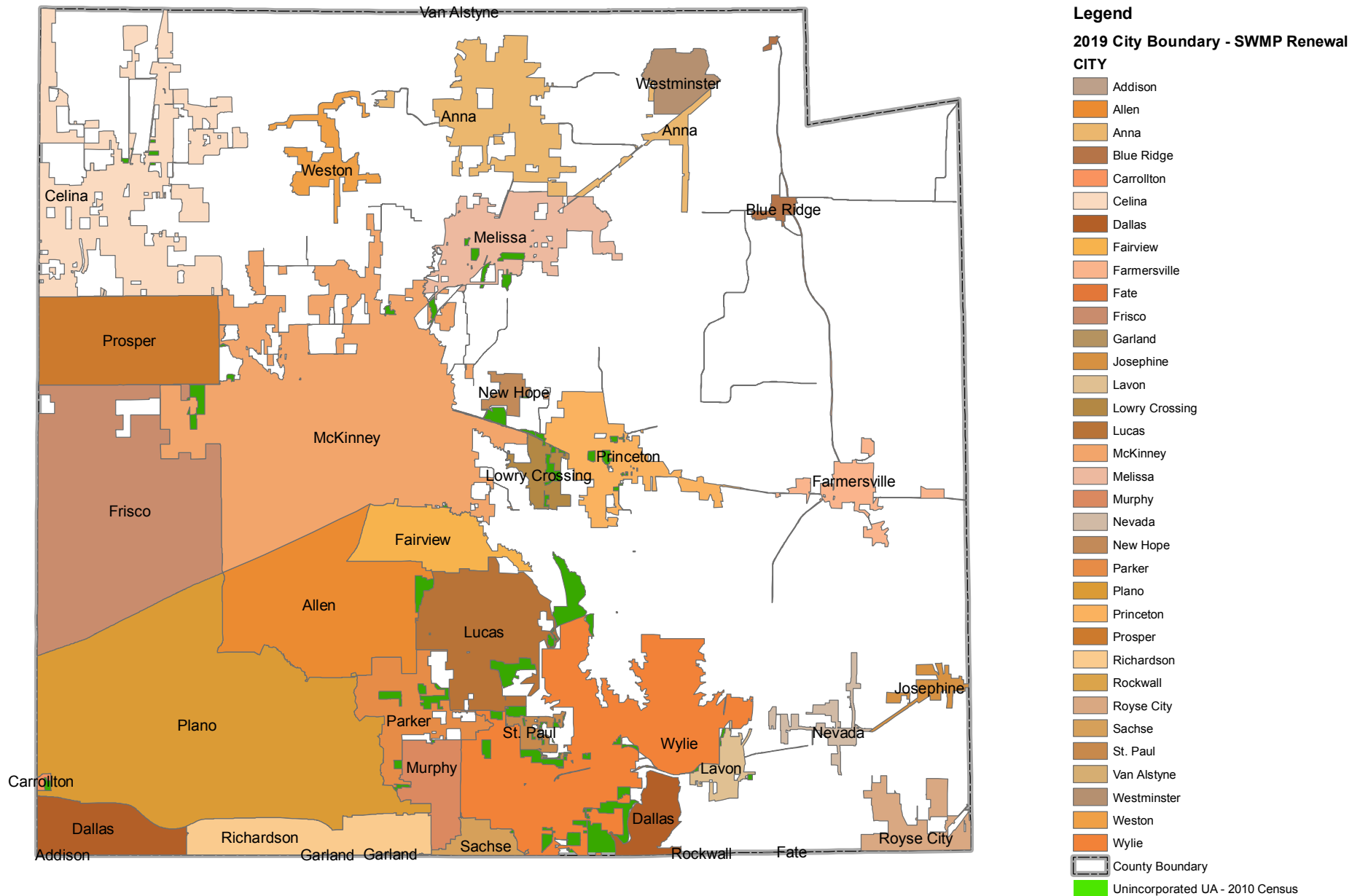
## Unincorporated Area Changes 2000 to 2019

Collin County  
SWMP Development  
Source: TCEQ, TNRI, EPA, US Census Bureau, NCTCOG  
Jacobs Project No. WFXN1000

Figure

1





**JACOBS**

0 1.25 2.5 5 7.5 10 Miles



## Unincorporated Urbanized Area Map

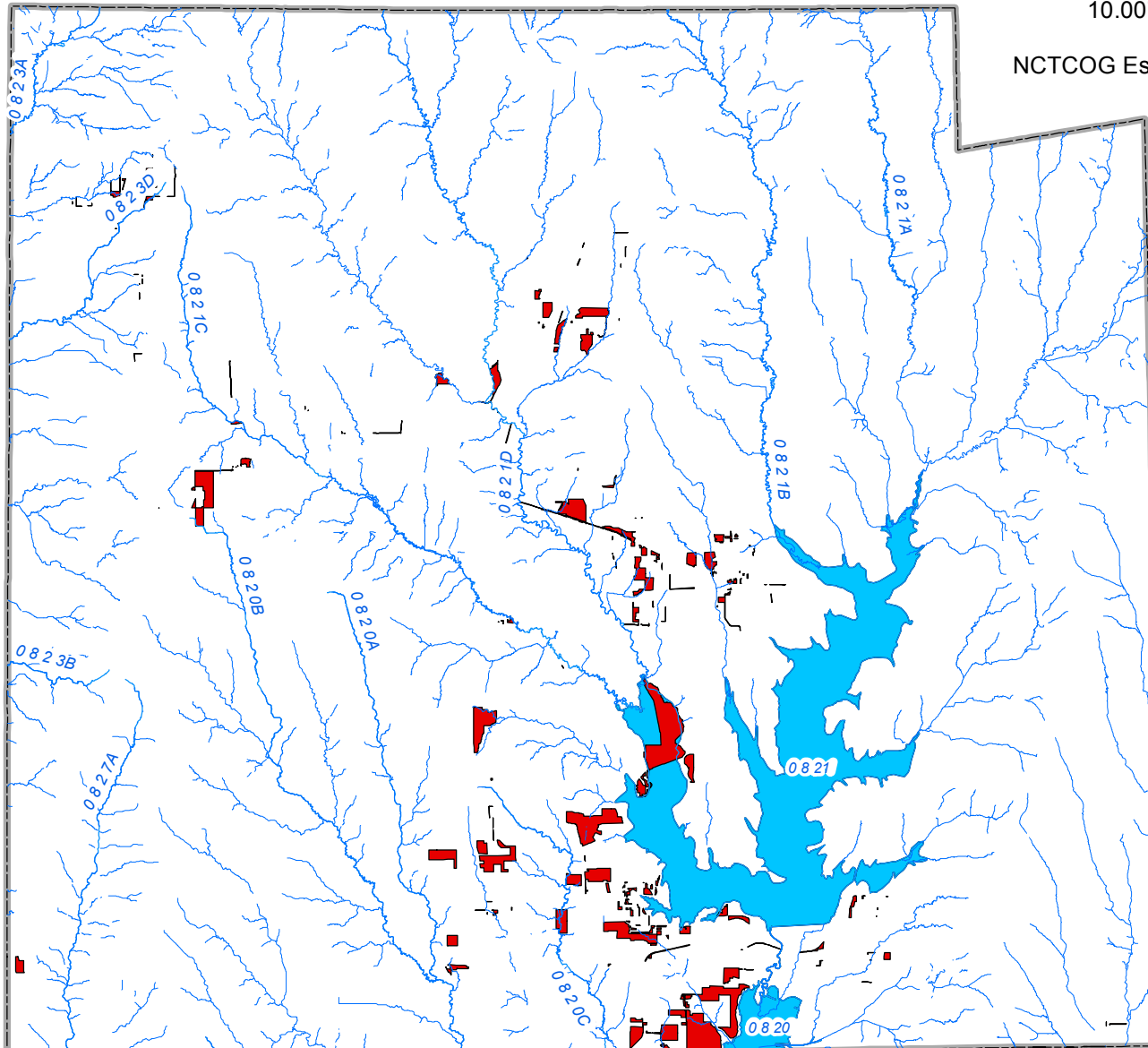
Collin County  
2019 SWMP Development

Source: TCEQ, TNRIS, EPA, US Census Bureau Jacobs Project No. WFXN1000




Figure  
2A

Collin County UA = 10.00751 sq. mi.  
 Estimated Population in Unincorporated UA =  
 $10.00751 \times 1,000 \text{ people per sq. mi.} = 10,007 \text{ people in UA}$

NCTCOG Estimates for January 1, 2019 = 1,010,330 in Collin County  
 58,230 in unincorporated areas of the Collin County



### Legend

-  Streams
-  Collin County Unincorporated UA
-  County Boundary

1 inch = 25,000 feet

<https://data-nctcogis.opendata.arcgis.com/datasets/2019-nctcog-population-estimates-publication>

**JACOBS**

0 1 2 4 6 8  
 Miles

Jacobs Project No. WFXN1000



## Unincorporated Urbanized Area Map

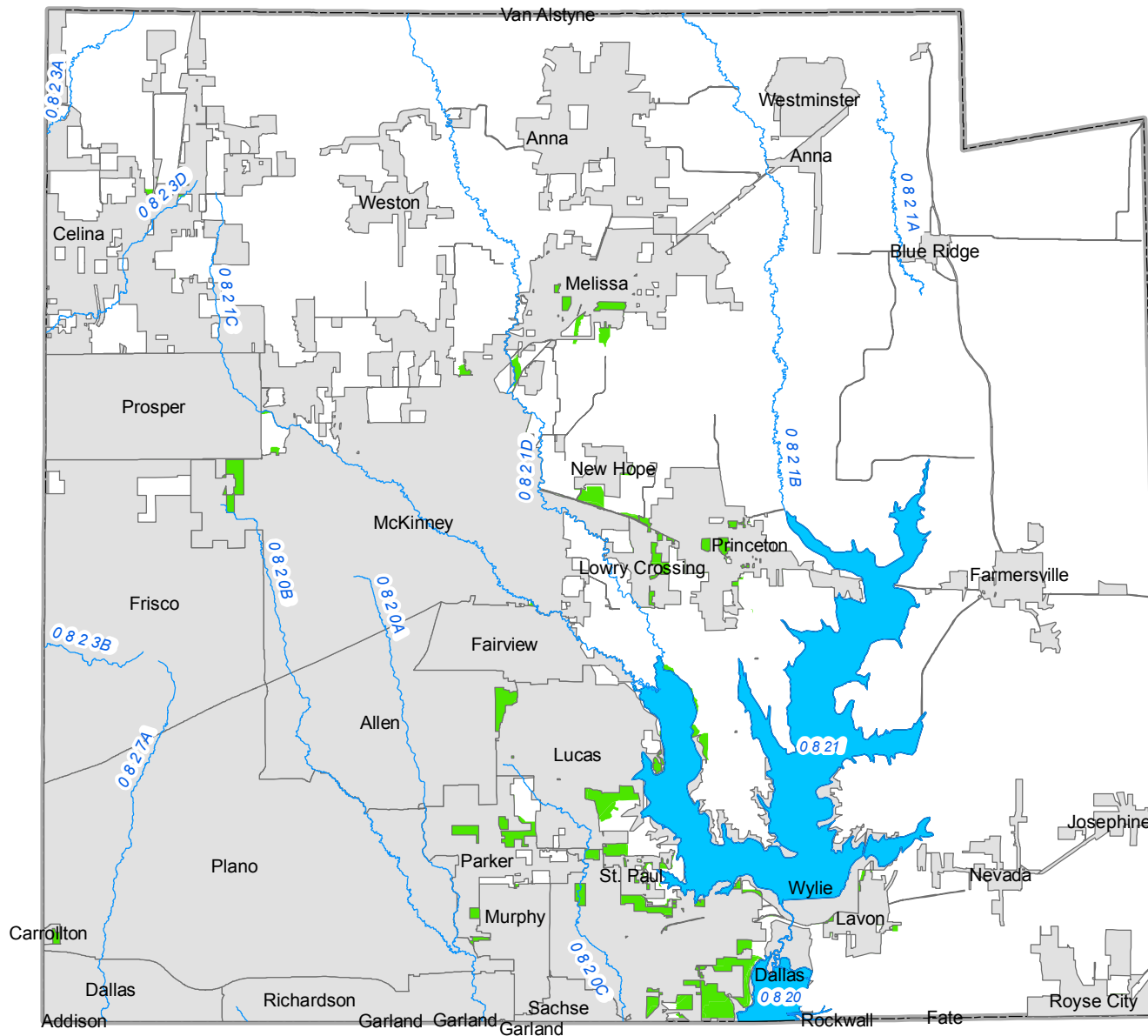
Collin County  
 2019 SWMP Development

Source: TCEQ, TNIRIS, EPA, US Census Bureau, NCTCOG

Figure


2B

## **Appendix B. Receiving Waterbodies and Outfall Map**



### Legend

#### 2019 City Boundary - SWMP Renewal

-  2019 City Boundary - SWMP Renewal
-  County Boundary
-  Unincorporated UA - 2010 Census
-  Collin County Streams
-  Collin County Reservoirs

# JACOBS®

0 1.25 2.5 5 7.5 10 Miles



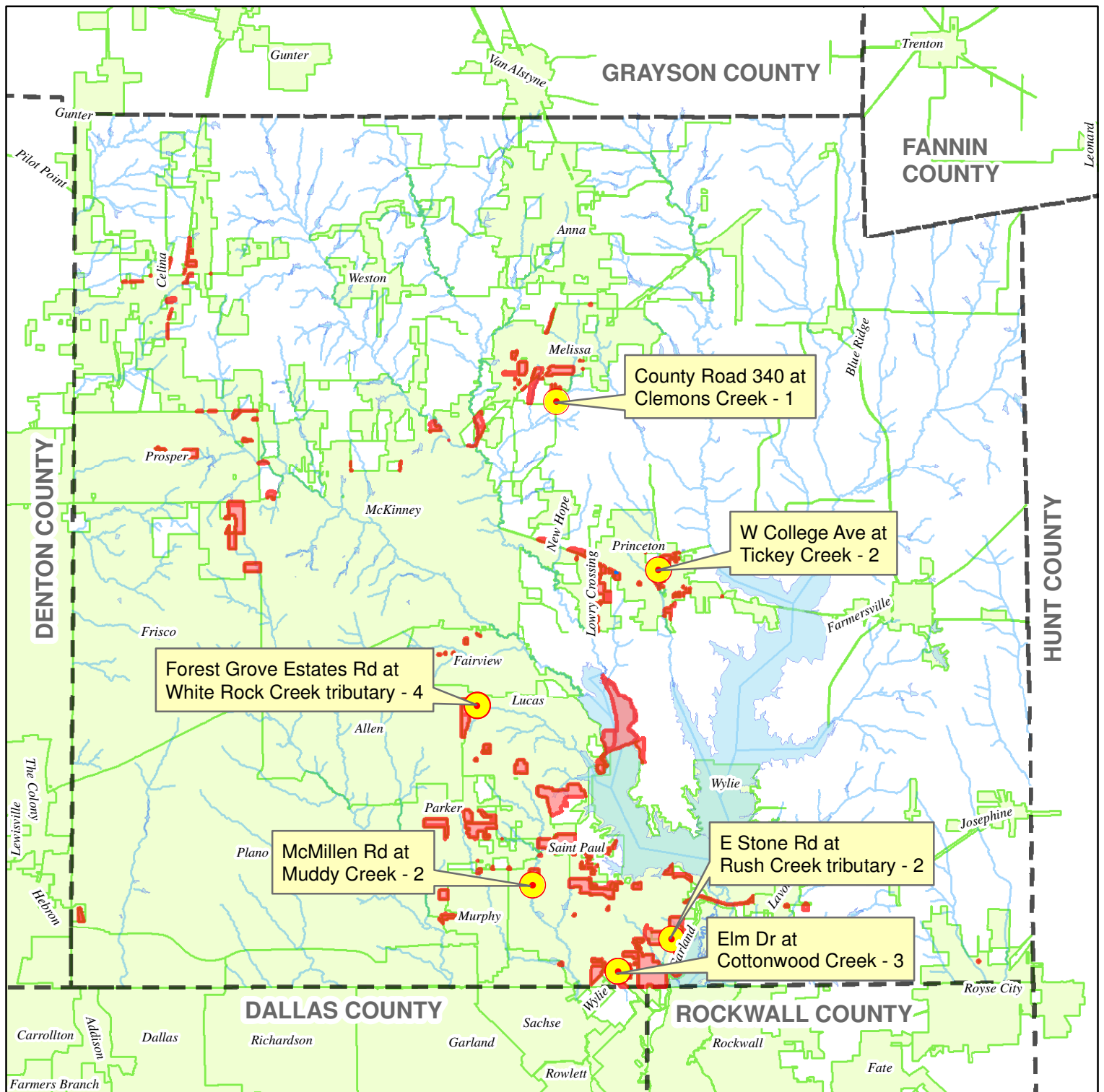
## Waterbodies Map

Collin County  
2019 SWMP Development

Source: TCEQ, TNIRIS, EPA, US Census Bureau Jacobs Project No. WFXN1000

Figure

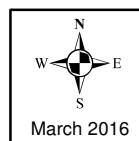
3



## Urbanized Areas within Collin County 14 Outfalls

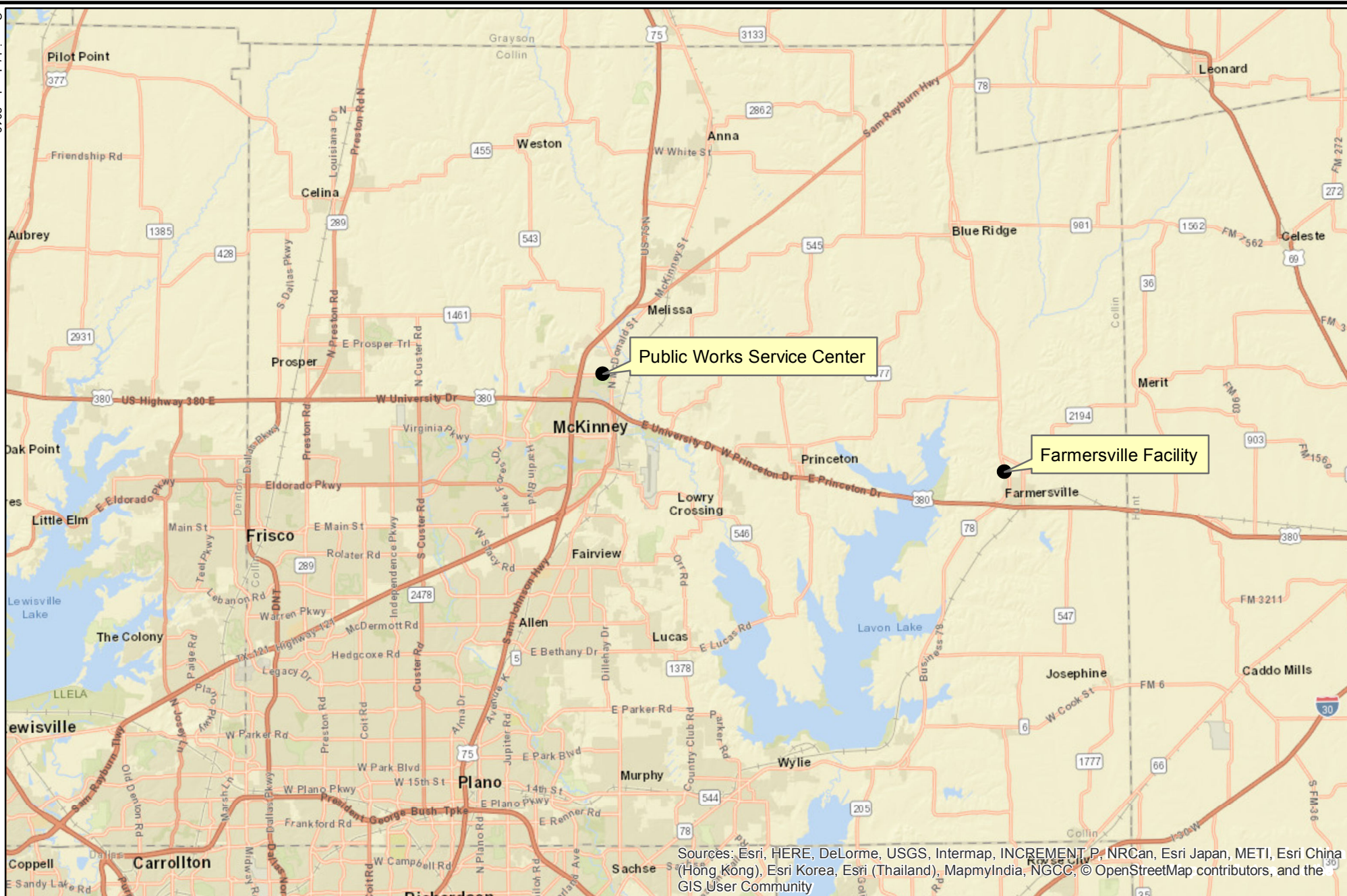
- Rural Urbanized Areas
- County Road Outfall Points

Source data compiled from Collin County GIS database, digital data from cities, various maps throughout Collin County, and 2010 Census data. This map is a graphic representation of Collin County and should only be used for illustrative purposes. In no way should this map be used to settle any boundary dispute or locational conflict.



## **Appendix C. Permitted Facilities**





Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

**JACOBS**<sup>®</sup>

0 1 2 4 6 8  
Miles



## Collin County Regulated Facilities SPCC

Collin County  
SWMP Development

Source: TCEQ, TNIRIS, EPA, US Census Bureau

Jacobs Project No. WFXN1000

Figure

4



## **Appendix D. Interlocal Agreements**

STATE OF TEXAS                   §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN           §

CITY-COUNTY PLAT APPROVAL AGREEMENT

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Allen, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), enacted by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

WHEREAS, County is a County operating under Sections 232.001-232.005 of the Local Government Code; and

WHEREAS, County does not contain extraterritorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 42, Local Government Code; and

WHEREAS, City is a home rule City of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

WHEREAS, House Bill 1445, effective September 1, 2001, Chapter 242, Local Government Code, was amended to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Land Development Code or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the Director of Planning and Development of the City is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

3. *Consolidated Regulations.* That the Land Development Code of the City is hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

County of Collin  
ATTN: County Judge

City of Allen  
ATTN: City Manager  
One Allen Civic Plaza  
Allen, Texas 75013

9. In the event any section, subsection, paragraph, sentence, phrase or word of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.
10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.
11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the County waives any immunity or defense that would otherwise be available to it against claims by third parties.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation

This Agreement shall become effective on the 25<sup>th</sup> day of March, 2002.

City of Allen, Texas

By: Peter Vargas  
Peter Vargas, City Manager

County of Collin, Texas

By: Donna  
County Judge

Attest:

Judy Morrison  
City Secretary

Date: June 25, 2002

Attest:

Ridley Helden  
Secretary

Date: May 10, 2002



THE STATE OF TEXAS

COUNTY OF COLLIN

AGREEMENTS  
INTERLOCAL/ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

On April 22, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell

County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with the City of Anna, for the Enforcement of Subdivision Regulations within the city of Anna Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Anna for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

ATTEST:

Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS



Ron Harris, County Judge  
Phyllis Cole, Commissioner, Pct. 1  
Jerry Hoagland, Commissioner, Pct. 2  
Joe Jaynes, Commissioner, Pct. 3  
Jack Hatchell, Commissioner, Pct. 4

STATE OF TEXAS  
COUNTY OF COLLIN

KNOW ALL MEN BY THESE PRESENTS:

CITY-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Anna, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77th Legislature of the State of Texas, and is to witness the following:

WHEREAS, County is operating under Sections 232.001-232.005 of the Local Government Code; and

WHEREAS, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

WHEREAS, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

WHEREAS, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. City Granted Exclusive Jurisdiction. The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. One Office for Plat Applications, Fee Payments and Responses. Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

INTERLOCAL AGREEMENT FOR ETJ

3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.
4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.
5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it.
6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.
8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of ANNA Collin County Engineering Dept.  
 Attn: CITY ADMINISTRATOR 825 N. McDonald St., #160  
 Address: P.O. Box 176 McKinney, Texas 75069  
ANNA, TX 75409

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 22nd day of April, 2002.

City of ANNA, Texas  
 By: Ron Ferguson  
 Name: Ron Ferguson  
 Title: Mayor

ATTEST:  
[Signature]  
 City Secretary

Date: April 3, 2002

Collin County Texas  
 By: [Signature]  
 Name: Ron Harris  
 Title: County Judge

ATTEST:  
[Signature]  
 Secretary

Date: 8-27, 2002



# CITY OF ANNA, TEXAS

RESOLUTION NO. 03-2002

## A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT BETWEEN THE CITY OF ANNA AND COLLIN COUNTY REGARDING PLAT APPROVAL AUTHORITY

Whereas, the State of Texas, under provisions of Local Government Code Section 242.001, has authorized cities to have sole jurisdiction for plat approval within the city's extraterritorial jurisdiction with the approval of the county or counties in which the city has such jurisdiction; and

Whereas, the City of Anna desires to exercise such sole jurisdiction; and

Whereas, Collin County has indicated a willingness to agree to the City of Anna exercising such sole jurisdiction; and

## NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNA:

The City of Anna hereby authorizes the Mayor to sign the City-County Plat Approval Agreement, attached to this resolution as Exhibit A, thereby exercising the option to exercise exclusive plat approval authority with the City of Anna's extraterritorial jurisdiction.

Resolved this day the 6<sup>th</sup> day of January, 2002, by the City Council of the City of Anna, Texas, by the following vote:

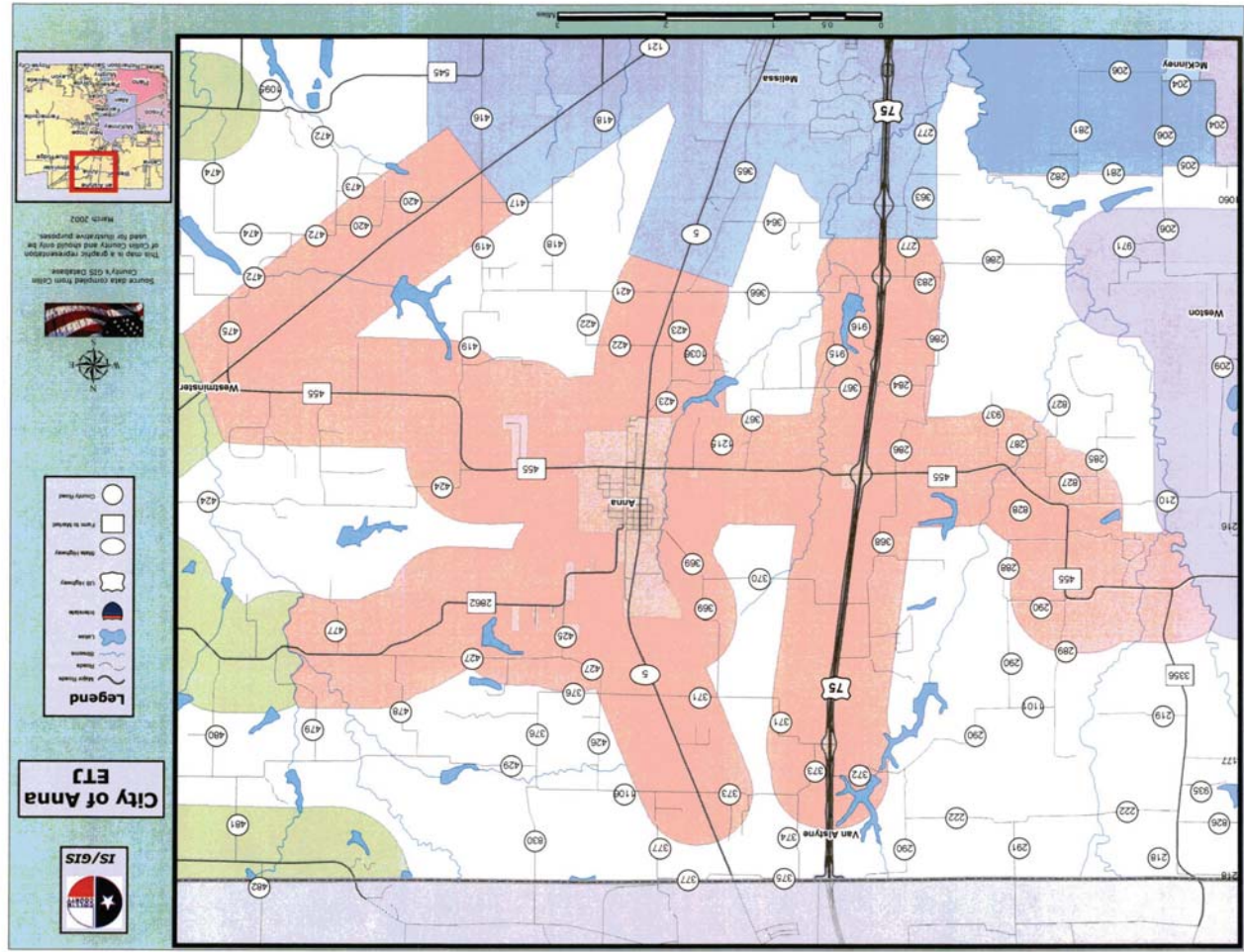
Ayes: 5  
Nays: 0  
Abstentions: 0

APPROVED:

  
Mayor

ATTEST:

  
City Secretary





THE STATE OF TEXAS

AGREEMENTS  
INTERLOCAL ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

COUNTY OF COLLIN


On May 13, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:


Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell


County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

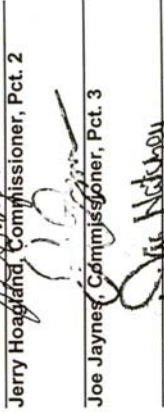
During such session the court considered approval of an Interlocal Agreement with the City of Blue Ridge for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

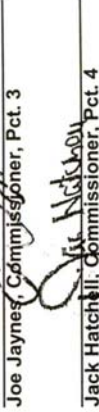
Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Blue Ridge for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

  
Ron Harris, County Judge

  
Phyllis Cole, Commissioner, Pct. 1

  
Jerry Hoagland, Commissioner, Pct. 2

  
Joe Jaynes, Commissioner, Pct. 3

  
Jack Hatchell, Commissioner, Pct. 4



ATTEST:

  
Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS

STATE OF TEXAS

§

COUNTY OF COLLIN

§

KNOW ALL MEN BY THESE PRESENTS

CITY-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Blue Ridge, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77th Legislature of the State of Texas, and is to witness the following:

WHEREAS, County is operating under Sections 232.001-232.005 of the Local Government Code; and

WHEREAS, County does not contain extraterritorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

WHEREAS, City is a general law city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

WHEREAS, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted that identifies the government entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City Shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.
3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code and will be enforced in the ETJ of the City.
4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats and County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of the subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.
6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.
8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:
- |  |   |
|--|---|
| City Of Blue Ridge<br>200 W. FM 545<br>Blue Ridge, Texas 75424 | Collin County Engineering Dept.<br>825 N. McDonald St., #160<br>McKinney, Texas 75069 |
|--|---|
9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable and shall be enforced as if the parties intended to delete the invalid portion.
10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.
11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superceding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereto.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City nor the County waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.
16. All rights, orders, approvals, permits and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 13<sup>th</sup> <sup>May 2002</sup> day of April 2002.

City Of Blue Ridge, Texas

By: Frances M. Slater

Name: Frances M. Slater

Title: Mayor

Collin County, Texas

By: [Signature]

Name: Rea Harris

Title: County Judge

ATTEST:

[Signature]  
City Secretary

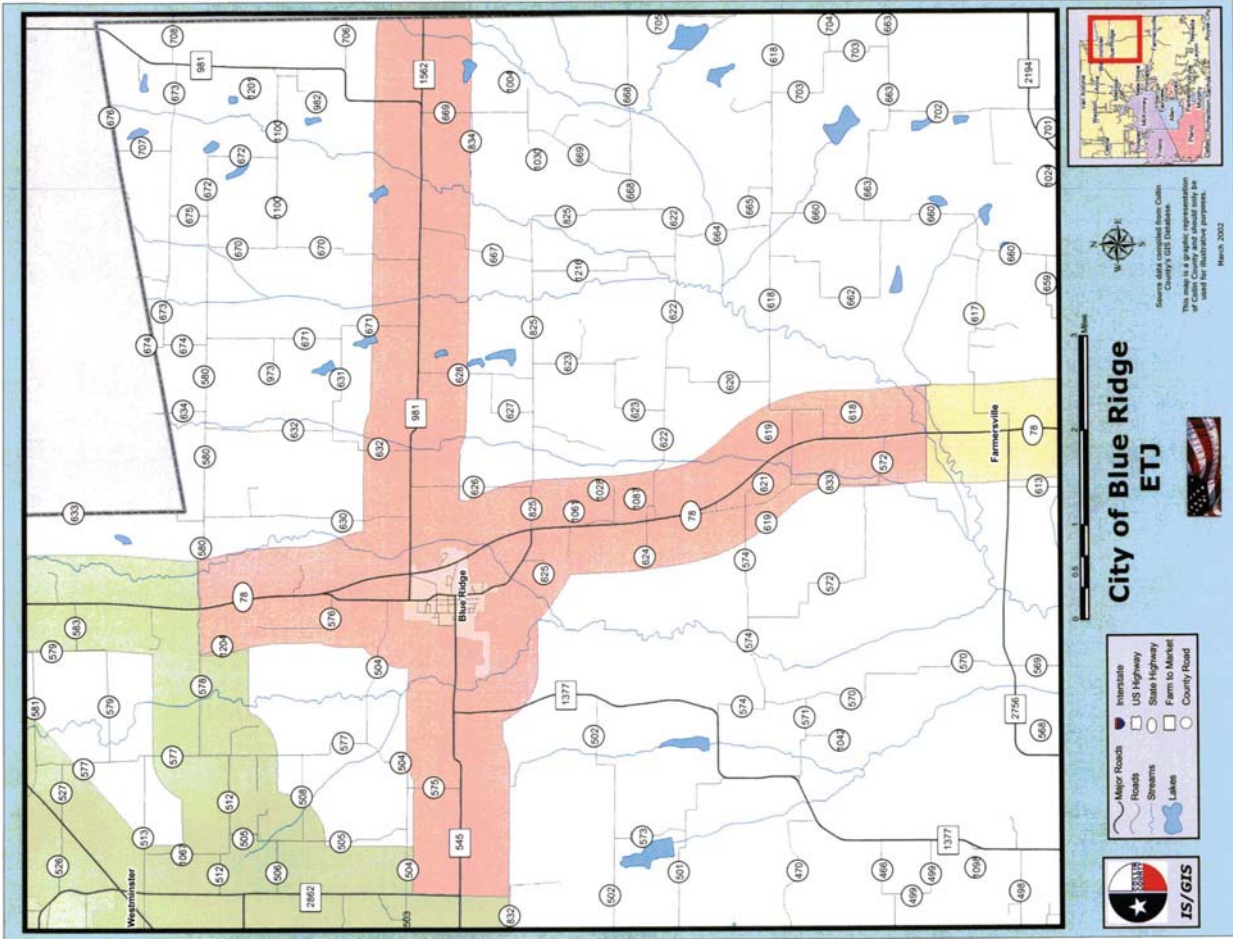
Date: April 2, 2002

ATTEST:

[Signature]  
Secretary

Date: 8-27-02





STATE OF TEXAS      § § §      KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

**CITY-COUNTY PLAT APPROVAL AGREEMENT**  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Celina, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, Collin County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, Collin County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, the City of Celina is a general law city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require the City of Celina and Collin County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. **City Granted Exclusive Jurisdiction.** The parties agree that the City of Celina shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and Collin County shall no longer exercise any of these functions in the City's ETJ.

2. **One Office for Plat Applications, Fee Payments and Responses.** Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City of Celina, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

3. *Consolidated Regulations.* That the Subdivision Regulations of the City of Celina are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City of Celina.
4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City of Celina, the City may not regulate subdivisions or approve the filing of plats, and the Collin County retains jurisdiction to do so. Should the City of Celina expand or reduce its ETJ, the City of Celina shall promptly notify Collin County of such expansion or reduction. The City of Celina and Collin County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City of Celina shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.
5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City of Celina and payable out of current revenues available to it. All fees collected by the City of Celina will be the property of the City.
6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.
8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery.  
  
City of Celina  
Attn: City Administrator  
302 W. Walnut  
Celina, Texas 75009  
  
Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069
9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.
11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the County waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 25th day of March, 2002.

City of Celina, Texas

By: Mark D. Peterman  
Mark D. Peterman  
Mayor

Collin County, Texas

By: Wicki Faulkner  
Name: Wicki Faulkner  
Title: City Secretary

ATTEST to Mark Peterman

Wicki Faulkner  
City Secretary

Date: February 12, 2002

ATTEST to Ron Harris

Kimberly M. Sheldon  
Kimberly M. Sheldon  
Court Coordinator

ATTEST:

Wicki Faulkner  
Secretary

Date: 2/20, 2002



**CITY-COUNTY PLAT APPROVAL AGREEMENT**  
**(Exclusive City Control)**

WHEREAS, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.
4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.
5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.
6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:
- City of Farmersville  
Attn: City Manager  
Address: 205 S. Main Street  
Farmersville, TX 75442
- Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069
9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.
10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

City of Farmersville \_\_\_\_\_  
Attn: City Manager  
Address: 205 S. Main Street  
Farmersville, TX 75442

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 28th day of March, 2002.

City of Farmersville, Texas  
By: George G. Crump  
Name: George G. Crump  
Title: Mayor

Collin County, Texas  
By: [Signature]  
Name: [Signature]  
Title: [Signature]



ATTEST:  
City Secretary [Signature]  
Date: 3-12, 2002  
ATTEST:  
Secretary [Signature]  
Date: 6-21, 2002

RESOLUTION NO. 2002-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FARMERSVILLE AND COLLIN COUNTY, TEXAS, PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require cities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extra-Territorial Jurisdiction of the city; and

WHEREAS, the Farmersville City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the City Council, on behalf of the City of Farmersville, hereinafter referred to as "City", finds that the terms and conditions thereof are in the best interests of the City and should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The terms and conditions of the Agreement attached hereto as Exhibit A entitled "City County Plat Approval Agreement (Exclusive City Control)" are approved.

SECTION 2. The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

SECTION 3. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared



invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

DULY RESOLVED by the City Council of the City of Farmersville, Collin County, Texas on this the 12 day of February, 2002.

APPROVED:

Mayor

ATTEST:

[Signature]  
City Secretary

APPROVED AS TO FORM:

City Attorney



COURT ORDER NO. 2003-1018 -12-19

THE STATE OF TEXAS

COUNTY OF COLLIN

AGREEMENTS  
INTERLOCAL ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

On December 19, 2003, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell

County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with the City of Josephine for the Exclusive Enforcement of Subdivision Regulations within the City's Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Josephine for the Exclusive Enforcement of Subdivision Regulations within the City's Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.



[Signature]  
Ron Harris, County Judge

[Signature]  
Phyllis Cole, Commissioner, Pct. 1

[Signature]  
Jerry Hoagland, Commissioner, Pct. 2

[Signature]  
Joe Jaynes, Commissioner, Pct. 3

[Signature]  
Jack Hatchell, Commissioner, Pct. 4

ATTEST:

[Signature]  
Brenda Taylor, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS

STATE OF TEXAS §  
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

**CITY-COUNTY PLAT APPROVAL AGREEMENT**  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Dallas, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

INTERLOCAL AGREEMENT FOR ETJ

Page 1

3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of \_\_\_\_\_  
Attn: \_\_\_\_\_  
Address: \_\_\_\_\_  
Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

INTERLOCAL AGREEMENT FOR ETJ

Page 2



11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 14th day of March, 2002.

City of Georgetown, Texas

By: Richard Murray  
Name: Richard Murray  
Title: Mayor

ATTEST: Bettei Wuyick  
City Secretary  
Date: March 14, 2002

Collin County, Texas

By: Phyllis Cole  
Name: Phyllis Cole  
Title: City Judge

ATTEST: Phyllis Cole  
Secretary  
Date: March 14, 2002

INTERLOCAL AGREEMENT FOR ETJ

Page 3

COURT ORDER NO. 2002- 191 -03-25

THE STATE OF TEXAS

COUNTY OF COLLIN

AGREEMENTS  
INTERLOCAL/ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

On March 25, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell

NOT PRESENT

County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

NOT PRESENT

During such session the court considered approval of an Interlocal Agreement with the City of Lavon for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Lavon for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

NOT PRESENT

Ron Harris, County Judge

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

NOT PRESENT

Jack Hatchell, Commissioner, Pct. 4



ATTEST:

Helen Starnes  
Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS

3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

### Miscellaneous Provisions.

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of Lavon  
Attn: City Secretary  
Address: P.O. Box 340

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.



11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

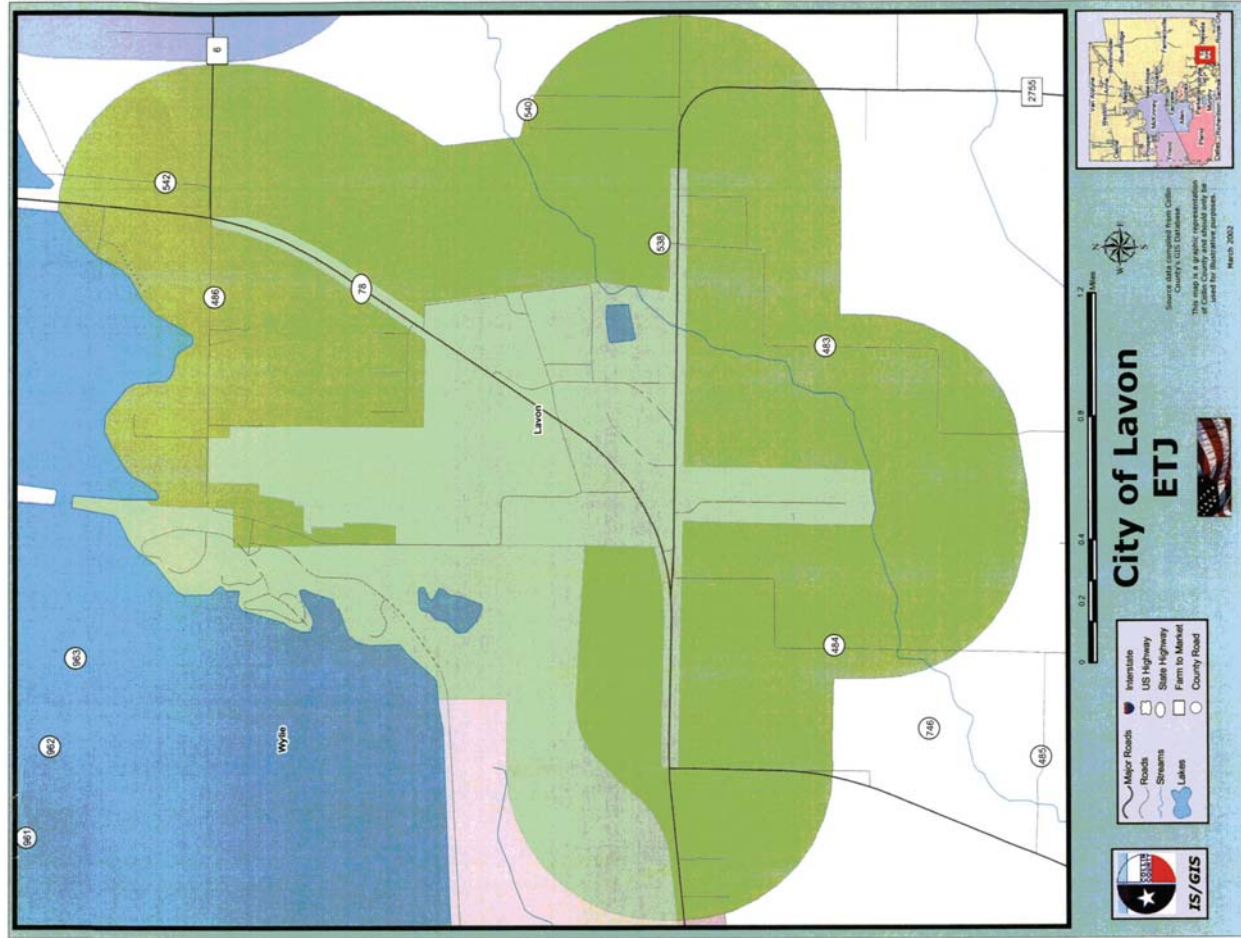
This Agreement shall become effective on the 25th day of March, 2002.

City of Lavon, Texas  
 By: Don Whitely  
 Name: Don Whitely  
 Title: Mayor

Collin County, Texas  
 By: Don Harris  
 Name: Don Harris  
 Title: City Judge

ATTEST:  
Rosa Howell  
 City Secretary  
 Date: May 7, 2002

ATTEST:  
Rimberly M. Sheldon  
 Secretary  
 Date: 6-21, 2002



CITY OF LAVON

RESOLUTION NO. 02-03-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAVON AND COLLIN COUNTY, TEXAS, PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require cities to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extra-Territorial Jurisdiction of the City, and

WHEREAS, the Lavon City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the City Council, on behalf of the City of Lavon, hereinafter referred to as "City", finds that the terms and conditions thereof are in the best interests of the City and should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The terms and conditions of the Agreement attached hereto as Exhibit A entitled "CityCounty Plat Approval Agreement (Exclusive City Control)" are approved.

SECTION 2. The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

SECTION 3. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and

should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

DULY RESOLVED by the City Council of the City of Lavon, Collin County, Texas on this 7<sup>th</sup> day of March, 2002.

APPROVED:

  
Mayor

ATTEST:

  
Chris Wess, City Secretary



Resolution No. 02-02-02







plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the parties.

#### *Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of Lowry Crossing, Texas  
Attn: City Secretary  
1405 S. Bridgefarmer Road  
McKinney, Texas 75069

Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069

9. In the event that any section, subsection, paragraph, sentence, phrase or word of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be in Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.

13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City nor the County waives any immunity or defense that would otherwise be available to it against claims by third parties.

16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 25<sup>th</sup> day of March, 2002.

City of Lowry Crossing, Texas

By: Richard Jordan  
Name: Richard Jordan  
Title: Mayor

Collin County, Texas

By: Ron Harris  
Name: Ron Harris  
Title: County Judge

ATTEST:

Patricia Hansen  
City Secretary

Date: 2-12, 2002

ATTEST:

Richard M. Sholden  
Secretary

Date: May 10, 2002

CITY OF LOWRY CROSSING, TEXAS

RESOLUTION NO. 41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH COLLIN COUNTY PROVIDING FOR EXCLUSIVE CONTROL BY THE CITY OF LOWRY CROSSING OF ITS EXTRATERRITORIAL JURISDICTION LOCATED WITHIN COLLIN COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 242.001 requires municipalities and counties to enter into a written agreement no later than April 1, 2001, regarding the regulation of subdivisions in the municipality's extraterritorial jurisdiction; and

WHEREAS, Section 242.001 provides that such agreement must provide for one of four options, including the option of exclusive municipal control of the extraterritorial jurisdiction; and

WHEREAS, the City Council desires that the City exclusively control its extraterritorial jurisdiction located within Collin County and finds that it is in the public interest to do so; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

Section 1. That the mayor is hereby authorized to execute the attached agreement providing for exclusive control by the City of Lowry Crossing of its extraterritorial jurisdiction located within Collin County.

Section 2. That this resolution shall take effect immediately upon passage and approval, and it is accordingly so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS, this 5 day of February, 2002.

  
Richard Jondron, Mayor  
City of Lowry Crossing, Texas

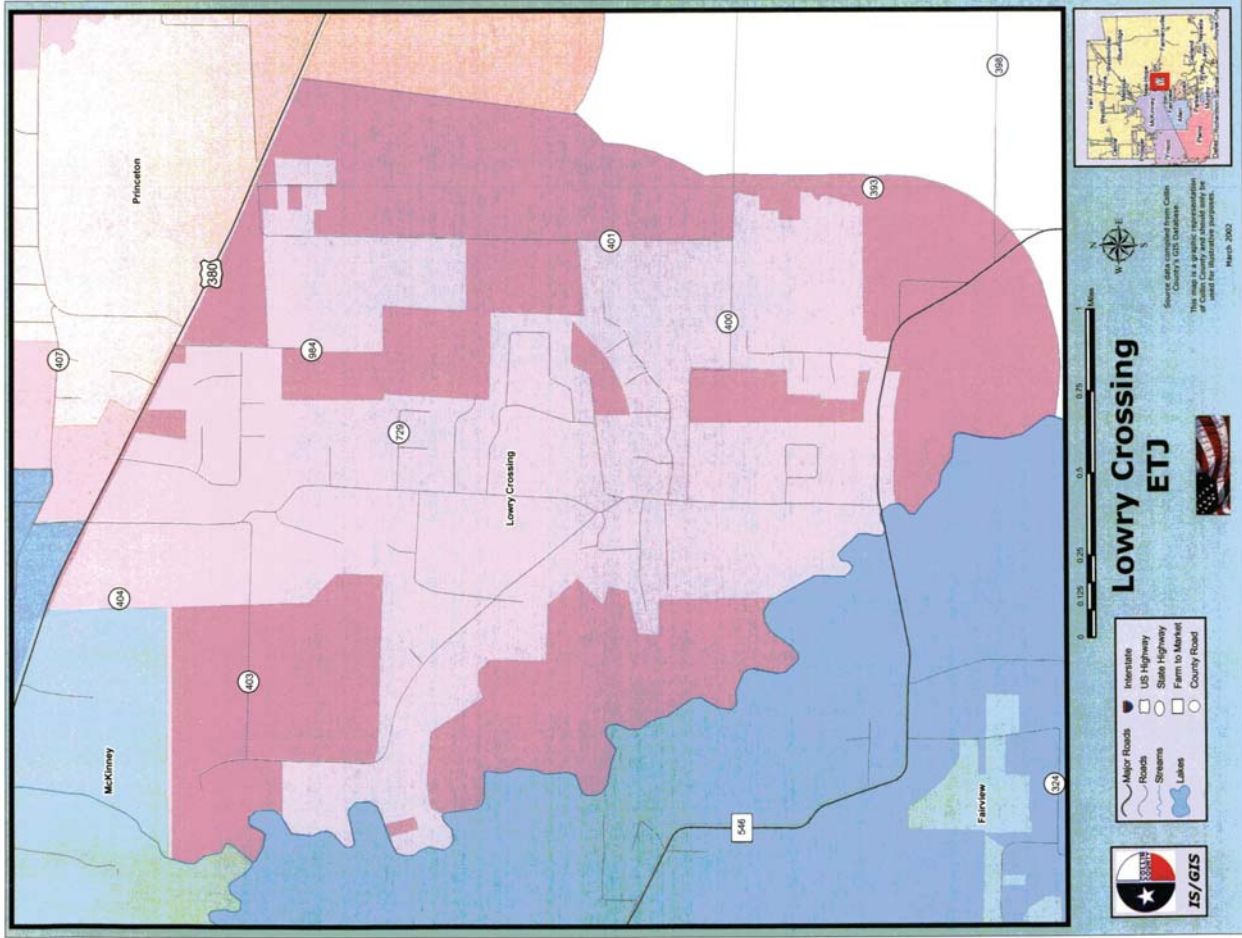
APPROVED AS TO FORM:

  
City Attorney

ATTEST:

  
Patricia Francen, City Secretary

Document # 987217





THE STATE OF TEXAS

AGREEMENTS  
INTERLOCAL ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

COUNTY OF COLLIN

On March 25, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Ron Harris	NOT PRESENT	County Judge, Presiding
Phyllis Cole		Commissioner, Precinct 1
Jerry Hoagland		Commissioner, Precinct 2
Joe Jaynes	NOT PRESENT	Commissioner, Precinct 3
Jack Hatchell		Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with the City of Lucas for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Lucas for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

NOT PRESENT

Ron Harris, County Judge

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

NOT PRESENT

Jack Hatchell, Commissioner, Pct. 4

ATTEST:

*Helen Starnes*  
Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS



ORIGINAL

STATE OF TEXAS §  
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

## CITY-COUNTY PLAT APPROVAL AGREEMENT

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Lucas, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B.1445"), enacted by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is a County operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extraterritorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a general law city of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, Chapter 242, Local Government Code, was amended to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Land Development Code or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the Director of Planning and Development of the City is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.
3. *Consolidated Regulations.* That the Land Development Code of the City is hereby established as a consolidated and consistent set of regulations related to

plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

**4. Areas Outside ETJ.** In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

**5. Costs.** All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it.

**6. Periodic Review.** This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions*

**7.** This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

**8.** All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

County of Collin  
ATTN: County Judge

City of Lucas  
ATTN: City Administrator  
151 Country Club Road  
Lucas, Texas 75002

**9.** In the event any section, subsection, paragraph, sentence, phrase or word of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

**10.** This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

**11.** This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

**12.** This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.

**13.** All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

**14.** The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

**15.** This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the County waives any immunity or defense that would otherwise be available to it against claims by third parties.

**16.** All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation

This Agreement shall become effective on the 4<sup>th</sup> day of MARCH, 2002

City of Lucas/Texas

By: [Signature]  
Mayor

County of Collin, Texas

By: [Signature]  
County Judge

Attest:

[Signature]  
City Secretary

CO# 2002-199-03-25

Attest:

[Signature]  
Secretary

Date: 3/15/02

Date: 3/15/02



THE STATE OF TEXAS

AGREEMENTS  
INTERLOCAL ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

COUNTY OF COLLIN

On April 22, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

- Ron Harris, County Judge, Presiding
- Phyllis Cole, Commissioner, Precinct 1
- Jerry Hoagland, Commissioner, Precinct 2
- Joe Jaynes, Commissioner, Precinct 3
- Jack Hatchell, Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with the City of McKinney for the Enforcement of Subdivision Regulations within the City of McKinney Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of McKinney for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

ATTEST:

*Helen Starnes*  
Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS



*Ron Harris*  
Ron Harris, County Judge

*Phyllis Cole*  
Phyllis Cole, Commissioner, Pct. 1

*Jerry Hoagland*  
Jerry Hoagland, Commissioner, Pct. 2

*Joe Jaynes*  
Joe Jaynes, Commissioner, Pct. 3

*Jack Hatchell*  
Jack Hatchell, Commissioner, Pct. 4

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCKINNEY AND COLLIN COUNTY, TEXAS, PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require cities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extra-Territorial Jurisdiction of the city; and

WHEREAS, the McKinney City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the City Council, on behalf of the City of McKinney, hereinafter referred to as "City", finds that the terms and conditions thereof are in the best interests of the City and should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The terms and conditions of the Agreement attached hereto as Exhibit A entitled "City County Plat Approval Agreement (Exclusive City Control)" are approved.

SECTION 2. The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

SECTION 3. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

DULY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS ON THIS THE 19<sup>TH</sup> DAY OF MARCH, 2002.

APPROVED: *Don Dozier*  
Don Dozier, Mayor



STATE OF TEXAS  
COUNTY OF COLLIN  
KNOW ALL MEN BY THESE PRESENTS:

CITY-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of McKinney, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

WHEREAS, County is operating under Sections 232.001-232.005 of the Local Government Code; and

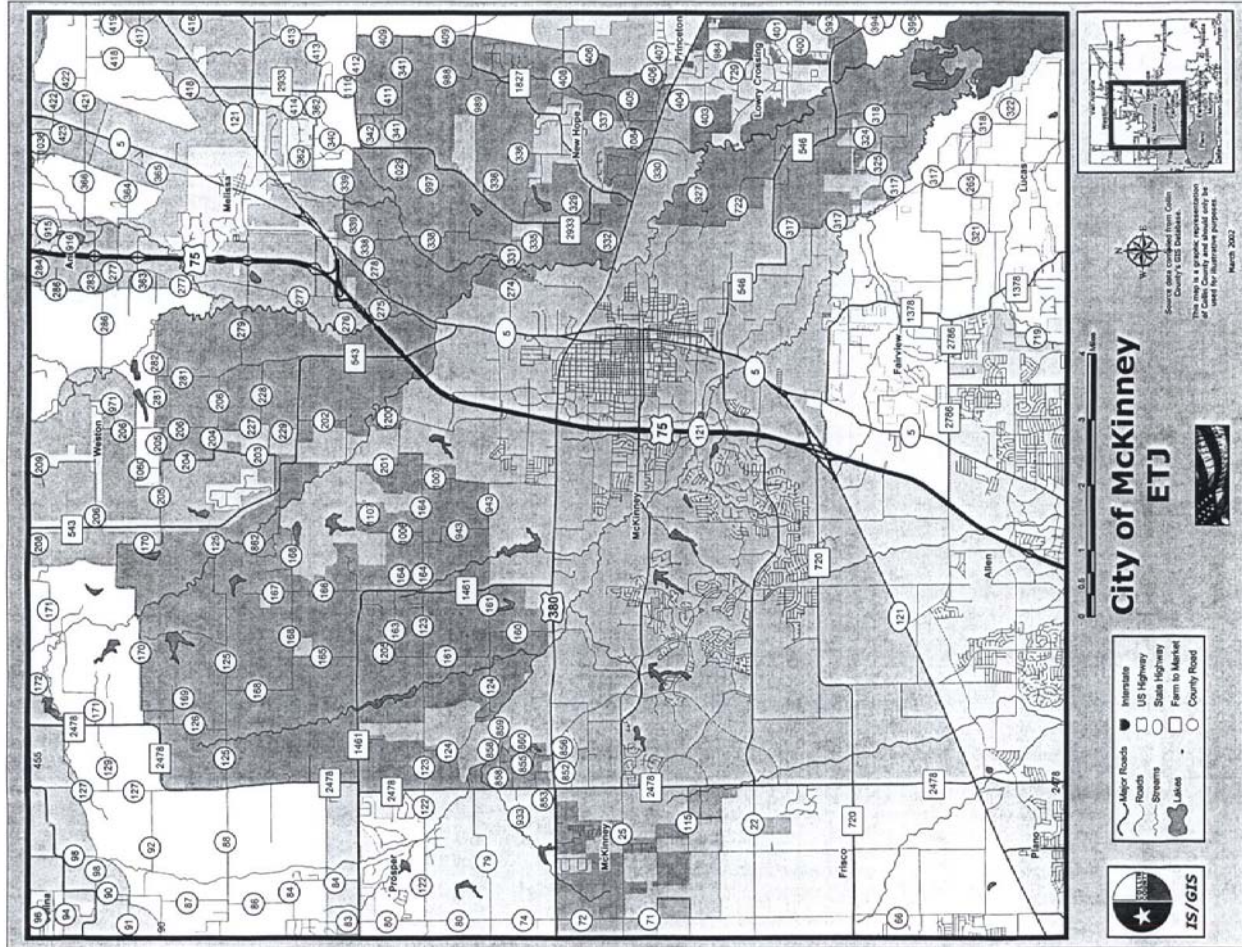
WHEREAS, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

WHEREAS, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

WHEREAS, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.





3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

#### *Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of McKinney  
Attn: City Manager  
Address: P O Box 517  
222 N. Tennessee  
McKinney, TX 75069

Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

EXHIBIT "A"

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.

13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.

16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 19th day of March, 2002.

City of McKinney, Texas

By: Don Dozier  
Name: Don Dozier  
Title: Mayor

ATTEST: Springfield  
City Secretary

Date: March 19, 2002

Collin County, Texas

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_, 2002

EXHIBIT "A"

THE STATE OF TEXAS

AGREEMENTS  
INTERLOCAL/ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

COUNTY OF COLLIN

On March 25, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell

NOT PRESENT

County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

NOT PRESENT

During such session the court considered approval of an Interlocal Agreement with the City of Melissa for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Melissa for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

NOT PRESENT

Ron Harris, County Judge

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

NOT PRESENT

Jack Hatchell, Commissioner, Pct. 4



ATTEST:

Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF COLLIN

§

CITY-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Melissa, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77th Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

INTERLOCAL AGREEMENT FOR ETJ

Page 1



3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

#### *Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of Melissa  
Attn: Susan Bradley  
Address: P.O. Box 409  
Melissa, TX 75454  
Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.

13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the County waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.

16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 13<sup>th</sup> day of February, 2002.

City of Melissa, Texas

By: [Signature]  
Name: David E. Dorman  
Title: Mayor

ATTEST:  
[Signature]  
City Secretary

Date: 2-13, 2002

Collin County, Texas

By: [Signature]  
Name: Kon Harris  
Title: County Judge

ATTEST:  
[Signature]  
Secretary

Date: March 17, 2002

RESOLUTION NO. 20-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MELISSA, TEXAS AND COLLIN COUNTY, TEXAS, PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require cities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extra-Territorial Jurisdiction of the city; and

WHEREAS, the City Council of Melissa, Texas City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the City Council, on behalf of the City of Melissa, Texas, hereinafter referred to as "City", finds that the terms and conditions thereof are in the best interests of the City and should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The terms and conditions of the Agreement attached hereto as Exhibit A entitled "City Council Plat Approval Agreement (Exclusive City Control)" are approved.

SECTION 2. The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

SECTION 3. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared

invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

DULY RESOLVED by the City Council of the City of Melissa, Texas, Collin County, Texas on this the 12th day of February, 2002.



APPROVED:

[Signature]  
Mayor

ATTEST:

[Signature]  
City Secretary

APPROVED AS TO FORM:

[Signature]  
City Attorney



CITY-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Murphy, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

WHEREAS, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

WHEREAS, City is a general law city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

WHEREAS, House Bill 1445, effective September 2, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applications one response indicating approval or denial of the plat application by the appropriate approving authority.
3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.



4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

#### *Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepared, or by hand delivery:

City of Murphy  
ATTN: Linda Marley  
205 N. Murphy Road  
Murphy, Texas 75094

Collin County Engineering Dept.  
825 N. McDonald Street, #160  
McKinney, Texas 75069

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.

13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the County waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.

16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the <sup>25<sup>th</sup></sup> day of March, 2002.

City of Murphy, Texas

Collin County, Texas

By: Roy H. Benth

Name: Roy Benth

Title: Mayor

By: [Signature]

Name: [Signature]

Title: City Judge

ATTEST:

Linda B. Marley  
City Secretary

ATTEST:

[Signature]  
Secretary

Date: March 11, 2002

Date: 6-21, 2002

THE STATE OF TEXAS

COUNTY OF COLLIN

AGREEMENTS  
INTERLOCAL ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

On March 11, 2003, the Commissioners, Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

**NOT PRESENT**

Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell

County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with the City of Nevada for the Enforcement of Subdivision Regulations within the city's Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Nevada for the Enforcement of Subdivision Regulations within the city's Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

**NOT PRESENT**

Ron Harris, County Judge

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Jack Hatchell, Commissioner, Pct. 4

ATTEST:

Brenda Taylor, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS

STATE OF TEXAS       §  
                                  §  
COUNTY OF COLLIN   §

KNOW ALL MEN BY THESE PRESENTS:

**CITY-COUNTY PLAT APPROVAL AGREEMENT**  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Nevada, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

INTERLOCAL AGREEMENT FOR ETJ

Page 1



3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

#### *Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of Nevada Collin County Engineering Dept.  
Attn: Mayor Richard Caldwell 825 N. McDonald St., #160  
Address: 434 E. FM 6 McKinney, Texas 75069  
Nevada, TX 75113

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.

13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the County waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.

16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 10th day of February, 2003.

City of Nevada, Texas

By: Richard A. Caldwell  
Name: Richard A. Caldwell  
Title: Mayor

ATTEST: Christy Schell  
City Secretary

Date: January 10, 2003

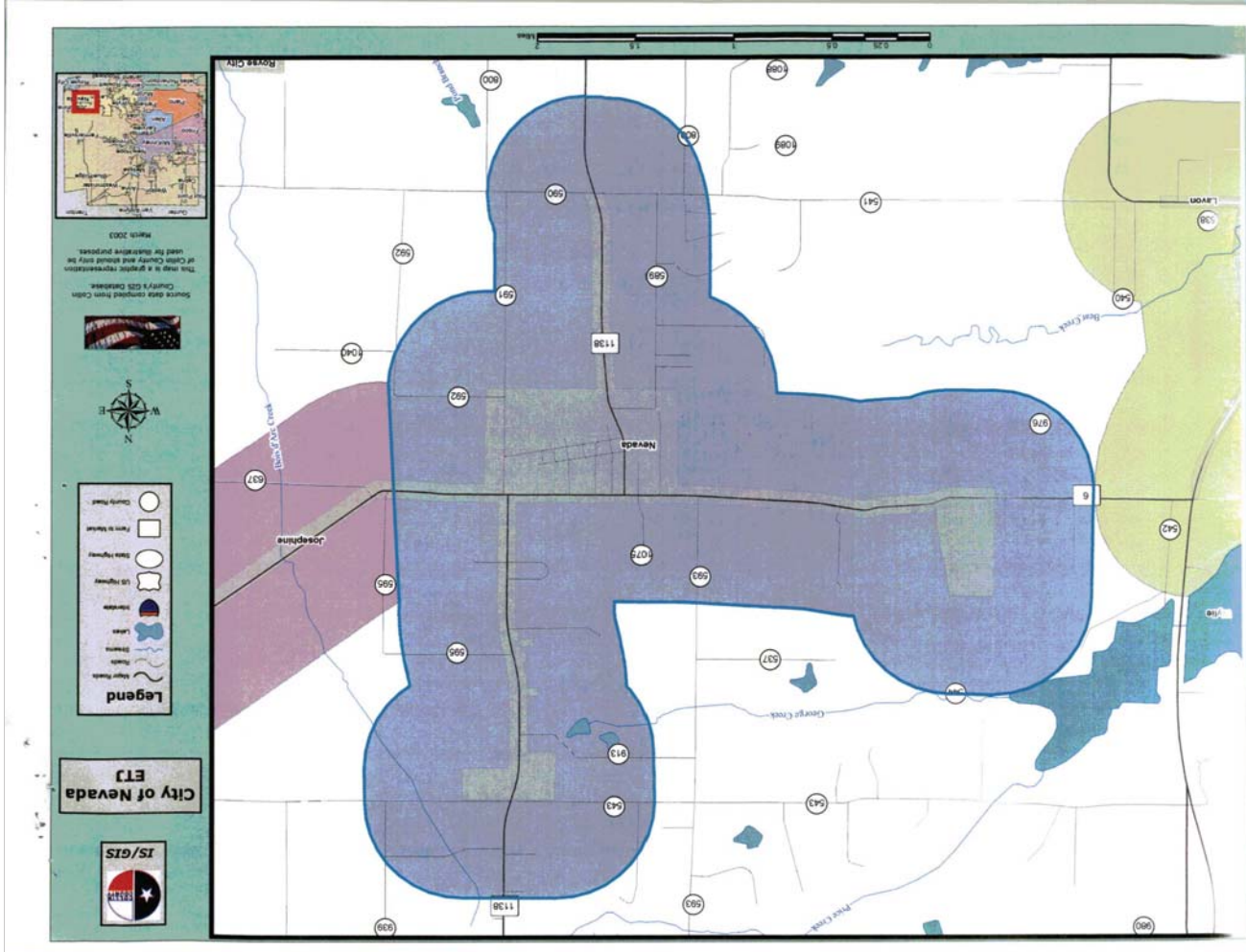
Collin County, Texas

By: Ron Ham's  
Name: Ron Ham's  
Title: County Judge

ATTEST: Richard G. Selden  
Secretary

Date: March 14, 2003





THE STATE OF TEXAS

COUNTY OF COLLIN

AGREEMENTS  
INTERLOCAL/ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

On March 25, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

- Ron Harris
- Phyllis Cole
- Jerry Hoagland
- Joe Jaynes
- Jack Hatchell

NOT PRESENT

NOT PRESENT

- County Judge, Presiding  
Commissioner, Precinct 1
- Commissioner, Precinct 2
- Commissioner, Precinct 3
- Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with the City of Parker for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Parker for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

NOT PRESENT

Ron Harris, County Judge

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

NOT PRESENT

Jack Hatchell, Commissioner, Pct. 4

ATTEST:

Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS



STATE OF TEXAS       §  
                                  §  
COUNTY OF COLLIN   §

KNOW ALL MEN BY THESE PRESENTS:

CITY-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Parker, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extra-territorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of Parker	Collin County Engineering Dept.
Attn: City Administrator	825 N. McDonald St., #160
5700 E. Parker Road	McKinney, Texas 75069
Parker, Texas 75002	

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.



11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 12th day of February, 2002.

City of Parker, Texas

By: David Hammel  
Name: David Hammel  
Title: Mayor

Collin County, Texas

By: Robert Harris  
Name: Robert Harris  
Title: City Judge

ATTEST:

[Signature]  
City Secretary

Date: February 12, 2002

ATTEST:

[Signature]  
Secretary

Date: 16-21, 2002

# RESOLUTION NO. 0212-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PARKER AND COLLIN COUNTY, TEXAS, PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 242.001 of Texas Local Government Code was enacted to require cities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extra-Territorial Jurisdiction of the city; and

**WHEREAS**, the Parker City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

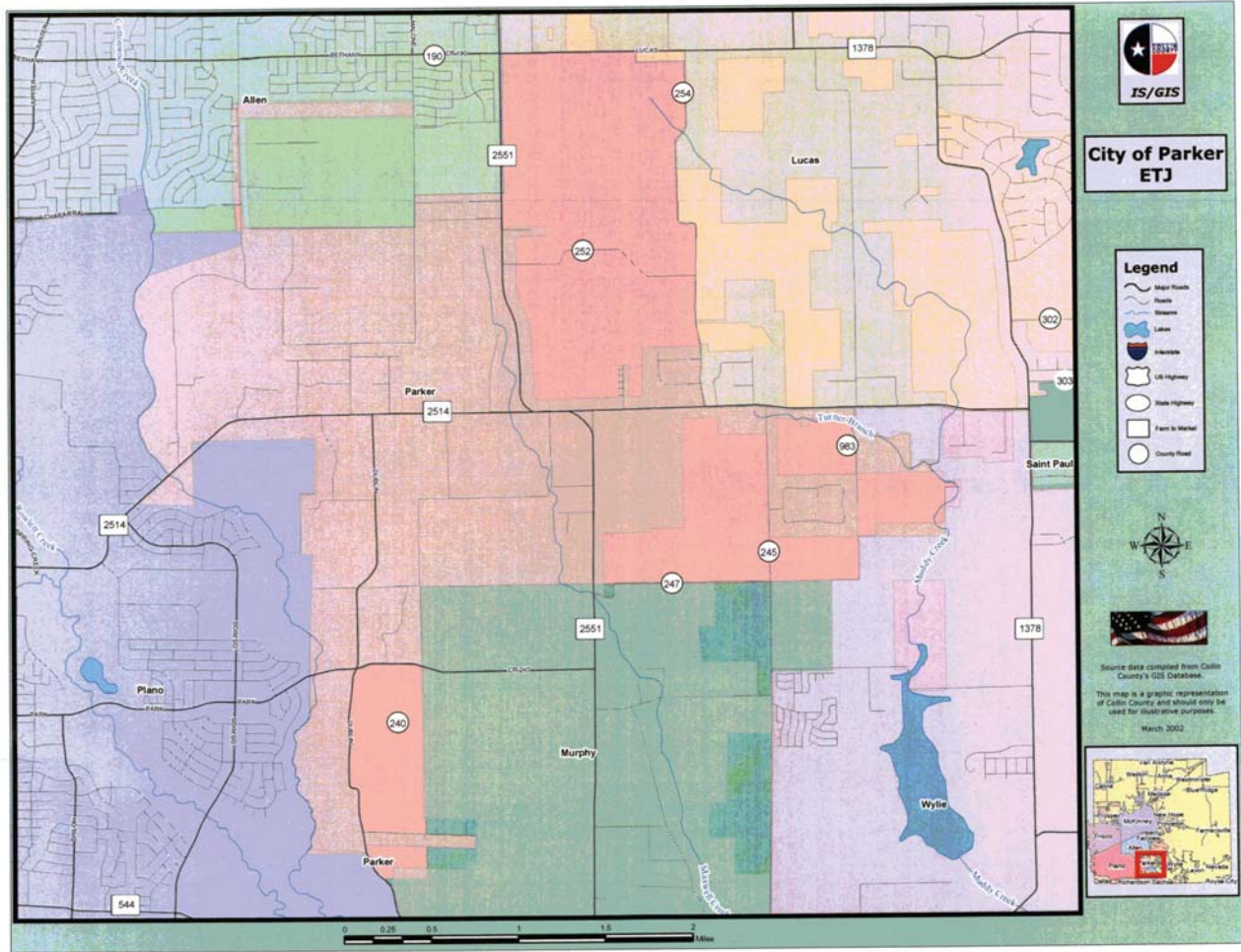
**WHEREAS**, the City Council, on behalf of the City of Parker, hereinafter referred to as "City", finds that the terms and conditions thereof are in the best interests of the City and should be approved;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:**

**SECTION 1.** The terms and conditions of the Agreement attached hereto as Exhibit A entitled "City County Plat Approval Agreement (Exclusive City Control)" are approved.

**SECTION 2.** The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

**SECTION 3.** It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall



not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

**DULY RESOLVED** by the City Council of the City of Parker, Collin County, Texas on this the 12<sup>th</sup> day of February, 2002.

APPROVED:

*David Hannel*  
Mayor

ATTEST:

*[Signature]*  
City Secretary

APPROVED AS TO FORM:

*[Signature]*  
City Attorney

RESOLUTION #0212-02

Page 2



THE STATE OF TEXAS

COURT ORDER NO. 2002- 202 -03-25

AGREEMENTS  
INTERLOCAL/ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

COUNTY OF COLLIN

On March 25, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

**County Judge, Presiding**  
**Commissioner, Precinct 1**  
**Commissioner, Precinct 2**  
**Commissioner, Precinct 3**  
**Commissioner, Precinct 4**

NOT PRESENT

NOT PRESENT

During such session the court considered approval of an Interlocal Agreement with the City of Plano for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Plano for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

**NOT PRESENT**  
 Ron Harris, County Judge  
**NOT PRESENT**  
 Phyllis Cole, Commissioner, Pct. 1  
**NOT PRESENT**  
 Jerry Hoagland, Commissioner, Pct. 2  
**NOT PRESENT**  
 Joe Jaynes, Commissioner, Pct. 3  
**NOT PRESENT**  
 Jack Hatchell, Commissioner, Pct. 4



ATTEST:  
 Helen Starnes, Ex-Officio Clerk  
 Commissioners' Court  
 Collin County, TEXAS

EXHIBIT "A"

STATE OF TEXAS  
 COUNTY OF COLLIN

KNOW ALL MEN BY THESE PRESENTS:

CITY-COUNTY PLAT APPROVAL AGREEMENT  
 (Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas, ("County") and the City of Plano, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77th Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, county is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a home rule city of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree the City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City of Plano Planning Department is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

NOROUTPRESOLUTION

3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.
4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulated subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside of the City's ETJ.
5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.
6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

## Miscellaneous Provisions

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.
8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:
- City of Plano  
Attn: Thomas H. Muehlenbeck, City Manager  
Address: PO Box 860358  
Plano, TX 75086-0358
- Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069
9. In the event any section, subsection, paragraph, sentence, phrase or word of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.
10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

N ORDUTPRESOLUTION

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 24 day of March, 2002.

City of Plano, Texas

By: [Signature]  
Name: Thomas H. Muehlenbeck  
Title: City Manager

ATTEST:

[Signature]  
City Secretary

Date: March 7, 2002

Collin County, Texas

By: [Signature]  
Name: Ron Harris  
Title: County Judge

ATTEST:

[Signature]  
Secretary

Date: May 10, 2002

APPROVED AS TO FORM:

[Signature]  
BY: [Signature]  
Diane C. Wetherbee, City Attorney

N ORDUTPRESOLUTION



STATE OF TEXAS                   §  
  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN       §

CITY-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Fritch, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extra-territorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.

2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of Fritch, Texas                   Collin County Engineering Dept.  
Attn: Michael Keith Davis           825 N. McDonald St., #160  
Address: P.O. Box 970               McKinney, Texas 75069

Plat Application Fee   \$ 750.00

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superceding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 14th day of February, 2002.

City of Princeton, Texas  
 By: Kathy Davis  
 Name: Kathy Davis  
 Title: Mayor

ATTEST:  
[Signature]  
 City Secretary  
 Date: February 15, 2002

Collin County, Texas  
 By: [Signature]  
 Name: Ken Harris  
 Title: County Judge  
2002-04-03-05

ATTEST:  
[Signature]  
 Secretary  
 Date: March 14, 2002

# RESOLUTION NO. 2002-02-12-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PRINCETON, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PRINCETON AND COLLIN COUNTY, TEXAS PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require cities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extra-Territorial Jurisdiction of the City; and

WHEREAS, the Princeton City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (herein called "Agreement"); and

WHEREAS, the City Council, on behalf of the City of Princeton, herein referred to as "City", finds that the terms and conditions thereof are in the best interests of the City and should be approved;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Princeton, Collin County, Texas as follows:

## Section 1:

The terms and condition of the Agreement attached hereto as Exhibit "A" entitled "City County Plat Approval Agreement (Exclusive City Control)" are approved.

## Section 2:

The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

## Section 3:



It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS THIS THE 12th DAY OF FEBRUARY, 2002.

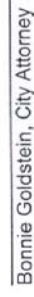
APPROVED:

  
Kathy Davis, Mayor

ATTEST:


  
Thomas E. Wyatt, City Secretary

APPROVED AS TO FORM:

  
Bonnie Goldstein, City Attorney

Collin County  
Engineering  
Department

# Memo

**To:** Jon Kleinheksel  
**From:** Linda James, Engineering   
**Date:** 3/18/03  
**Re:** Interlocal Agreement Between Collin County and The City of Prosper for Exclusive Control of Subdivision Plats in ETJ Area

Attached for your files is a fully executed copy of the above subject Interlocal Agreement with the City of Prosper.

Please call if you have any questions.

lrj

MD:\EITL\ASPUBLIC\WORK\SPROSPER

**AGREEMENT TO REGULATE SUBDIVISION PLATS AND  
RELATED PERMITS IN THE TOWN OF PROSPER'S  
EXTRATERRITORIAL JURISDICTION**

This Agreement to Regulate Subdivision Plats and Related Permits in the Town of Prosper's Extraterritorial Jurisdiction (Agreement) is made and entered into by and between the Town of Prosper, Texas (Town) and the County of Collin, Texas (County) under and in accordance with the provisions of the Interlocal Cooperation Act, Chapter 791, of the Texas Government Code.

WHEREAS, House Bill 1445 amended Section 242.001 of the Local Government Code to require that counties and cities enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and related permits within the Town's extraterritorial jurisdiction (ETJ) that is located in County; and

WHEREAS, Town and County desire to comply with Section 242.001 of the Local Government Code as amended by House Bill 1445.

NOW THEREFORE, for and in consideration of the mutual covenants, conditions, and policies expressed herein, Town and County agree as follows:

1. ETJ Boundaries. A portion of the Town's ETJ is located within the County. A map identifying the location of the ETJ as of the date of this Agreement is attached hereto as Exhibit A. The parties recognize that the boundaries of the ETJ may change in the future and acknowledge that this Agreement is meant to apply to the Town's entire ETJ that is located within County as it exists now or may exist in the future. The Town shall give notice of such change of the Town's ETJ boundary by filing with the County Clerk a copy of the ordinance or document changing the ETJ, and all actions required by this paragraph shall be considered

by the parties to be full compliance with the amendment and notice requirements of Section 242.001(c) of the Texas Local Government Code.

2. Regulation by Town. All subdivision plats and related permits for subdivisions located in the Town's ETJ shall be regulated by the Town and comply with all Town ordinances, as they exist or may be amended.

3. Submission to Town. All plat applications, related documents and related permit applications shall be submitted to the Town Administrator or his or her designee.

4. Term. The term of this Agreement is twenty-five (25) years, commencing on the date both County and Town have executed this Agreement.

5. Miscellaneous

- a) The Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Collin County, Texas.

- b) The individuals executing this Agreement on behalf of the respective parties below represent to each other and to the others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date thereof.

- c) This Agreement is executed by the parties hereto without coercion or duress

and for substantial consideration, the sufficiency of which is forever confessed.

- d) Any notice provided for under the terms of this Agreement by either party to the other shall be in writing and may be effected by registered or certified mail, return receipt requested. Notice to the Town of Prosper shall be sufficient if made or addressed to the Town Administrator, Town of Prosper, P.O. Box 307, Prosper, Texas 75078. Notice to Collin County shall be sufficient if made or addressed to County Judge, Ron Harris, 626 Courthouse, 210 S. McDonald Street, McKinney, Texas 75069. Each party may change the address to which notice may be sent to that party by giving notice of such change to the other parties in accordance with the provisions of this Agreement.

- e) This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

- f) In case any one or more of the provisions contained in this Agreement shall for any reason be held to be valid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as is such invalid, illegal or unenforceable provision had never been contained herein.

- g) Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had an opportunity to confer with its counsel.

- h) The parties agree this Agreement has been drafted jointly by the parties and

their legal representatives.

- i) This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by mutual written agreement of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective as of the latest date as reflected by the signatures below.

TOWN OF PROSPER, TEXAS

By: [Signature]  
Its: Mayor  
Date: August 22, 2002

COLLIN COUNTY, TEXAS

By: [Signature]  
Its: County Judge  
Date: 08/25/02  
Permit Order # 2002-205-03-25



TOWN OF PROSPER, TEXAS

RESOLUTION NO. 02-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF PROSPER, TEXAS TO EXECUTE AN AGREEMENT TO REGULATE SUBDIVISION PLATS AND RELATED PERMITS IN THE TOWN'S EXTRATERRITORIAL JURISDICTION BETWEEN COLLIN COUNTY, TEXAS AND THE TOWN OF PROSPER, TEXAS

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1: The Mayor of the Town of Prosper, Texas ("Prosper") is hereby authorized to execute, on behalf of the Prosper Town Council an Agreement to Regulate Subdivision Plats and Related Permits in the Town's Extraterritorial Jurisdiction between Collin County, Texas and Prosper, a copy of which is attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION 2: This Resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS on this 23 day of January, 2002.

ATTESTED AND CORRECTLY  
RECORDED:

Amber Phillips  
AMBER PHILLIPS,  
Town Secretary

James Dunnire  
JAMES DUNNIRE, Mayor

COURT ORDER NO. 2002- 205 -03-25

THE STATE OF TEXAS

COUNTY OF COLLIN

AGREEMENTS  
INTERLOCAL/ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

On March 25, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell

County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with the City of Prosper for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Prosper for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

NOT RECORDED

Ron Harris, County Judge

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Jack Hatchell, Commissioner, Pct. 4



ATTEST:

Helen Starnes  
Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS



TOWN OF PROSPER, TEXAS

RESOLUTION NO. 02-03

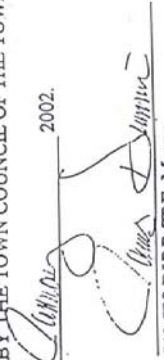
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, HEREBY AUTHORIZING THE MAYOR OF THE TOWN OF PROSPER, TEXAS TO EXECUTE AN AGREEMENT TO REGULATE SUBDIVISION PLATS AND RELATED PERMITS IN THE TOWN'S EXTRATERRITORIAL JURISDICTION BETWEEN COLLIN COUNTY, TEXAS AND THE TOWN OF PROSPER, TEXAS

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:


SECTION 1: The Mayor of the Town of Prosper, Texas ("Prosper") is hereby authorized to execute, on behalf of the Prosper Town Council an Agreement to Regulate Subdivision Plats and Related Permits in the Town's Extraterritorial Jurisdiction between Collin County, Texas and Prosper, a copy of which is attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION 2: This Resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS on this 23 day of January, 2002.

  
JAMES DUNNMIRE, Mayor

ATTESTED AND CORRECTLY  
RECORDED:

  
AMBER PHILLIPS,  
Town Secretary

AGREEMENT TO REGULATE SUBDIVISION PLATS AND  
RELATED PERMITS IN THE TOWN OF PROSPER'S  
EXTRATERRITORIAL JURISDICTION

This Agreement to Regulate Subdivision Plats and Related Permits in the Town of Prosper's Extraterritorial Jurisdiction (Agreement) is made and entered into by and between the Town of Prosper, Texas (Town) and the County of Collin, Texas (County) under and in accordance with the provisions of the Interlocal Cooperation Act, Chapter 791, of the Texas Government Code.

WHEREAS, House Bill 1445 amended Section 242.001 of the Local Government Code to require that counties and cities enter into a written agreement that identifies the governmental entity authorized to regulate subdivision plats and related permits within the Town's extraterritorial jurisdiction (ETJ) that is located in County; and

WHEREAS, Town and County desire to comply with Section 242.001 of the Local Government Code as amended by House Bill 1445.

NOW THEREFORE, for and in consideration of the mutual covenants, conditions, and policies expressed herein, Town and County agree as follows:

1. ETJ Boundaries. A portion of the Town's ETJ is located within the County. A map identifying the location of the ETJ as of the date of this Agreement is attached hereto as Exhibit A. The parties recognize that the boundaries of the ETJ may change in the future and acknowledge that this Agreement is meant to apply to the Town's entire ETJ that is located within County as it exists now or may exist in the future. The Town shall give notice of such change of the Town's ETJ boundary by filing with the County Clerk a copy of the ordinance or document changing the ETJ, and all actions required by this paragraph shall be considered

by the parties to be full compliance with the amendment and notice requirements of Section

242.001(c) of the Texas Local Government Code.

2. Regulation by Town. All subdivision plats and related permits for subdivisions located in the Town's ETJ shall be regulated by the Town and comply with all Town ordinances, as they exist or may be amended.

3. Submission to Town. All plat applications, related documents and related permit applications shall be submitted to the Town Administrator or his or her designee.

4. Term. The term of this Agreement is twenty-five (25) years, commencing on the date both County and Town have executed this Agreement.

5. Miscellaneous.

a) The Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Collin County, Texas.

b) The individuals executing this Agreement on behalf of the respective parties below represent to each other and to the others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date thereof.

c) This Agreement is executed by the parties hereto without coercion or duress

and for substantial consideration, the sufficiency of which is forever confessed.

d) Any notice provided for under the terms of this Agreement by either party to the other shall be in writing and may be effected by registered or certified mail, return receipt requested. Notice to the Town of Prosper shall be sufficient if made or addressed to the Town Administrator, Town of Prosper, P.O. Box 307, Prosper, Texas 75078. Notice to Collin County shall be sufficient if made or addressed to County Judge, Ron Harris, 626 Courthouse, 210 S. McDonald Street, McKinney, Texas 75069. Each party may change the address to which notice may be sent to that party by giving notice of such change to the other parties in accordance with the provisions of this Agreement.

e) This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

f) In case any one or more of the provisions contained in this Agreement shall for any reason be held to be valid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as is such invalid, illegal or unenforceable provision had never been contained herein.

g) Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had an opportunity to confer with its counsel.

h) The parties agree this Agreement has been drafted jointly by the parties and



their legal representatives.

- i) This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by mutual written agreement of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this

Agreement to be effective as of the latest date as reflected by the signatures below.

TOWN OF PROSPER, TEXAS

By: [Signature]

Its: [Signature]

Date: February 23, 2003

COLLIN COUNTY, TEXAS

By: \_\_\_\_\_

Its: \_\_\_\_\_

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





THE STATE OF TEXAS

COUNTY OF COLLIN

Subject: City – County Plat Approval Agreement, City of Rockwall – Engineering

On June 4, 2012, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Keith Self  
 Matt Shaheen  
 Cheryl Williams  
 Joe Jaynes Not Present  
 Duncan Webb

County Judge, Presiding  
 Commissioner, Precinct 1  
 Commissioner, Precinct 2  
 Commissioner, Precinct 3  
 Commissioner, Precinct 4

During such session the court considered a request for approval of a City – County Plat Approval Agreement.

Thereupon, a motion was made, seconded and carried with a majority vote of the court for approval of a City – County Plat Approval Agreement with the City of Rockwall for the enforcement of subdivision regulations within the City of Rockwall's ETJ (Extraterritorial Jurisdiction) and further authorize the County Judge to finalize and execute same. Same is hereby approved in accordance with the attached documentation.



ATTEST:

*Stacey Kemp*  
 Stacey Kemp, Ex-Officio Clerk  
 Commissioners Court  
 Collin County, TEXAS

Keith Self, County Judge

Matt Shaheen, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Not Present

Joe Jaynes, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

STATE OF TEXAS                   §  
    §       KNOW ALL MEN BY THESE PRESENTS:  
 COUNTY OF COLLIN           §

CITY – COUNTY PLAT APPROVAL AGREEMENT

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Rockwall, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), enacted by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is a County operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extraterritorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a home rule City of Texas, which has extraterritorial jurisdiction ("ETJ"), within Collin County, Texas, under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, Chapter 242, Local Government Code, was amended to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Ordinance or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fees Payments and Responses.* Pursuant to this Agreement, the Director of Planning and Development of the City is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application approving authority.



3. *Consolidated Regulations.* That the Subdivision Ordinance of the City is hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

County of Collin  
ATTN: County Judge

City of Rockwall  
ATTN: City Manager  
385 S. Goliad  
Rockwall, Texas 75087

9. In the event any section, subsection, paragraph, sentence, phrase or word of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.

13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City nor the County waives any immunity or defense that would otherwise be available to it against claims by third parties.

16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 5th day of June, 2012.

City of Rockwall, Texas

County of Collin, Texas

By: Rick Crowley  
Rick Crowley, City Manager

By: Keith Wiley  
County Judge

Attest:

Attest:

Quincy Gotberg  
City Secretary

Doreen Shepherd  
Secretary

Date: May 9, 2012

Date: 6/5/12

THE STATE OF TEXAS

COUNTY OF COLLIN

AGREEMENTS  
INTERLOCAL/ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

On March 25, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

Ron Harris	<b>NOT PRESENT</b>	County Judge, Presiding
Phyllis Cole		Commissioner, Precinct 1
Jerry Hoagland		Commissioner, Precinct 2
Joe Jaynes	<b>NOT PRESENT</b>	Commissioner, Precinct 3
Jack Hatchell		Commissioner, Precinct 4

During such session the court considered approval of an Interlocal Agreement with the City of St. Paul for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of St. Paul for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

**NOT PRESENT**

Ron Harris, County Judge

Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

**NOT PRESENT**

Jack Hatchell, Commissioner, Pct. 4

ATTEST:

*Helen Starnes*  
Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS



STATE OF TEXAS

COUNTY OF COLLIN

§ § §  
KNOW ALL MEN BY THESE PRESENTS:

**TOWN-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive Town Control)**

That this Agreement is entered into by and between the County of Collin, Texas, ("County") and the Town of St. Paul, Texas ("Town"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77th Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, Town is a general-law municipality of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42 of the Local Government Code; and

**WHEREAS**, H.B. 1445, effective September 1, 2001, as Section 242.001 of the Local Government Code, was enacted to require Town and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the Town;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. Town Granted Exclusive Jurisdiction. The parties agree that Town shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the Town's ETJ.
2. One Office for Plat Applications, Fee Payments and Responses. Pursuant to this Agreement, the Town Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the Town, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.



3. Consolidated Regulations. That the Subdivision Regulations of the Town are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the Town.

4. Areas Outside ETJ. In an unincorporated area outside the ETJ of the Town, the Town may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the Town expand or reduce its ETJ, Town shall promptly notify County of such expansion or reduction. Town and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the Town shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the Town's ETJ.

5. Costs. All costs involved with the approval of subdivision plats under this Agreement shall be borne by the Town and payable out of current revenues available to it. All fees collected by the Town will be the property of the Town.

6. Periodic Review. This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

#### Miscellaneous Provisions.

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

Town of St. Paul  
Attn: Town Secretary  
2505 Butscher's Block  
St. Paul, Texas 75098-8046

Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof

13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.

16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 15th day of March, 2002.

TOWN OF ST. PAUL, TEXAS

COLLIN COUNTY, TEXAS

By: Joyce Rockaus  
Name: Joyce Rockaus  
Title: Mayor

By: [Signature]  
Name: Paul Harris  
Title: City Judge

ATTEST:

---

Secretary

Date: \_\_\_\_\_, 2002.

## RESOLUTION NO. 02-03-11A

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require municipalities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits on the extra-territorial jurisdiction of municipalities; and

WHEREAS, the St. Paul Town Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the St. Paul Town Council, on behalf of the Town of St. Paul (hereinafter the "Town"), finds that the terms and conditions thereof are in the best interests of the Town and should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ST. PAUL, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The terms and conditions of the Agreement attached hereto as Exhibit "A" entitled "Town-County Plat Approval Agreement (Exclusive Town Control)" are approved.

SECTION 2. The Mayor of the Town is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the Town in order to carry out the intent and purposes of the Agreement.

SECTION 3. It is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.



DULY RESOLVED by the Town Council of the Town of St. Paul, Collin County, Texas, on this the 11th day of March 2002.

TOWN OF ST. PAUL

By:

Joyce Pockrus  
Joyce Pockrus, Mayor

ATTEST:

Marie Finley  
Marie Finley, Town Secretary

APPROVED AS TO FORM:

James W. Wilson  
James W. Wilson, Asst. Town Attorney

COURT ORDER NO. 2002- 208 -03-25

THE STATE OF TEXAS

COUNTY OF COLLIN

AGREEMENTS  
INTERLOCAL/ENFORCEMENT OF  
SUBDIVISION REGULATIONS  
CITY'S EXTRATERRITORIAL JURISDICTION  
ENGINEERING

On March 25, 2002, the Commissioners Court of Collin County, Texas, met in regular session with the following members present and participating, to wit:

NOT PRESENT

Ron Harris  
Phyllis Cole  
Jerry Hoagland  
Joe Jaynes  
Jack Hatchell

County Judge, Presiding  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

NOT PRESENT

During such session the court considered approval of an Interlocal Agreement with the City of Van Alstyne for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ).

Thereupon, a motion was made, seconded and carried with a majority vote of the court authorizing the Interlocal Agreement with the City of Van Alstyne for the Enforcement of Subdivision Regulations within the cities' Extraterritorial Jurisdiction (ETJ) and further authorize County Judge to execute same. Same is hereby approved as per the attached documentation.

NOT PRESENT

Ron Harris, County Judge

Phyllis Cole  
Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland  
Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes  
Joe Jaynes, Commissioner, Pct. 3

NOT PRESENT

Jack Hatchell, Commissioner, Pct. 4

ATTEST:

Helen Starnes  
Helen Starnes, Ex-Officio Clerk  
Commissioners' Court  
Collin County, TEXAS



STATE OF TEXAS

COUNTY OF COLLIN

KNOW ALL MEN BY THESE PRESENTS:

**CITY-COUNTY PLAT APPROVAL AGREEMENT**  
**(Exclusive City Control)**

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Van Alstyne, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a general law city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ and in any land area located inside the boundary established by City Ordinance No. 270 (sometimes referred to as 270 B) in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ or said area located inside the boundary established by City Ordinance No. 270 (sometimes referred to as 270 B). As the City of Van Alstyne, Texas, is located in both Collin and Grayson County, this agreement is only intended to regulate property located in Collin County, Texas.

2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City and in any land area located inside the boundary established by City Ordinance No. 270 (sometimes referred to as

270 B), to collect plat application fees established by law and ordinance, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City and the land area located inside the boundary established by City Ordinance No. 270 (sometimes referred to as 270 B).

4. *Areas Outside ETJ and Boundary.* In an unincorporated area outside the ETJ of the City and not located in any land area located inside the boundary established by City Ordinance No. 270 (sometimes referred to as 270 B), the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ and not in any land area located inside the boundary established by City Ordinance No. 270 (sometimes referred to as 270 B).

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

*Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of Van Alstyne

Attn: Mayor

Address: P.O. Box 247

Van Alstyne, TX 75495-0247

Collin County Engineering Dept.

825 N. McDonald St., #160

McKinney, Texas 75069

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.



10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.
11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering a joint enterprise.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ or in any land area located inside the boundary established by City Ordinance No. 270 (sometimes referred to as 270 B) of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 15th day of March, 2002

City of Van Alstyne, Texas

By: Benny W. Edwards

Name: Benny W. Edwards

Title: Mayor

ATTEST:

Wayne C. Chung  
City Secretary

Date: March 12, 2002

Collin County, Texas

By: Rox Harris

Name: Rox Harris

Title: City Judge

ATTEST:

Rox Harris  
Secretary

Date: 6-21 2002

# RESOLUTION NO. 2002-03-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF VAN ALSTYNE AND COLLIN COUNTY, TEXAS, PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require cities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extra-Territorial Jurisdiction of the city; and

WHEREAS, the Van Alstyne City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the City Council, on behalf of the City of Van Alstyne, hereinafter referred to as "City", finds that the terms and conditions thereof are in the best interests of the City and should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The terms and conditions of the Agreement attached hereto as Exhibit A entitled "City County Plat Approval Agreement (Exclusive City Control)" are approved.

SECTION 2. The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

SECTION 3. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall

not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

**DULY RESOLVED** by the City Council of the City of Van Alstyne, Collin County, Texas on this the 12<sup>th</sup> day of March, 2002.

APPROVED:

  
Benny W. Edwards, Mayor

ATTEST:

  
Wayne E. Cummings, City Secretary

STATE OF TEXAS                   §                   KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN       §                   §                   §

**CITY-COUNTY PLAT APPROVAL AGREEMENT**  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of McAllen, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

**WHEREAS**, County is operating under Sections 232.001-232.005 of the Local Government Code; and

**WHEREAS**, County does not contain extra-territorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

**WHEREAS**, City is a (home rule/general law) city, town or village of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

**WHEREAS**, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

**NOW, THEREFORE**, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.



3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.
  4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.
  5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.
  6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.
- Miscellaneous Provisions.*
7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.
  8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:  
 City of Wheaton Collin County Engineering Dept.  
 Attn: Patti Harrington 825 N. McDonald St., #160  
 Address: P.O. Box 248 McKinney, Texas 75069  
Wheaton, TX 75097
  9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.
  10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.
12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.
13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.
14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.
15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City or the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.
16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 21<sup>st</sup> day of February, 2002.

City of Wheaton, Texas

By: Patti Harrington  
 Name: PATTI HARRINGTON  
 Title: Mayor

ATTEST:  
Michele Smith  
 City Secretary  
 Date: 2/21/02, 2002



Collin County, Texas

By: Ron Huns  
 Name: RON HUNS  
 Title: County Judge  
2003-775-1015

ATTEST:  
Rodney Stalls  
 Secretary  
 Date: 10/22/03, 2002

**RESOLUTION NO. 2002-02-04**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WESTON AND COLLIN COUNTY, TEXAS, PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require cities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extra-Territorial Jurisdiction of the city; and

WHEREAS, the Weston City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the City Council, on behalf of the City of Weston, hereinafter referred to as "City", finds that the terms and conditions thereof are in the best interests of the City and should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The terms and conditions of the Agreement attached hereto as Exhibit A entitled "City County Plat Approval Agreement (Exclusive City Control)" are approved.

SECTION 2. The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

SECTION 3. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such

declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.

DULY RESOLVED by the City Council of the City of Weston, Collin County, Texas on this the 21<sup>st</sup> day of February, 2002.

APPROVED BY:

Patti Harrington  
Patti Harrington, Mayor

ATTEST:

Michele Smith  
Michele Smith, City Secretary

APPROVED AS TO FORM:

James Wilson  
James Wilson, City Attorney





# RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WYLIE, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WYLIE AND COLLIN COUNTY, TEXAS, PROVIDING FOR EXCLUSIVE CITY CONTROL OF SUBDIVISION REGULATIONS IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT AND ANY RELATED DOCUMENTS NECESSARY TO CARRY OUT ITS PURPOSE AND INTENT; PROVIDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 242.001 of Texas Local Government Code was enacted to require cities and counties to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the Extraterritorial Jurisdiction of the city; and

WHEREAS, the Wylie City Council has been presented a proposed Interlocal Cooperation Agreement by Collin County, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

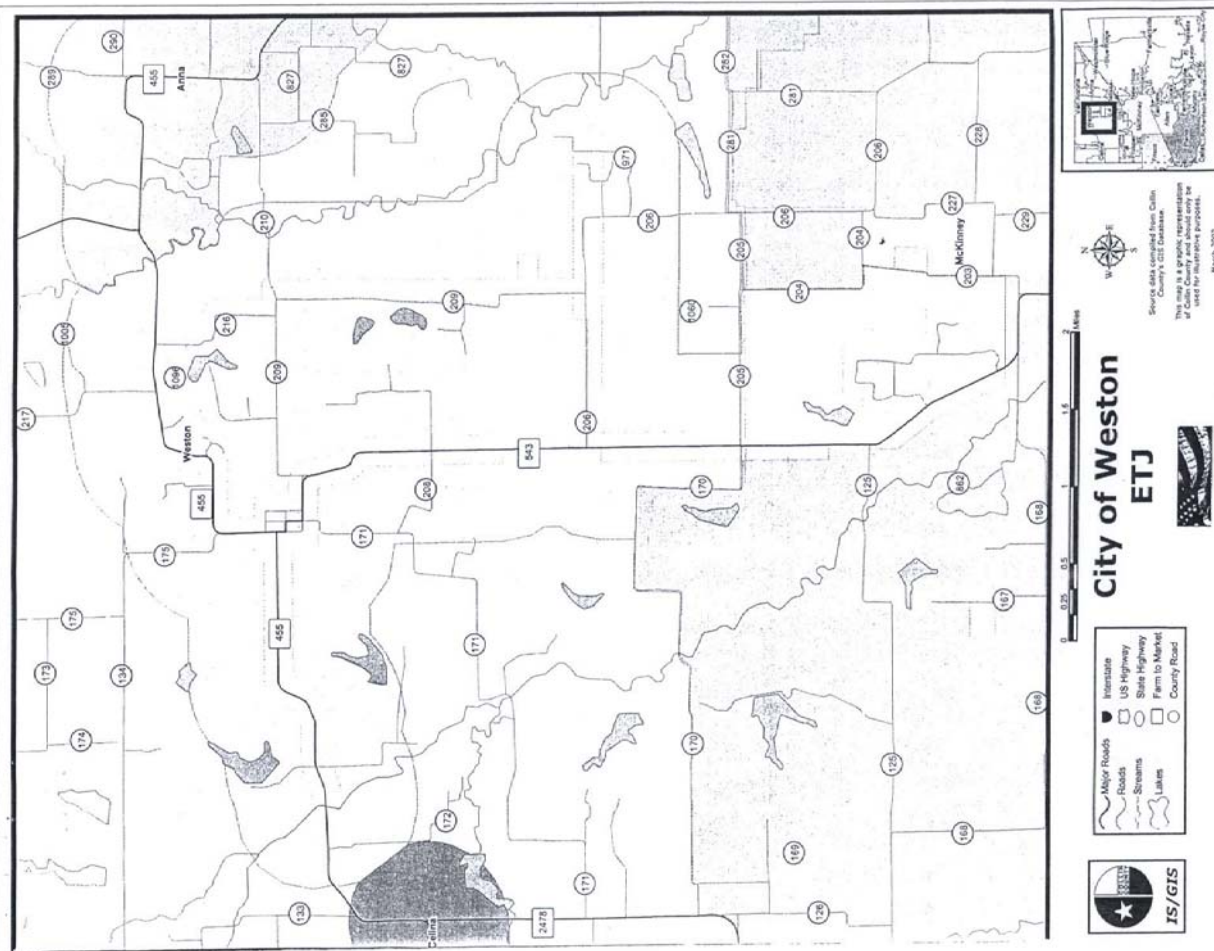
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The terms and conditions of the Agreement attached hereto as Exhibit A entitled "City County Plat Approval Agreement (Exclusive City Control)" are approved.

SECTION 2. The boundaries of the City's Extraterritorial Jurisdiction are as illustrated on hereto attached map as Exhibit B.

SECTION 3. The Mayor of the City is designated and authorized to execute the Agreement and all other documents necessary in connection thereof on behalf of the City, in order to carry out the intent and purposes of the Agreement.

SECTION 4. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Resolution and the Interlocal Agreement attached hereto be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Resolution and its attachment left standing.



DULY RESOLVED by the City Council of the City of Wylie, Collin County, Texas on  
this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

RESOLUTION # \_\_\_\_\_

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STATE OF TEXAS        §        KNOW ALL MEN BY THESE PRESENTS:  
                                 §         
COUNTY OF COLLIN   §

CITY-COUNTY PLAT APPROVAL AGREEMENT  
(Exclusive City Control)

That this Agreement is entered into by and between the County of Collin, Texas ("County") and the City of Wylie, Texas ("City"), in accordance with the provisions of House Bill 1445 ("H.B. 1445"), passed by the 77<sup>th</sup> Legislature of the State of Texas, and is to witness the following:

WHEREAS, County is operating under Sections 232.001-232.005 of the Local Government Code; and

WHEREAS, County does not contain extraterritorial jurisdiction of a municipality with a population of 1.9 million or more and is not within fifty miles of an international border and is not subject to Subchapter C, Chapter 232; and

WHEREAS, City is a home rule city of Collin County, Texas, which has extraterritorial jurisdiction ("ETJ") under the provisions of Chapter 42, Local Government Code; and

WHEREAS, House Bill 1445, effective September 1, 2001, as Section 242.001, Local Government Code, was enacted to require City and County to enter into an agreement that identifies the governmental entity authorized to regulate subdivision plats and approve related permits in the ETJ of the City;

NOW, THEREFORE, for and in consideration of the mutual promises and considerations herein expressed, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties hereto agree as follows:

1. *City Granted Exclusive Jurisdiction.* The parties agree that City shall be granted exclusive jurisdiction to regulate all subdivision plats and approve all related permits in its ETJ in accordance with Chapter 212 of the Local Government Code, its adopted Subdivision Regulations or other applicable codes or ordinances, and County shall no longer exercise any of these functions in the City's ETJ.
2. *One Office for Plat Applications, Fee Payments and Responses.* Pursuant to this Agreement, the City Secretary or his/her designee is authorized to accept plat applications for tracts of land located in the ETJ of the City, to collect plat application fees established by law, and provide applicants one response indicating approval or denial of the plat application by the appropriate approving authority.

INTERLOCAL AGREEMENT FOR ETJ

Page 1



3. *Consolidated Regulations.* That the Subdivision Regulations of the City are hereby established as a consolidated and consistent set of regulations related to plats and subdivisions of land as authorized by Chapters 212 and 232 of the Local Government Code, and will be enforced in the ETJ of the City.

4. *Areas Outside ETJ.* In an unincorporated area outside the ETJ of the City, the City may not regulate subdivisions or approve the filing of plats, and the County retains jurisdiction to do so. Should the City expand or reduce its ETJ, City shall promptly notify County of such expansion or reduction. City and County agree that such an expansion or reduction shall not require amendment of this Agreement, and the City shall continue to be granted exclusive jurisdiction to regulate subdivision plats and approve related permits in its ETJ, and the County shall continue to have jurisdiction of areas outside the City's ETJ.

5. *Costs.* All costs involved with the approval of subdivision plats under this Agreement shall be borne by the City and payable out of current revenues available to it. All fees collected by the City will be the property of the City.

6. *Periodic Review.* This Agreement may be reviewed periodically and revised to address changed circumstances. This Agreement may only be modified or amended by a subsequent Agreement in writing between the same parties.

#### *Miscellaneous Provisions.*

7. This Agreement shall not constitute an Agreement for the provision of governmental functions or services by either party for the other, except for the specific subject matter hereof.

8. All notices required to be given by virtue of this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid, or by hand delivery:

City of Wylie Planning Dept.  
Municipal Complex  
2000 Highway 78 North  
Wylie, Texas 75098

Collin County Engineering Dept.  
825 N. McDonald St., #160  
McKinney, Texas 75069

9. In the event any section, subsection, paragraph, sentence, phrase or work of this Agreement shall be held invalid, illegal or unconstitutional, the balance of the Agreement shall be severable, and shall be enforced as if the parties intended to delete the invalid portion.

10. This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District of Collin County, Texas. This Agreement is performable in Collin County, Texas.

11. This Agreement may be executed in identical counterparts, each of which shall be deemed an original and constitute one and the same instrument.

12. This Agreement embodies the complete agreement of the parties hereto, superseding all prior or contemporaneous, oral or written agreements between the parties relating to the subject matter hereof.

13. All Recitals contained in this Agreement are incorporated herein by reference for all purposes and specifically found to be true and correct by the parties hereto.

14. The undersigned officers of the parties hereto have been duly authorized by appropriate legislative action of their respective governing bodies to execute this Agreement and bind the represented party to the terms hereof.

15. This Agreement is not intended to and does not extend the liability of the parties beyond that provided by law. Neither the City nor the county waives any immunity or defense that would otherwise be available to it against claims by third parties. The City and County are not entering into a joint enterprise.

16. All rights, orders, approvals, permits, and legal or administrative proceedings, with regard to a subdivision plat of property in the ETJ of the City in existence at the effective date of this Agreement shall continue until consummation.

This Agreement shall become effective on the 25th day of March, 2002.

City of Wylie, Texas

By: Nancy Mann  
Name: Nancy Mann  
Title: Asst City Manager

Collin County, Texas

By: Ron Harris  
Name: Ron Harris  
Title: County Judge

ATTEST:

Sharon Johnson  
City Secretary

ATTEST:

Kimberly M. Stoddard  
Secretary

Date: May 10, 2002

Date: May 10, 2002

## **Appendix E. Notice of Intent**



# Notice of Intent (NOI) for Small Municipal Separate Storm Sewer Systems (MS4) authorized under TPDES Phase II MS4 General Permit TXR040000

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## IMPORTANT:

Use the [INSTRUCTIONS](#) to fill out each question in this form.

Once approved, your permit authorization can be viewed at:

<http://www.tceq.texas.gov/goto/wq-dpa>

## APPLICATION FEE:

You must pay the **\$400** Application Fee to TCEQ for the application to be complete.

Payment and NOI must be mailed to separate addresses.

You can pay online at: <http://www.tceq.texas.gov/goto/epay>

Select Fee Type: GENERAL PERMIT MS4 PHASE II STORMWATER DISCHARGE NOI  
APPLICATION

## Provide your payment information below, for verification of payment:

Mailed      Check/Money Order Number:   
Check/Money Order Amount:   
Name Printed on Check:   
EPAY      Voucher Number: 424523  
Is a copy of the Payment Voucher enclosed? ☒ Yes

**One (1) copy of the NOI, Stormwater Management Program (SWMP) cover sheet, and SWMP MUST be submitted with the original NOI, SWMP cover sheet, and SWMP.**

Is the copy attached? ☒ Yes

## REASON FOR APPLICATION:

Select the reason you are submitting this application:

- ☐ New authorization  
☒ Renewal of authorization number: TXR040035

**Note: An authorization cannot be renewed after July 23, 2019**

## Section 1. OPERATOR (Applicant)

- a) If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? CN 600745038
- b) What is the exact Legal Name of the entity (applicant) applying for this permit?  
Collin County
- c) Complete and attach a Core Data Form (TCEQ-10400) for this customer.

## Section 2. ANNUAL BILLING CONTACT

The operator is responsible for paying the annual water quality fee. The annual fee will be assessed to permits active on September 1 of each year. TCEQ will send a bill to the address provided in this section. The operator is responsible for terminating the permit when it is no longer needed.

Provide the name and contact information of the billing contact.

Prefix (Mr. or Ms.): Ms.

First and Last Name: Tracy Homfeld, P.E.

Title: Assistant Director

Organization Name: Collin County

Phone Number: 972-548-3733

Fax Number: 972-548-5555

Email: thomfeld@co.collin.tx.us

Mailing Address: 4690 Community Ave., Suite 200

City, State, and Zip Code: McKinney, Texas 75071

## Section 3. APPLICATION CONTACT

This is the person TCEQ will contact if additional information is needed about this application.

Provide the name and contact information of the application contact.

Prefix (Mr. or Ms.): Ms.

First and Last Name: Tracy Homfeld, P.E.

Title: Assistant Director

Organization Name: Collin County

Phone Number: 972-548-3733

Fax Number: 972-548-5555

Email: thomfeld@co.collin.tx.us

Mailing Address: 4690 Community Ave., Suite 200

City, State, and Zip Code: McKinney, Texas 75071



#### Section 4. REGULATED ENTITY (RE) INFORMATION FOR SITE

- a) If this is an existing permitted site, what is the Regulated Entity Number (RN) issued to this site? RN 105481071
- b) Name of site as known by the local community:  
Collin County MS4
- c) Name of the urbanized area(s) the Phase II MS4 is located within:  
Dallas-Fort Worth and McKinney
- d) Provide a brief description of the regulated MS4 boundaries: *Example: Area within the City of XXXX limits that is located within the xxx urbanized area:*  
Area within unincorporated Collin County located in the Dallas-Fort Worth or McKinney UA

#### Section 5. GENERAL CHARACTERISTICS

- a) Is this site located on Indian Country Lands?
- ☐ Yes, do not submit this form. You must obtain authorization through U.S. EPA Region 6.
- ☒ No, continue to item b
- b) Has TCEQ formally “designated” the small MS4 as needing coverage under this general permit?
- ☐ Yes. Attach a copy of the documentation sent to the MS4 by TCEQ.
- ☒ No
- c) Select the MS4 level, which is based on the population served within the urbanized area (UA) **based on the most recent Decennial Census at the time of issuance of the general permit.**
- ☐ **Level 1:** Traditional small MS4s with a population of less than 10,000.
- ☒ **Level 2:** Traditional small MS4s with a population of at least 10,000 but less than 40,000.
- Non-traditional MS4s: This level also includes all non-traditional small MS4s regardless of population unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage. *Examples of non-traditional small MS4s include counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts, and other special districts.*
- ☐ **Level 3:** Traditional small MS4s with a population of at least 40,000 but less than 100,000.
- ☐ **Level 4:** Traditional small MS4s with a population of 100,000 or more.
- d) What is the estimated current population served by your MS4 (regulated area?)  
10,000 People

e) Is the MS4 part of a coalition?

☐ Yes

☒ No

f) If yes, list the entity names of the coalition members responsible for implementation of the SWMP *and* their unique TXR04#### number.

- |    |                      |              |                      |
|----|----------------------|--------------|----------------------|
| 1. | <input type="text"/> | <u>TXR04</u> | <input type="text"/> |
| 2. | <input type="text"/> | <u>TXR04</u> | <input type="text"/> |
| 3. | <input type="text"/> | <u>TXR04</u> | <input type="text"/> |
| 4. | <input type="text"/> | <u>TXR04</u> | <input type="text"/> |
| 5. | <input type="text"/> | <u>TXR04</u> | <input type="text"/> |
| 6. | <input type="text"/> | <u>TXR04</u> | <input type="text"/> |

If needed, add a copy of this page to add more entities.

g) What is your annual reporting year?

☒ Calendar year

☐ Small MS4 General Permit year

☐ MS4 Fiscal year - What is the last month and day of the fiscal year?

h) Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this NOI has been developed according to the provisions of the Small MS4 General Permit TXR040000. ☒ Yes
2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP. ☒ Yes
3. Have the program elements in the previous SWMP been re-assessed and modified and new program elements been developed and implemented, as necessary?  
☒ Yes  
☐ No. This facility did not have a previous authorization.
4. Is the optional 7<sup>th</sup> Minimum Control Measure (MCM) for Municipal Construction Activities selected and included with the attached SWMP?  
☒ No. Continue to Question 5.  
☐ Yes.  
If yes, is MCM 7 limited to the regulated area within the urbanized area?  
☐ Yes. Continue to Question 5.  
☐ No

If No, then MCM 7 is included in the geographic area or boundary outside of the urbanized area. Note: *In this case, you must incorporate the entire area*

*(urbanized and non-urbanized areas) in the SWMP and implement all MCMs 1-7 in the urbanized and non-urbanized areas.*

5. Provide the name and contact information of the person responsible for implementing or coordinating implementation of the SWMP.

Prefix (Mr. or Ms.): Ms.

First and Last Name: Tracy Homfeld, P.E.

Title: Assistant Director

Organization Name: Collin County

Phone Number: 972-548-3733

Fax Number: 972-548-5555

Email: thomfeld@co.collin.tx.us

Mailing Address: 4690 Community Ave., Suite 200

City, State, and Zip Code: McKinney, Texas 75071

i) Discharge Information

1. What is the name of the waterbody(ies) receiving stormwater discharges from the MS4? 0820, 0820A, 0820B, 0820C, 0821, 0821C, 0821D, 0823D, 0827A
2. What is the classified segment number(s) that the discharges will eventually reach? 0820, 0821, 0823, 0827

Does the small MS4 discharge directly or indirectly into the classified segment(s)?

☒ Directly

☐ Indirectly

3. Are any of the waterbody(ies) receiving discharges from the small MS4 identified as impaired waters (Category 4 or 5) in the *Texas Integrated Report of Surface Water Quality*?

☒ Yes

What is the name of the impaired waterbody(ies) receiving the discharge from the small MS4? Rowlett Creek (0820B), Wilson Creek (0821C), East Fork Trinity River above Lake Lavon (0821D)

What is/are the pollutants(s) of concern? Bacteria

☐ No

4. Does the impaired water body(ies) have a TMDL (Category 4 waterbody)?

☐ Yes

What is/are the pollutants with a TMDL?

☒ No

5. Does your MS4 discharge into any other MS4 entity's jurisdiction prior to discharge into water in the state?

☒ Yes

What is the name of the MS4 operator? Allen, Carrollton, Celina, Dallas, Frisco, Lavon, Lowry Crossing, Lucas, McKinney, Melissa, Murphy, New Hope, Parker, Plano, Princeton, Prosper, St. Paul, Wylie

☐ No

6. Edwards Aquifer Rule

Is the discharge or potential discharge within the Recharge Zone, Contributing Zone, within the Contributing Zone within the Transition Zone, or zero to ten (0 to 10) miles upstream of the Recharge Zone of the Edwards Aquifer?

☐ Yes - **NOTE: A copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edwards Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the SWMP.**

☒ No

j) Public Participation Process

1. Provide the name and contact information of the person responsible for publishing notice of the executive director's preliminary determination on the MS4's NOI and SWMP?

Prefix (Mr. or Ms.): Ms.

First and Last Name: Tracy Homfeld, P.E.

Title: Assistant Director

Company: Collin County

Phone Number: 972-548-3733

Fax Number: 972-548-5555

Email: thomfeld@co.collin.tx.us

Mailing Address: 4690 Community Ave, Suite 200

Internal Routing (Mail Code, Etc.):

City, State, and Zip Code: McKinney, Texas 75071

2. Provide the name and location of the public place where copies of the NOI, SWMP, Small MS4 General Permit TXR040000, and general permit fact sheet may be viewed and copied by the public?

Name of Public Place: Collin County Engineering Department

Address of Public Place: 4690 Community Ave., Suite 200, McKinney, Texas 75071

County of Public Place: Collin

3. Provide the address for the website where the MS4's SWMP and annual report will be posted.

<https://www.collincountytexas.gov/engineering/stormwater/Pages/default.aspx>



☐ Do not have a website.

## Section 6. CERTIFICATION

I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000 issued January 24, 2019.

☒ Yes

I certify that the small MS4 qualifies for coverage under the Phase II (Small) MS4 General Permit TXR040000.

☒ Yes

I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed.

☒ Yes

I understand that authorizations active on September 1<sup>st</sup> of each year will be assessed an Annual Water Quality Fee.

☒ Yes

### Operator Certification

Operator Signatory Name: Chris Hill

Operator Signatory Title: County Judge

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under 30 Texas Administrative Code §305.44 to sign and submit this document, and can provide documentation in proof of such authorization upon request.

Signature (use blue ink): \_\_\_\_\_ Date: \_\_\_\_\_

Print this voucher for your records. If you are sending the TCEQ hardcopy documents related to this payment, include a copy of this voucher.

**Transaction Information**

**Voucher Number:** 424523  
**Trace Number:** 582EA000350882  
**Date:** 07/01/2019 08:58 PM  
**Payment Method:** CC - Authorization 0000071215  
**Amount:** \$400.00  
**Fee Type:** GENERAL PERMIT WATER DISCHARGE APPLICATION  
**ePay Actor:** Joan Flowers  
**Actor Email:** joan.flowers@jacobs.com  
**IP:** 67.44.224.89

**Payment Contact Information**

**Name:** Joan Flowers  
**Company:** Jacobs Engineering Group Inc  
**Address:** 777 Main Street, Fort Worth, TX 76102  
**Phone:** 817-897-1121

**Site Information**

**Site Name:** COLLIN COUNTY MS4  
**Site Address:** 4690 COMMUNITY AVE SUITE 200, MCKINNEY, TX 75071  
**Site Location:** AREAS WITHIN UNINCORPORATED COLLIN COUNTY LOCATED IN THE REGULATED UA

**Customer Information**

**Customer Name:** COLLIN COUNTY  
**Customer Address:** 4690 COMMUNITY AVE SUITE 200, MCKINNEY, TX 75071

**Other Information**

**Program Area ID:** TXR040035  
**Comments:** CN600745038, RN105481071

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## **Appendix F. TPDES Small MS4 General Permit for Storm Water Discharges from Small MS4s (TXR040000)**

# Texas Commission on Environmental Quality

P.O. Box 13087, Austin, Texas 78711-3087



## GENERAL PERMIT TO DISCHARGE UNDER THE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of  
402 of the Clean Water Act  
and Chapter 26 of the Texas Water Code

This permit supersedes and replaces  
TPDES General Permit No. TXR040000, issued December 13, 2013

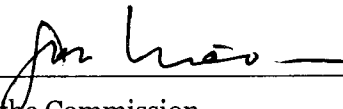
Small Municipal Separate Storm Sewer Systems  
located in the state of Texas  
may discharge directly to surface water in the state

only according to requirements and conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, five years after the permit effective date.

EFFECTIVE DATE: 1-24-19

ISSUED DATE: 1-24-19

  
\_\_\_\_\_  
For the Commission



**TCEQ GENERAL PERMIT NUMBER TXR040000  
RELATING TO DISCHARGES FROM  
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

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**Part I. Definitions**

**Arid Areas** - Areas with an average annual rainfall of less than ten (10) inches.

**Benchmarks** – A benchmark pollutant value is a guidance level indicator that helps determine the effectiveness of chosen best management practices (BMPs). This type of monitoring differs from “compliance monitoring” in that exceedances of the indicator or benchmark level are not permit violations, but rather indicators that can help identify problems at the MS4 with exposed or unidentified pollutant sources; or control measures that are either not working correctly, whose effectiveness need to be re-considered, or that need to be supplemented with additional BMP(s).

**Best Management Practices (BMPs)** - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

**Catch basins** - Storm drain inlets and curb inlets to the storm drain system. Catch basins typically include a grate or curb inlet that may accumulate sediment, debris, and other pollutants.

**Classified Segment** - A water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 Texas Administrative Code (TAC) § 307.10.

**Clean Water Act (CWA)** - The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

**Common Plan of Development or Sale** - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

**Construction Activity** - Soil disturbance, including clearing, grading, excavating, and other construction related activities (e.g., stockpiling of fill material and demolition); and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

**Small Construction Activity** is construction activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.

**Large Construction Activity** is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

**Construction Site Operator** - The entity or entities associated with a small or large construction project that meet(s) either of the following two criteria:

- (a) The entity or entities that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or
- (b) The entity or entities that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a stormwater pollution prevention plan (SWP3) for the site or other permit conditions (for example they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

**Control Measure** - Any BMP or other method used to prevent or reduce the discharge of pollutants to water in the state.

**Conveyance** - Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

**Discharge** – When used without a qualifier, refers to the discharge of stormwater runoff or certain non-stormwater discharges as allowed under the authorization of this general permit.

**Edwards Aquifer** - As defined in 30 TAC §213.3 (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

**Edwards Aquifer Recharge Zone** - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the TCEQ or the TCEQ website.

**Final Stabilization** - A construction site where any of the following conditions are met:

- (a) All soil disturbing activities at the site have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (b) For individual lots in a residential construction site by either:
  - (1) The homebuilder completing final stabilization as specified in condition (a) above; or
  - (2) The homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

- (c) For construction activities on land used for agricultural purposes (for example pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.
- (d) In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
  - (1) Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and
  - (2) The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.

**General Permit** - A permit issued to authorize the discharge of waste into or adjacent to water in the state for one or more categories of waste discharge within a geographical area of the state or the entire state as provided by Texas Water Code (TWC) §26.040.

**Groundwater Infiltration** - For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

**High Priority Facilities** - High priority facilities are facilities with a high potential to generate stormwater pollutants. These facilities must include, at a minimum, the MS4 operator's maintenance yards, hazardous waste facilities, fuel storage locations, and other facilities where chemicals or other materials have a high potential to be discharged in stormwater. Among the factors that must be considered when giving a facility a high priority ranking are: the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s).

**Hyperchlorinated Water** – Water resulting from hyperchlorination of waterlines or vessels, with a chlorine concentration greater than 10 milligrams per liter (mg/L).

**Illicit Connection** - Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

**Illicit Discharge** - Any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire fighting activities.

**Impaired Water** - A surface water body that is identified as impaired on the latest approved CWA §303(d) List or waters with an EPA approved or established TMDL that are found on the latest EPA approved *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.

**Implementation Plan (I-Plan)** – A detailed plan of action that describes the measures or activities necessary to achieve the pollutant reductions identified in the total maximum daily load (TMDL).

**Indian Country** - Defined in 18 USC § 1151 as: (a) All land within the limits of any Indian reservation under the jurisdiction of the United States (U.S.) Government, notwithstanding the

issuance of any patent, and including rights-of-way running through the reservation; (b) All dependent Indian communities within the borders of the U.S. whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

**Indicator Pollutant** - An easily measured pollutant, that may or may not impact water quality that indicates the presence of other stormwater pollutants.

**Industrial Activity** - Any of the ten (10) categories of industrial activities included in the definition of “stormwater discharges associated with industrial activity” as defined in 40 Code of Federal Regulations (CFR) §122.26(b)(14)(i)-(ix) and (xi).

**Infeasible** - For the purpose of this permit, infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices. The TCEQ notes that it does not intend for any small MS4 permit requirement to conflict with state water right laws.

**Maximum Extent Practicable (MEP)** - The technology-based discharge standard for municipal separate storm sewer systems (MS4s) to reduce pollutants in stormwater discharges that was established by the CWA § 402(p). A discussion of MEP as it applies to small MS4s is found in 40 CFR § 122.34.

**MS4 Operator** - For the purpose of this permit, the public entity or the entity contracted by the public entity, responsible for management and operation of the small municipal separate storm sewer system that is subject to the terms of this general permit.

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

- (a) Owned or operated by the U.S., a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under the CWA §208 that discharges to surface water in the state;
- (b) That is designed or used for collecting or conveying stormwater;
- (c) That is not a combined sewer; and
- (d) That is not part of a publicly owned treatment works (POTW) as defined in 40 CFR §122.2.

**Non-traditional Small MS4** - A small MS4 that often cannot pass ordinances and may not have the enforcement authority like a traditional small MS4 would have to enforce the stormwater management program. Examples of non-traditional small MS4s include counties, transportation authorities (including the Texas Department of Transportation), municipal utility districts, drainage districts, military bases, prisons and universities.

**Notice of Change (NOC)** - A written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent.



**Notice of Intent (NOI)** - A written submission to the executive director from an applicant requesting coverage under this general permit.

**Notice of Termination (NOT)** - A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage under this general permit.

**Outfall** - A point source at the point where a small MS4 discharges to waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S. For the purpose of this permit, sheet flow leaving a linear transportation system without channelization is not considered an outfall. Point sources such as curb cuts; traffic or right-of-way barriers with drainage slots that drain into open culverts, open swales or an adjacent property, or otherwise not actually discharging into waters of the U.S. are not considered an outfall.

**Permittee** - The MS4 operator authorized under this general permit.

**Point Source** - (from 40 CFR § 122.22) any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollutant(s) of Concern** – For the purpose of this permit, includes biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. (Definition from 40 CFR § 122.32(e)(3)).

**Redevelopment** - Alterations of a property that changed the "footprint" of a site or building in such a way that there is a disturbance of equal to or greater than one (1) acre of land. This term does not include such activities as exterior remodeling, routine maintenance activities, and linear utility installation.

**Semiarid Areas** - Areas with an average annual rainfall of at least ten (10) inches, but less than 20 inches.

**Small Municipal Separate Storm Sewer System (MS4)** – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (a) Owned or operated by the U.S., a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under CWA § 208;
- (b) Designed or used for collecting or conveying stormwater;
- (c) Which is not a combined sewer;
- (d) Which is not part of a POTW as defined in 40 CFR § 122.2; and
- (e) Which was not previously regulated under a National Pollutant Discharge Elimination System (NPDES) or a Texas Pollutant Discharge Elimination System (TPDES)

individual permit as a medium or large municipal separate storm sewer system, as defined in 40 CFR §§122.26(b)(4) and (b)(7).

This term includes systems similar to separate storm sewer systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to a small MS4 that is also operated by that public entity.

**Stormwater and Stormwater Runoff** - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

**Stormwater Associated with Construction Activity** - Stormwater runoff from an area where there is either a large construction or a small construction activity.

**Stormwater Management Program (SWMP)** - A comprehensive program to manage the quality of discharges from the municipal separate storm sewer system.

**Structural Control (or Practice)** - A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

**Surface Water in the State** - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

**Total Maximum Daily Load (TMDL)** - The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

**Traditional Small MS4** - A small MS4 that can pass ordinances and have the enforcement authority to enforce the stormwater management program. An example of traditional MS4s includes cities.

**Urbanized Area (UA)** - An area of high population density that may include multiple small MS4s as defined and used by the U.S. Census Bureau in the 2000 and the 2010 Decennial Census.

**Waters of the United States** - (According to 40 CFR § 122.2) Waters of the United States or waters of the U.S. means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate wetlands;

- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.

## **Part II. Permit Applicability and Coverage**

This general permit provides authorization for stormwater and certain non-stormwater discharges from small municipal separate storm sewer systems (MS4) to surface water in the state. The general permit contains requirements applicable to all small MS4s that are eligible for coverage under this general permit.

### **Section A. Small MS4s Eligible for Authorization under this General Permit**

Discharges from a small MS4 must be authorized if any of the following criteria are met and may be authorized under this general permit if coverage is not otherwise prohibited.

#### **1. Small MS4s Located in an Urbanized Area**

Operators of small MS4s that are fully or partially located within an urbanized area (UA), as determined by the 2000 or 2010 Decennial Censuses by the U.S. Census Bureau, must obtain authorization for the discharge of stormwater runoff and are eligible for coverage under this general permit unless otherwise prohibited.

#### **2. Designated Small MS4s**

A small MS4 that is outside an urbanized area that is *designated* by TCEQ based on evaluation criteria as required by 40 CFR § 122.32(a)(2) or 40 CFR § 122.26(a)(1)(v) and adopted by reference in Title 30, TAC § 281.25, is eligible for coverage under this general permit. Following designation, operators of small MS4s must obtain authorization under this general permit or apply for coverage under an individual TPDES stormwater permit within 180 days of notification of their designation.

#### **3. Operators of Previously Permitted Small MS4s**

Operators of small MS4s that were covered under the previous TPDES general permit for small MS4s (TXR040000, issued and effective on December 13, 2013) must reapply for permit coverage, or must obtain a waiver if applicable (see Part II.B, related to Obtaining a Waiver.)

#### **4. Regulated Portion of Small MS4**

The portion of the small MS4 that is required to meet the conditions of this general permit are those portions that are located within the UA as defined and used by the U.S. Census Bureau in the 2000 or 2010 Censuses, as well as any portion of the small MS4 that is designated by TCEQ.

For the purpose of this permit, the regulated portion of a small MS4 for a transportation entity is the land owned by the permittee within the UA which functions as, or is integral to a transportation system with drainage conveyance. Non-contiguous property that does not drain into the transportation drainage system is not subject to this general permit.

#### **5. Categories of Regulated Small MS4s**

This permit defines MS4 operators by the following categories, or levels, based on the population served within the 2010 UA. The level of a small MS4 may change during the permit term based on the MS4 operator acquiring or giving up regulated area, such as by annexing land or if land is annexed away. However, the level of a small MS4 will not change during the permit term based on population fluctuation.



The level of an MS4 is based on most the recent Decennial Census at the time of permit issuance. A national Census held during a permit term will not affect the level of an MS4 until the next permit renewal.

- (a) Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within a UA;
- (b) Level 2: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within a UA. This category also includes all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the UA, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served;
- (c) Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within a UA;
- (d) Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within a UA.

For the purpose of this section “serve a population” means the residential population within the regulated portion of the small MS4 based on the 2010 Census, except for non-traditional small MS4s listed in (b) above.

## **Section B. Available Waivers from Coverage**

The TCEQ may waive permitting requirements for small regulated MS4 operators if the criteria are met for Waiver Option 1 or 2 below. To obtain Waiver Option 1, the MS4 operator must submit the request on a waiver form provided by the executive director, or, starting from December 21, 2020, complete the form electronically via the online e-permitting system available through the TCEQ website.

To obtain Waiver Option 2, the MS4 operator must contact the executive director and coordinate the activities required to meet the waiver conditions. A provisional waiver from permitting requirements begins 30 days after an administratively complete waiver form is postmarked for delivery to the TCEQ, or starting from December 21, 2020, complete the form electronically via the online e-permitting system available through the TCEQ website.

Following review of the waiver form, the executive director may: (1) Determine that the waiver form is technically complete and approve the waiver by providing a notification and a waiver number; (2) Determine that the waiver form is incomplete and deny the waiver until a completed waiver form is submitted; or (3) Deny the waiver and require that permit coverage be obtained.

If the conditions of a waiver are not met by the MS4 operator, then the MS4 operator must submit an application for coverage under this general permit or a separate TPDES permit application.

At any time the TCEQ may require a previously waived MS4 operator to comply with this general permit or another TPDES permit if circumstances change so that the conditions of the waiver are no longer met. Changed circumstances can also allow a regulated MS4 operator to request a waiver at any time.

At any time the TCEQ can request to review any waivers granted to MS4 operators to determine whether any of the information required for granting the waiver has changed. At

a minimum TCEQ will review all waivers when MS4 operators submit their renewal waiver applications.

For the purpose of obtaining a waiver, the population served refers to the residential population for traditional small MS4s and for certain non-traditional small MS4s with a residential population (such as counties and municipal utility districts). For other non-traditional small MS4s, the population served refers to the number of people using the small MS4 on an average operational day.

Effective December 21, 2020, applicants must submit a waiver using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization.

### **1. Waiver Option 1:**

The small MS4 serves a population of less than 1,000 within a UA and meets the following criteria:

- (a) The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES stormwater program (40 CFR § 122.32(d)); and
- (b) If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern.

### **2. Waiver Option 2:**

The small MS4 serves a population under 10,000 within a UA and meets the following criteria:

- (a) The TCEQ has evaluated all waters of the U.S., including small streams, tributaries, lakes, and ponds, that receive a discharge from the small MS4;
- (b) For all such waters, the TCEQ has determined that stormwater controls are not needed based on wasteload allocations that are part of an approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern; and
- (c) The TCEQ has determined that future discharges from the small MS4 do not have the potential to exceed Texas surface water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.
- (d) For the purpose of this paragraph (2.), the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the small MS4.

**Section C. Allowable Non-Stormwater Discharges**

The following non-stormwater sources may be discharged from the small MS4 and are not required to be addressed in the small MS4's Illicit Discharge and Detection or other minimum control measures, unless they are determined by the permittee or the TCEQ to be significant contributors of pollutants to the small MS4, or they are otherwise prohibited by the MS4 operator:

1. Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;
4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;
12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
14. Street wash water excluding street sweeper waste water;
15. Discharges or flows from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) TXR050000 or the TPDES Construction General Permit (CGP) TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

**Section D. Limitations on Permit Coverage****1. Discharges Authorized by Another TPDES Permit**

Discharges authorized by an individual or other general TPDES permit may be authorized under this TPDES general permit only if the following conditions are met:

- (a) The discharges meet the applicability and eligibility requirements for coverage under this general permit;
- (b) A previous application or permit for the discharges has not been denied, terminated, or revoked by the executive director as a result of enforcement or water quality related concerns. The executive director may provide a waiver to this provision based on new circumstances at the regulated small MS4; and
- (c) The executive director has not determined that continued coverage under an individual permit is required based on consideration of an approved total maximum daily loading (TMDL) model and implementation plan, anti-backsliding policy, history of substantive non-compliance or other 30 TAC Chapter 205 considerations and requirements, or other site-specific considerations.

## **2. Discharges of Stormwater Mixed with Non-Stormwater**

Stormwater discharges that combine with sources of non-stormwater are not eligible for coverage by this general permit, unless either the non-stormwater source is described in Part II.C of this general permit or the non-stormwater source is authorized under a separate TPDES permit.

## **3. Compliance with Water Quality Standards**

Discharges to surface water in the state that would cause, has the reasonable potential to cause, or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit except as described in Part II.D.4 below. The executive director may require an application for an individual permit or alternative general permit to authorize discharges to surface water in the state if the executive director determines that an activity will cause has the reasonable potential to cause, or contribute to, a violation of water quality standards or is found to cause, have the reasonable potential to cause, or contribute to the impairment of a designated use of surface water in the state. The executive director may also require an application for an individual permit based on factors described in Part II.F.2.

## **4. Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements**

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved TMDL are not eligible for this general permit unless they are consistent with the approved TMDL. A water body is impaired for purposes of the permit if it has been identified, pursuant to the latest TCEQ and EPA approved CWA §303(d) list or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies, as not meeting Texas Surface Water Quality Standards.

The permittee shall check annually, in conjunction with preparation of the annual report, whether an impaired water within its permitted area has been added to the latest EPA approved 303(d) list or the *Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies. Within two years following the approval date of the new list(s) of impaired waters, the permittee shall comply with the requirements of Part II.D.4.(b) (with the exception of (b)(1)c), and shall identify any newly listed waters in the annual report (consistent with Part IV.B.2.f) and SWMP (consistent with Part III.A.2.f).



The permittee shall control the discharges of pollutant(s) of concern to impaired waters and waters with approved TMDLs as provided in sections (a) and (b) below, and shall assess the progress in controlling those pollutants.

(a) Discharges to Water Quality Impaired Water Bodies with an Approved TMDL

If the small MS4 discharges to an impaired water body with an approved TMDL, where stormwater has the potential to cause or contribute to the impairment, the permittee shall include in the SWMP controls targeting the pollutant(s) of concern along with any additional or modified controls required in the TMDL and this section.

The SWMP and required annual reports must include information on implementing any targeted controls required to reduce the pollutant(s) of concern as described below:

(1) Targeted Controls

The SWMP must include a detailed description of all targeted controls to be implemented, such as identifying areas of focused effort or implementing additional Best Management Practices (BMPs) to reduce the pollutant(s) of concern in the impaired waters.

(2) Measurable Goals

For each targeted control, the SWMP must include a measurable goal and an implementation schedule describing BMPs to be implemented during each year of the permit term.

(3) Identification of Benchmarks

The SWMP must identify a benchmark for the pollutant(s) of concern. Benchmarks are designed to assist in determining if the BMPs established are effective in addressing the pollutant(s) of concern in stormwater discharge(s) from the MS4 to the maximum extent practicable (MEP). The BMPs addressing the pollutant of concern must be re-evaluated on an annual basis for progress towards the benchmarks and modified as necessary within an adaptive management framework. These benchmarks are not numeric effluent limitations or permit conditions but intended to be guidelines for evaluating progress towards reducing pollutant discharges consistent with the benchmarks. The exceedance of a benchmark is not a permit violation and does not in itself indicate a violation of instream water quality standards.

The benchmark must be determined based on one of the following options:

- a. If the MS4 is subject to a TMDL that identifies a Waste Load Allocation(s) (WLA) for permitted MS4 stormwater sources, then the SWMP may identify it as the benchmark. Where an aggregate allocation is used as a benchmark, all affected MS4 operators are jointly responsible for progress in meeting the benchmark and shall (jointly or individually) develop a monitoring/assessment plan as required in Part II.D.4(a)(6).
- b. Alternatively, if multiple small MS4s are discharging into the same impaired water body with an approved TMDL, with an aggregate WLA for all permitted stormwater MS4s, then the MS4s may combine or share efforts to determine an alternative sub-benchmark value for the pollutant(s) of concern (e.g., bacteria) for their respective MS4. The SWMP must clearly define this alternative approach and must describe how the sub-benchmark value would cumulatively support the aggregate WLA. Where an aggregate benchmark has

been broken into sub-benchmark values for individual MS4s, each permittee is only responsible for progress in meeting its sub-benchmark value.

**(4) Annual Report**

The annual report must include an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark value.

**(5) Impairment for Bacteria**

If the pollutant of concern is bacteria, the permittee shall implement BMPs addressing the below areas, as applicable, in the SWMP and implement as appropriate. If a TMDL Implementation Plan (I-Plan) is available, the permittee may refer to the I-Plan for appropriate BMPs. The SWMP and annual report must include the selected BMPs. Permittees may not exclude BMPs associated with the minimum control measures required under 40 CFR §122.34 from their list of proposed BMPs. Proposed BMPs will be reviewed by the executive director during the NOI and SWMP review and approval process.

The BMPs shall, as appropriate, address the following:

**a. Sanitary Sewer Systems**

- (i) Make improvements to sanitary sewers to reduce overflows;
- (ii) Address lift station inadequacies;
- (iii) Improve reporting of overflows; and
- (iv) Strengthen sanitary sewer use requirements to reduce blockage from fats, oils, and grease.

**b. On-site Sewage Facilities (for entities with appropriate jurisdiction)**

- (i) Identify and address failing systems; and
- (ii) Address inadequate maintenance of On-Site Sewage Facilities (OSSFs).

**c. Illicit Discharges and Dumping**

Place additional effort to reduce waste sources of bacteria; for example, from septic systems, grease traps, and grit traps.

**d. Animal Sources**

Expand existing management programs to identify and target animal sources such as zoos, pet waste, and horse stables.

**e. Residential Education**

Increase focus to educate residents on:

- (i) Bacteria discharging from a residential site either during runoff events or directly;
- (ii) Fats, oils, and grease clogging sanitary sewer lines and resulting overflows;
- (iii) Maintenance and operation of decorative ponds; and
- (iv) Proper disposal of pet waste.

(6) Monitoring or Assessment of Progress

The permittee shall develop a Monitoring/Assessment Plan to monitor or assess progress in achieving benchmarks and determine the effectiveness of BMPs, and shall include documentation of this monitoring or assessment in the SWMP and annual reports. In addition, the SWMP must include methods to be used.

- a. The permittee may use either of the following methods to evaluate progress towards the benchmark and improvements in water quality in achieving the water quality standards as follows:

(i) Evaluating Program Implementation Measures

The permittee may evaluate and report progress towards the benchmark by describing the activities and BMPs implemented, by identifying the appropriateness of the identified BMPs, and by evaluating the success of implementing the measurable goals.

The permittee may assess progress by using program implementation indicators such as: (1) number of sources identified or eliminated; (2) decrease in number of illegal dumping; (3) increase in illegal dumping reporting; (4) number of educational opportunities conducted; (5) reductions in sanitary sewer flows (SSOs); or, (6) increase in illegal discharge detection through dry screening, etc.; or

(ii) Assessing Improvements in Water Quality

The permittee may assess improvements in water quality by using available data for segment and assessment units of water bodies from other reliable sources, or by proposing and justifying a different approach such as collecting additional instream or outfall monitoring data, etc. Data may be acquired from TCEQ, local river authorities, partnerships, and/or other local efforts as appropriate.

- b. Progress towards achieving the benchmark shall be reported in the annual report. Annual reports shall report the benchmark and the year(s) during the permit term that the MS4 conducted additional sampling or other assessment activities.

(7) Observing no Progress Towards the Benchmark

If, by the end of the third year from the effective date of the permit, the permittee observes no progress toward the benchmark either from program implementation or water quality assessments as described in Part II.D.4(a)(6), the permittee shall identify alternative focused BMPs that address new or increased efforts towards the benchmark or, as appropriate, shall develop a new approach to identify the most significant sources of the pollutant(s) of concern and shall develop alternative focused BMPs for those (this may also include information that identifies issues beyond the MS4's control). These revised BMPs must be included in the SWMP and subsequent annual reports.

Where the permittee originally used a benchmark value based on an aggregated WLA, the permittee may combine or share efforts with other MS4s discharging to the same watershed to determine an alternative sub-benchmark value for the pollutant(s) of concern for their respective MS4s, as described in Part II.D.4(a)(3)(b) above. Permittees must document, in their SWMP for the next permit term, the proposed schedule for the development and subsequent adoption

of alternative sub-benchmark value(s) for the pollutant(s) of concern for their respective MS4s and associated assessment of progress in meeting those individual benchmarks.

(b) Discharges Directly to Water Quality Impaired Water Bodies without an Approved TMDL

The permittee shall also determine whether the permitted discharge is directly to one or more water quality impaired water bodies where a TMDL has not yet been approved by TCEQ and EPA. If the permittee discharges directly into an impaired water body without an approved TMDL, the permittee shall perform the following activities:

(1) Discharging a Pollutant of Concern

- a. The permittee shall determine whether the small MS4 may be a source of the pollutant(s) of concern by referring to the CWA §303(d) list and then determining if discharges from the MS4 would be likely to contain the pollutant(s) of concern at levels of concern.
- b. If the permittee determines that the small MS4 may discharge the pollutant(s) of concern to an impaired water body without an approved TMDL, the permittee shall ensure that the SWMP includes focused BMPs, along with corresponding measurable goals, that the permittee will implement, to reduce, the discharge of pollutant(s) of concern that contribute to the impairment of the water body.
- c. In addition, the permittee shall submit an NOC to amend the SWMP in accordance with Part II.E.6 to include any additional BMPs to address the pollutant(s) of concern. This requirement does not apply to BMPs implemented to address impaired waters that are listed after permit authorization pursuant to Part II.D.4.

(2) Impairment of Bacteria

Where the impairment is for bacteria, the permittee shall identify potential significant sources and develop and implement focused BMPs for those sources. The permittee may implement the BMPs listed in Part II.D.4(a)(5) or proposed alternative BMPs as appropriate.

- (3) The annual report must include information on compliance with this section, including results of any sampling conducted by the permittee.

## **5. Discharges to the Edwards Aquifer Recharge Zone**

Discharges of stormwater from regulated small MS4s, and other non-stormwater discharges, are not authorized by this general permit where those discharges are prohibited by 30 TAC Chapter 213 (Edwards Aquifer Rule). New discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone, must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

For existing discharges, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater



runoff are in addition to the effluent limitation requirements found in Part VI.D. of this general permit.

The permittee's agency-approved WPAPs that are required by the Edwards Aquifer Rule must be referenced in the SWMP. Additional agency-approved WPAPs received after the SWMP submittal must be recorded in the annual report for each respective permit year. For discharges originating from the small MS4 permitted area, and located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the MS4 NOI to the appropriate TCEQ Regional Office with each WPAP application.

*Counties:* Comal, Bexar, Medina, Uvalde, and Kinney

*Contact:*

TCEQ, Water Program Manager  
San Antonio Regional Office  
14250 Judson Road  
San Antonio, Texas 78233-4480  
(210) 490-3096

*Counties:* Williamson, Travis, and Hays

*Contact:*

TCEQ, Water Program Manager  
Austin Regional Office  
12100 Park 35 Circle, Bldg. A, Rm 179  
Austin, Texas 78753  
(512) 339-2929

## **6. Discharges to Specific Watersheds and Water Quality Areas**

Discharges of stormwater from regulated small MS4s and other non-stormwater discharges are not authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

## **7. Protection of Streams and Watersheds by Home Rule Municipalities**

This general permit does not limit the authority of a home-rule municipality provided by Texas Local Government Code § 401.002.

## **8. Indian Country Lands**

Stormwater runoff from small MS4s that occur on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from the U.S. EPA.

## **9. Endangered Species Act**

Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this permit. Federal requirements related to endangered species apply to all TPDES permitted discharges, and site-specific controls may

be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee shall contact TCEQ for additional information prior to submittal of the NOI and SWMP. If adverse impact is determined after submittal of the NOI and SWMP or after permit issuance, the permittee shall contact TCEQ immediately to determine corrective action and potential modification to the MS4's permit.

## **10. Other**

Nothing in Part II of the general permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC § 70.7.

This permit does not transfer liability for the act of discharging without, or in violation of, a NPDES or a TPDES permit from the operator of the discharge to the permittee(s).

## **Section E. Obtaining Authorization**

### **1. Application for Coverage**

When submitting a notice of intent (NOI) and SWMP, for coverage under this general permit, as described in Parts II.E.3., II.E.8, and Part III, the applicant must follow the public notice and availability requirements found in Part II.E.16 of this general permit.

Applicants seeking authorization to discharge under this general permit must submit a completed NOI on a form approved by the executive director, and a SWMP as described in Part III. The NOI and SWMP must be submitted to the TCEQ Water Quality Division, at the address specified on the form or starting from December 21, 2020, must be submitted electronically via the online e-permitting system available through the TCEQ website.

Following review of the NOI and SWMP, the executive director may determine that: 1) The submission is complete and the NOI and SWMP are approved, 2) The NOI or SWMP are incomplete and deny coverage and require that a new complete NOI and SWMP be submitted, 3) Approve the NOI and SWMP with revisions and provide a written description of the required revisions along with any compliance schedule(s), or 4) Deny coverage and provide a deadline by which the MS4 operator must submit an application for an individual permit. Where the executive director approves the submittal, either with or without changes, the applicant must then carry out the public participation provisions in Part II.E.12. Following the completion of the public participation process, the applicant is authorized to discharge upon notification by TCEQ, at which point the permittee is subject to the terms of this permit and the approved terms of the SWMP. Denial of coverage under this general permit is subject to the requirements of 30 TAC § 205.4(c). Application deadlines are as follows:

#### **(a) Small MS4s Located in a 2000 or 2010 UA (Previously regulated Small MS4s)**

Operators of small MS4s described in Part II.A.1 that were required to obtain authorization under the 2013 TPDES General Permit TXR040000 based on the 2000 and 2010 UA maps shall submit an NOI and SWMP within 180 days following the effective date of this general permit.

(b) Designated Small MS4s

Following designation, operators of small MS4s described in Part II.A.2 shall submit an NOI and SWMP, or apply for coverage under an individual TPDES stormwater permit, within 180 days of being notified in writing by the TCEQ of the need to obtain permit coverage.

(c) Individual Permit Alternative

If an operator of a small MS4 described in Part II.A.1. of this general permit elects to apply for an individual permit, the application must be submitted within 90 days following the effective date of this general permit.

Effective December 21, 2020, the NOI and the SWMP must be submitted using the online e-permitting system available through the TCEQ website, unless the permittee requests and obtains an electronic reporting waiver. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

## **2. Late Submission of the NOI and SWMP**

Operators are not prohibited from submitting an NOI and SWMP after the deadlines provided. If a late NOI and SWMP are submitted, then this general permit provides authorization only for discharges that occur after permit coverage is obtained. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted discharges.

## **3. SWMP General Requirements**

A SWMP must be developed and submitted with the NOI for eligible discharges that will reach waters of the U.S., including discharges from the regulated small MS4 to other MS4s or to privately-owned separate storm sewer systems that subsequently drain to waters of the U.S., according to the requirements of Part III of this general permit. The SWMP must include, as appropriate, the months and years in which the permittee will undertake required actions, including interim milestones and the frequency of the action throughout the permit term.

New elements in the program must be completely implemented within five years of the effective date of this general permit, or within five years of being designated for those small MS4s which are designated following permit issuance. Previously regulated MS4s shall assess existing program elements set forth in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP.

## **4. SWMP Review**

The permittee shall participate in an annual review of its SWMP in conjunction with preparation of the annual report required in Part IV.B.2. Results of the review shall be documented in the annual report.

## **5. SWMP Updates Required by TCEQ**

Changes may be made to the SWMP during the permit term. The TCEQ may notify the permittee of the need to modify the SWMP to be consistent with the general permit, in which case the permittee will have 90 days to finalize such changes to the SWMP.

## **6. SWMP Updates**

Changes that are made to the SWMP before the NOI is approved by the TCEQ must be submitted in a letter providing supplemental information to the NOI.

Changes to the SWMP that are made after TCEQ approval of the NOI and SWMP may be made by submittal and approval of a notice of change (NOC) unless the changes are non-substantial and do not change terms and conditions in the SWMP. Changes may be made as follows:

(a) Changes that do not require an NOC

The following changes may be implemented without submitting an NOC form. The changes may be made immediately following revision of the SWMP:

- (1) Adding (but not subtracting or replacing) components, controls, or requirements to the SWMP;
- (2) Adding areas such as by annexing land, or otherwise acquire additional land that expands the boundary of the MS4, or subtracting areas, such as by de-annexing lands;
- (3) Adding impaired water bodies that are identified pursuant to Part II.D.4; and
- (4) Minor modifications to the SWMP that include administrative or non-substantial changes as follows:
  - a. A change in personnel, or a reorganization of departments responsible for implementing the SWMP;
  - b. Minor clarifications to the existing BMPs;
  - c. Correction of typographical errors;
  - d. Other similar administrative or non-substantive comments.

(b) Changes that require an NOC

Modifications to the SWMP that include the following changes require submittal of an NOC along with those portions of the SWMP that are applicable to the change(s). The changes may be implemented once the permittee receives approval of the NOC.

- (1) Replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternative BMP, (for example, replacing a structural BMP with a non-structural BMP would be considered a replacement). The SWMP update must include documentation of the following:
  - a. An analysis of why the BMP is ineffective or infeasible (including cost prohibitive);
  - b. Expectations of the effectiveness of the replacement BMP; and
  - c. An analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced;
- (2) Requirement for more frequent monitoring or reporting by the permittee; and



- (3) Interim compliance date change in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement.

(c) Changes that require an NOC and Public Notice

All other modifications that changes permit terms and conditions must be submitted on an NOC form along with those portions of the SWMP that are applicable to the changes. The changes may only be implemented following public notice and written approval by TCEQ.

- (1) After receiving an NOC, the TCEQ evaluates if the requested change(s) can be approved and might request additional information from the permittee during the review process. If the request can be approved, the MS4 is required to post the notice of the Executive Director's preliminary determination of the NOC and the revised terms of the SWMP on the MS4's website. If the MS4 does not have a website, the MS4 must notify TCEQ and TCEQ will post the notice on the TCEQ website at <https://www.tceq.texas.gov/>.
- (2) The public comment period begins on the first day the notice is posted on the MS4 or the TCEQ website and ends 30 days later. If the 30<sup>th</sup> calendar day falls on a date that TCEQ is not open for business, then the public comment period is extended until 5 pm on the next TCEQ business day. If there is a decision to hold a public meeting, then the public comment period will continue until the public meeting has been held. The public may submit comments regarding the proposed changes to the TCEQ Water Quality Division.
- (3) The Executive Director will hold a public meeting (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)) if it is determined there is significant public interest. The Executive Director will post a notice of the public meeting on the TCEQ website at <https://www.tceq.texas.gov/>. The notice of a public meeting will be posted at least 30 days before the meeting and will be held in the county where the MS4 is located or primarily located. TCEQ staff will facilitate the meeting and provide a sign in sheet for attendees to register their names and addresses. The public meeting held under this general permit is not an evidentiary proceeding. If a public meeting is held, the comment period will end at the conclusion of the public meeting.
- (4) The Executive Director, after considering public comment, shall incorporate the NOC changes into the SWMP. Once the revised terms are incorporated into the SWMP, the Executive Director will notify the permittee and the public on the revised terms and conditions of the SWMP.

**7. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation**

The permittee shall implement the SWMP:

- (a) On all new areas added to its portion of the MS4 (or where the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as possible, but no later than three (3) years from addition of the new area.

Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

- (b) Within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee shall have a plan for implementing the SWMP in all affected areas. The plan must include schedules for implementation, and information on all new annexed areas. Any resulting updates required to the SWMP shall be submitted in the annual report.

## **8. Contents of the NOI**

The NOI must contain the following minimum information:

- (a) MS4 Operator Information

- (1) The name, mailing address, electronic mail (email) address, telephone number, and facsimile (fax) number of the MS4 operator; and
  - (2) The legal status of the MS4 operator (for example, federal government, state government, county government, city government, or other government).

- (b) Site Information

- (1) The name, physical location description, and latitude and longitude of the approximate center of the regulated portion of the small MS4;
  - (2) County or counties where the small MS4 is located;
  - (3) An indication if all or a portion of the small MS4 is located on Indian Country Lands;
  - (4) The name, mailing address, telephone number, email (if available) and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;
  - (5) A signature and certification on the NOI, according to 30 TAC § 305.44, that a SWMP has been developed according to the provisions of this permit;
  - (6) A statement that the applicant will comply with the Public Participation requirements described in Part II.E.12.;
  - (7) The name of each classified segment that receives discharges, directly or indirectly, from the small MS4. If one or more of the discharge(s) is not directly to a classified segment, then the name of the first classified segment that those discharges reach must be identified;
  - (8) The name of any MS4 receiving the discharge prior to discharge into waters of the U.S.;
  - (9) The name of all surface water(s) receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters;
  - (10) An indication of whether the small MS4 discharges within the Recharge Zone, the Contributing Zone or the Contributing Zone within the Transition Zone of the Edwards Aquifer; and
  - (11) Any other information deemed necessary by the executive director.

**9. Notice of Change (NOC)**

If the MS4 operator becomes aware that it failed to submit any relevant facts, or submitted incorrect information in the NOI, the correct information must be provided to the executive director in an NOC within 30 days after discovery. If any information provided in the NOI changes, an NOC must be submitted within 30 days from the time the permittee becomes aware of the change.

Any revisions that are made to the SWMP must be made in accordance with Parts II.E.4 through 6. Changes that are made to the SWMP following NOI approval must be made using an NOC form, in accordance with Part II.E.6.

Effective December 21, 2020, applicants must submit an NOC using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

**10. Change in Operational Control of a Small MS4**

If the operational control of the regulated small MS4 changes, the previous operator must submit a Notice of Termination (NOT) and the new operator must submit an NOI and SWMP. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs. Existing permittees who are expanding coverage of their MS4 area (e.g., city annexes part of unincorporated county MS4) are not required to submit a new NOI, but must comply with Part II.E.7.

**11. Notice of Termination (NOT)**

A permittee may terminate coverage under this general permit by providing a Notice of Termination (NOT) on a form approved by the executive director. Authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ, or immediately following confirmation of receipt of the electronic NOT form by the TCEQ. A NOT must be submitted within 30 days after the MS4 operator obtains coverage under an individual permit.

Effective December 21, 2020, applicants must submit an NOT using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

**12. Signatory Requirement for NOI, NOT, NOC, and Waiver Forms**

NOI, NOT, NOC, and Waiver forms must be signed and certified consistent with 30 TAC § 305.44(a) and (b) (relating to Signatories to Applications).

**13. Fees**

An application fee of \$ 400.00 must be submitted with each NOI. A fee is not required for submission of a waiver form, an NOT, or an NOC.

A permittee authorized under this general permit must pay an annual Water Quality fee of \$100.00 under TWC § 26.0291 and 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

Effective December 21, 2020, applicants seeking coverage under an NOI or a waiver must submit their application electronically using the online e-permitting system available through the TCEQ website, or request and obtain a waiver from electronic reporting from

the TCEQ. Waivers from electronic reporting are not transferrable and expire on the same date as the authorization to discharge.

#### **14. Permit Expiration**

- (a) This general permit is effective for five (5) years from the permit effective date. Authorizations for discharge under the provisions of this general permit will continue until the expiration date of the general permit. This general permit may be amended, revoked, or canceled by the commission or renewed by the TCEQ for an additional term not to exceed five (5) years.
- (b) If the executive director proposes to reissue this general permit before the expiration date, the general permit will remain in effect until the date on which the commission takes final action on the proposal to reissue this general permit. For existing permittees, general permit coverage will remain in effect after the expiration date of the existing general permit, in accordance with 30 TAC, Chapter 205. No new NOIs will be accepted and no new authorizations will be processed under the general permit after the expiration date.
- (c) Following issuance of a renewed or amended general permit, all permittees, including those covered under the expired general permit, may be required to submit an NOI according to the requirements of the new general permit or to obtain a TPDES individual permit for those discharges. The renewed permit will include a deadline to apply for coverage, and authorization for existing permittees will be automatically extended until the deadline to apply for coverage, or until an application is submitted for renewal, whichever occurs first.
- (d) If the TCEQ does not propose to reissue this general permit within 90 days before the expiration date, permittees must apply for authorization under a TPDES individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date of this general permit, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

#### **15. Suspension of Permit Coverage**

The executive director may suspend an authorization under this general permit for the reasons specified in 30 TAC § 205.4(d) by providing the discharger with written notice of the decision to suspend that authority, and the written notice will include a brief statement of the basis for the decision. If the decision requires an application for an individual permit or an alternative general permit, the written notice will also include a statement establishing the deadline for submitting an application. The written notice will state that the authorization under this general permit is either suspended on the effective date of the commission's action on the permit application, unless the commission expressly provides otherwise, or immediately, if required by the executive director.

#### **16. Public Notice Process for NOI submittal**

An applicant under this general permit shall adhere to the following procedures:

- (a) The applicant shall submit an NOI and SWMP to the executive director. The SWMP must include information about:
  - (1) BMPs the applicant will implement for each of the six MCMs and program elements pursuant to Part II.D (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements), as appropriate;



- (2) The measurable goals for each of the BMPs and program elements pursuant to Part II.D.4 (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements), including, as appropriate the months and years in which the applicant will take the required actions, including interim milestones and the frequency of the action; and
  - (3) The person or persons responsible for implementing or coordinating the applicants SWMP.
- (b) After the applicant receives written instructions from the TCEQ's Office of Chief Clerk, the applicant must publish notice of the executive director's preliminary decision on the NOI and SWMP.
- (c) The notice will include the following information, at a minimum:
  - (1) The legal name of the MS4 operator;
  - (2) Indication of whether the NOI is for a new authorization or is a renewal of an existing authorization;
  - (3) The address of the applicant;
  - (4) A brief summary of the information included in the NOI, such as the general location of the small MS4 and a description of the classified receiving waters that receive the discharges from the small MS4;
  - (5) The location and mailing address where the public may provide comments to the TCEQ;
  - (6) The public location where copies of the NOI and SWMP, as well as the executive director's general permit and fact sheet, may be reviewed; and
  - (7) If required by the executive director, the date, time, and location of the public meeting.
- (d) This notice must be published at least once in a newspaper of general circulation in the municipality or county where the small MS4 is located. If the small MS4 is located in multiple municipalities or counties, the notice must be published at least once in a newspaper of general circulation in the municipality or county containing the largest resident population for the regulated portion of the small MS4. This notice must provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice must allow the public to request a public meeting. A public meeting (equivalent to a "public hearing" as required by 40 CFR §122.28(d)(2)(ii)) will be held if the TCEQ determines that there is significant public interest.
- (e) The public comment period begins on the first date the notice is published and lasts for at least 30 days. If a public meeting is held, the comment period will end at the closing of the public meeting (see paragraph (f) below). The public may submit written comments to the TCEQ Office of Chief Clerk during the comment period detailing how the NOI or SWMP for the small MS4 fails to meet the technical requirements or conditions of this general permit.
- (f) If significant public interest exists, the executive director will direct the applicant to publish a notice of the public meeting and to hold the public meeting. The applicant shall publish notice of a public meeting at least 30 days before the meeting and hold the public meeting in a county where the small MS4 is located. TCEQ staff will facilitate the meeting.

- (g) If a public meeting is held, the applicant shall describe the contents of the NOI and SWMP. The applicant shall also provide maps and other data on the small MS4. The applicant shall provide a sign in sheet for attendees to register their names and addresses and furnish the sheet to the executive director. A public meeting held under this general permit is not an evidentiary proceeding.
- (h) The applicant shall file with the Chief Clerk a copy and an affidavit of the publication of notice(s) within 60 days of receiving the written instructions from the Chief Clerk.
- (i) The executive director, after considering public comment, will either approve, approve with conditions, or deny the NOI based on whether the NOI and SWMP meet the requirements of this general permit.
- (j) Persons whose names and addresses appear legibly on the sign-in sheet from the public meeting and persons who submitted written comments to the TCEQ will be notified by the TCEQ's Office of Chief Clerk of the executive director's decision regarding the authorization.

## **Section F. Permitting Options**

### **1. Authorization Under the General Permit**

An operator of a small MS4 is required to obtain authorization either under this general permit, or under an individual TPDES permit if it is located in a UA or designated by the TCEQ. Multiple small MS4s with separate operators must individually submit an NOI to obtain coverage under this general permit, regardless of whether the systems are physically interconnected, located in the same UA, or are located in the same watershed. Each regulated small MS4 will be issued a distinct permit number. These MS4 operators may combine or share efforts in meeting any or all of the SWMP requirements stated in Part III of this general permit. MS4 operators that share SWMP development and implementation responsibilities must meet the following conditions:

#### **(a) Participants**

The SWMP must clearly list the name and permit number for each MS4 operator that chooses to contribute to development or implementation of the SWMP, and provide written confirmation that the contributing MS4 operator has agreed to contribute. If a contributing small MS4 has submitted a NOI and SWMP to TCEQ, but has not yet received written notification of approval, along with the accompanying permit authorization number, a copy of the submitted NOI form must be made readily available or be included in the SWMP.

#### **(b) Responsibilities**

Each permittee is entirely responsible for meeting SWMP requirements within the boundaries of its small MS4. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define each minimum control measure and the component(s) each entity agrees to implement, within which MS4 area(s) each entity agrees to implement and clearly identify the contributing MS4 operator.

### **2. Alternative Coverage under an Individual TPDES Permit**

An MS4 operator eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC Chapter 305 (relating to Consolidated Permits). The executive director may require a MS4 operator, authorized by

this general permit, to apply for an individual TPDES permit because of: the conditions of an approved TMDL or TMDL implementation plan; a history of substantive non-compliance; or other 30 TAC Chapter 205 considerations and requirements; or other site-specific considerations. The executive director shall deny or suspend a facility's authorization for disposal under this general permit based on a rating of "unsatisfactory performer" according to commission rules in 30 TAC §60.3, Use of Compliance History. An applicant who owns or operates a facility classified as an "unsatisfactory performer" is entitled to a hearing before the commission prior to having its coverage denied or suspended, in accordance with TWC § 26.040(h).

### **Part III. Stormwater Management Program (SWMP)**

To the extent allowable under state and local law, a SWMP must be developed, implemented, and enforced according to the requirements of Part III of this general permit for stormwater discharges that reach waters of the U.S., regardless of whether the discharge is conveyed through a separately operated storm sewer system. The SWMP must be developed, implemented, and enforced to reduce the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and the TWC.

The SWMP must also be implemented and enforced in new MS4 areas added during the permit term. Implementation of appropriate BMPs for the new areas must occur in accordance with Part II.E.7.

A permittee that implements BMPs consistent with the provisions of their permit and SWMP constitutes compliance with the standard of reducing pollutants to the MEP and will be deemed in compliance with Part III of this permit. This permit does not extend any compliance deadlines set forth in the previous permit effective December 13, 2013.

### **Section A. Developing a Stormwater Management Program (SWMP)**

#### **1. SWMP Development and Schedule**

##### **(a) Existing regulated small MS4s**

Permittees who were regulated under the previous TPDES general permit TXR040000, shall update and submit to the TCEQ an updated SWMP under this general permit along with the NOI for coverage. The NOI and SWMP are due within 180 days of the general permit effective date. The permittee shall continue to operate under the conditions of the previous permit and existing SWMP until the revised SWMP is approved.

##### **(b) Implementation of the SWMP**

Existing small MS4 operators shall ensure full implementation of any new elements in the revised SWMP as soon as practicable, but no later than five years from the permit effective date. Previously regulated MS4 operators shall continue to implement existing elements in the approved SWMPs until the revised SWMPs has been approved.

Designated small MS4s must achieve full implementation of the SWMP as soon as practicable, but no later than five years from designation.

## **2. Content of the SWMP**

At a minimum, the permittee shall include the following information in its SWMP:

- (a) A description of Minimum Control Measures (MCM) with measureable goals, including, as appropriate, the months and years when the permittee will undertake required actions, including interim milestones and the frequency of the action for each MCM described in Part III, Section B.
- (b) A measurable goal that includes the development of ordinances or other regulatory mechanisms allowed by state, federal and local law, providing the legal authority necessary to implement and enforce the requirements of this permit, including information on any limitations to the legal authority;
- (c) The measurable goals selected by the permittee must be clear, specific, and measurable.
- (d) A summary of written procedures describing how the permittee will implement the provisions in Parts III and IV of this general permit.
- (e) A description of a program or a plan of compliance with the requirements in Part II.D.4. (relating to Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements)
- (f) Identification of any impaired waters that have been added in accordance with Part II.D.4.

## **3. Legal Authority**

- (a) Traditional small MS4s, such as cities
  - (1) Within two years from the permit effective date, the permittee shall review and revise, if needed, its relevant ordinance(s) or other regulatory mechanism(s), or shall adopt a new ordinance(s) or other regulatory mechanism(s) that provide the permittee with adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of this general permit.
  - (2) To be considered adequate, this legal authority must, at a minimum, address the following:
    - a. Authority to prohibit illicit discharges and illicit connections;
    - b. Authority to respond to and contain other releases – Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the small MS4;
    - c. Authority to require compliance with conditions in the permittee's ordinances, permits, contracts, or orders;
    - d. Authority to require installation, implementation, and maintenance of control measures;
    - e. Authority to receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
    - f. Authority, as needed, to enter and inspect private property including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4;



- g. Authority to respond to non-compliance with BMPs required by the small MS4 consistent with their ordinances or other regulatory mechanism(s);
  - h. Authority to assess penalties, including monetary, civil, or criminal penalties; and
  - i. Ability to enter into interagency or interlocal agreements or other maintenance agreements, as necessary.
- (b) Non-traditional small MS4s, such as counties, drainage districts, transportation entities, municipal utility districts, military bases, prisons, and universities
  - (1) Where the permittee lacks the authority to develop ordinances or to implement enforcement actions, the permittee shall exert enforcement authority as required by this general permit for its facilities, employees, contractors, and any other entity over which it has operational control within the portion of the UA under the jurisdiction of the permittee. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.
  - (2) If the permittee does not have inspection or enforcement authority and is unable to meet the goals of this general permit through its own powers, then, unless otherwise stated in this general permit, the permittee shall perform the following actions in order to meet the goals of the permit:
    - a. Enter into interlocal agreements with municipalities where the small MS4 is located. These interlocal agreements must state the extent to which the municipality will be responsible for inspections and enforcement authority in order to meet the conditions of this general permit; or,
    - b. If it is not feasible for the permittee to enter into interlocal agreements, the permittee shall notify an adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office to report discharges or incidents that it cannot itself enforce against. In determining feasibility for entering into interlocal agreements, the permittee shall consider all factors, including, without limitations, financial considerations and the willingness of the municipalities in which the small MS4 is located.

#### **4. Resources**

It is the permittee's responsibility to ensure that it has adequate resources and funding to implement the requirements of this permit.

#### **5. Effluent Limitations**

The controls and BMPs included in the SWMP constitute effluent limitations for the purposes of compliance with state rules. This includes the requirements of 30 TAC Chapter 319, Subchapter B, which lists the maximum allowable concentrations of hazardous metals for discharge to water in the state.

#### **6. Enforcement Measures**

Permittees with enforcement authority (i.e. traditional small MS4s) shall develop a standard operating procedure (SOP) to respond to violations to the extent allowable under state and local law. When the permittee does not have enforcement authority over the violator, and the violations continue after violator has been notified by the permittee, or the source of the illicit discharge is outside the MS4's boundary, the permittee shall notify either the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office.

**Section B. Minimum Control Measures**

Operators of small MS4s seeking coverage under this general permit shall develop and implement a SWMP that includes the following six minimum control measures (MCMs), as applicable.

All program elements must be implemented according to the schedule mentioned in Part III.A. All six MCMs apply to all MS4s regardless of their level as described in Part II.A.5. Specific program elements under each MCM shall be implemented by all MS4 operators, unless it is specifically stated that particular program elements only are applicable for certain levels of small MS4s.

Permittees shall provide justification within the SWMP for any requirements that were not implemented because they were not feasible as described in each MCM.

**1. Public Education, Outreach, and Involvement****(a) Public Education and Outreach**

- (1) All permittees shall develop, implement, and maintain a comprehensive stormwater education and outreach program to educate public employees, businesses, and the general public of hazards associated with the illegal discharges and improper disposal of waste and about the impact that stormwater discharges can have on local waterways, as well as the steps that the public can take to reduce pollutants in stormwater.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. The program must, at a minimum:

- a. Define the goals and objectives of the program based on high priority community-wide issues (for example, reduction of nitrogen in discharges from the small MS4, promoting previous techniques used in the small MS4, or improving the quality of discharges to the Edwards Aquifer);
  - b. Identify the target audience(s);
  - c. Develop or utilize appropriate educational materials, such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, and websites;
  - d. Determine cost effective and practical methods and procedures for distribution of materials.
- (2) Throughout the permit term, all permittees shall make the educational materials available to convey the program's message to the target audience(s) at least annually.
  - (3) If the permittee has a public website, the permittee shall post its SWMP and the annual reports required under Part IV.B.2. or a summary of the annual report on the permittee's website. The SWMP must be posted no later than 30 days after the approval date, and the annual report no later than 30 days after the due date.
  - (4) All permittees shall annually review and update the SWMP and MCM implementation procedures required by Part III.A.2., as necessary. Any changes

must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.

- (5) MS4 operators may partner with other MS4 operators to maximize the program and cost effectiveness of the required outreach.

(b) Public Involvement

All permittees shall involve the public, and, at minimum, comply with any state and local public notice requirements in the planning and implementation activities related to developing and implementing the SWMP, except that correctional facilities are not required to implement this portion of the MCM.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. At a minimum, all permittees shall:

- (1) Consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;
- (2) Create opportunities for citizens to participate in the implementation of control measures, such as stream clean-ups, storm drain stenciling, volunteer monitoring, volunteer "Adopt-A-Highway" programs, and educational activities;
- (3) Ensure the public can easily find information about the SWMP.

## **2. Illicit Discharge Detection and Elimination (IDDE)**

(a) Program Development

- (1) All permittees shall develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include a plan to detect and address non-stormwater discharges, including illegal dumping to the MS4 system.

Existing permittees must assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of this permit term. (See also Part III.A.1(c).

The Illicit Discharge Detection and Elimination (IDDE) program must include the following:

- a. An up-to-date MS4 map (see Part III.B.2.(c)(1));
- b. Methods for informing and training MS4 field staff (see Part III.B.2.(c)(2));
- c. Procedures for tracing the source of an illicit discharge (see Part III.B.2.(c)(5));
- d. Procedures for removing the source of the illicit discharge (see Part III.B.2.(c)(5));

- e. For Level 2, 3 and 4 small MS4s, if applicable, procedures to prevent and correct any leaking on-site sewage disposal systems that discharge into the small MS4;
  - f. For Level 4 small MS4s, procedures for identifying priority areas within the small MS4 likely to have illicit discharges, and a list of all such areas identified in the small MS4 (see Part III.B.2.(e)(1));
  - g. For Level 4 small MS4s, field screening to detect illicit discharges (see Part III.B.2.(e)(2)); and
  - h. For Level 4 small MS4s, procedures to reduce the discharge of floatables in the MS4. (see Part III.B.2.(e)(3).)
- (2) For non-traditional small MS4s, if illicit connections or illicit discharges are observed related to another operator's MS4, the permittee shall notify the other MS4 operator within 48 hours of discovery. If notification to the other MS4 operator is not practicable, then the permittee shall notify the appropriate TCEQ Regional Office of the possible illicit connection or illicit discharge.
- (3) If another MS4 operator notifies the permittee of an illegal connection or illicit discharge to the small MS4, then the permittee shall follow the requirements specified in Part III.B.2.(c)(3).
- (4) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be reflected in the annual report. Such written procedures must be maintained, either on site or in the SWMP and made available for inspection by the TCEQ.
- (b) Allowable Non-Stormwater Discharges
- Non-stormwater flows listed in Part II.C do not need to be considered by the permittee as an illicit discharge requiring elimination unless the permittee or the TCEQ identifies the flow as a significant source of pollutants to the small MS4.
- (c) Requirements for all Permittees
- All permittees shall include the requirements described below in Parts III.B.2(c)(1)-(6)
- (1) MS4 mapping
- All permittees shall maintain an up-to-date MS4 map, which must be located on site and available for review by the TCEQ. The MS4 map must show at a minimum the following information:
- a. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S;
  - b. The location and name of all surface waters receiving discharges from the small MS4 outfalls; and
  - c. Priority areas identified under Part III.B.2.(e)(1), if applicable.
- (2) Education and Training
- All permittees shall implement a method for informing or training all the permittee's field staff that may come into contact with or otherwise observe an illicit discharge or illicit connection to the small MS4 as part of their normal job responsibilities. Training program materials and attendance lists must be maintained on site and made available for review by the TCEQ.



(3) Public Reporting of Illicit Discharges and Spills

All permittees shall publicize and facilitate public reporting of illicit discharges or water quality impacts associated with discharges into or from the small MS4. The permittee shall provide a central contact point to receive reports; for example by including a phone number for complaints and spill reporting.

(4) All permittees shall develop and maintain on-site procedures for responding to illicit discharges and spills.

(5) Source Investigation and Elimination

a. Minimum Investigation Requirements – Upon becoming aware of an illicit discharge, all permittees shall conduct an investigation to identify and locate the source of such illicit discharge as soon as practicable.

(i) All permittees shall prioritize the investigation of discharges based on their relative risk of pollution. For example, sanitary sewage may be considered a high priority discharge.

(ii) All permittees shall report to the TCEQ immediately upon becoming aware of the occurrence of any illicit flows believed to be an immediate threat to human health or the environment.

(iii) All permittees shall track all investigations and document, at a minimum, the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

b. Identification and Investigation of the Source of the Illicit Discharge –All permittees shall investigate and document the source of illicit discharges where the permittees have jurisdiction to complete such an investigation. If the source of illicit discharge extends outside the permittee's boundary, all permittees shall notify the adjacent permitted MS4 operator or the appropriate TCEQ Regional Office according to Part III.A.3.b.

c. Corrective Action to Eliminate Illicit Discharge

If and when the source of the illicit discharge has been determined, all permittees shall immediately notify the responsible party of the problem, and shall require the responsible party to perform all necessary corrective actions to eliminate the illicit discharge.

(6) Inspections –The permittee shall conduct inspections, in response to complaints, and shall conduct follow-up inspections to ensure that corrective measures have been implemented by the responsible party.

The permittee shall develop written procedures describing the basis for conducting inspections in response to complaints and conducting follow-up inspections.

(d) Additional Requirements for Level 3 and 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)(1)-(6) above, permittees who operate Level 3 and 4 small MS4s shall meet the following requirements:

Source Investigation and Elimination

Permittees who operate Level 3 and 4 small MS4 shall upon being notified that the discharge has been eliminated, conduct a follow-up investigation or field screening, consistent with Part III.B.2.(e)(2), to verify that the discharge has been eliminated. The

permittee shall document its follow-up investigation. The permittee may seek recovery and remediation costs from responsible parties consistent with Part III.A.3., and require compensation related costs. Resulting enforcement actions must follow the procedures for enforcement action in Part III.A.3. If the suspected source of the illicit discharge is authorized under an NPDES/TPDES permit or the discharge is listed as an authorized non-stormwater discharge, as described in Part III.C, no further action is required.

(e) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.2(c)-(d) above, permittees who operate Level 4 small MS4s shall meet the following requirements:

(1) Identification of Priority Areas

Permittees who operate Level 4 small MS4s shall identify priority areas likely to have illicit discharges and shall document the basis for the selection of each priority area and shall create a list of all priority areas identified. This priority area list must be available for review by the TCEQ.

(2) Dry Weather Field Screening

By the end of the permit term, permittees who operate Level 4 small MS4s shall develop and implement a written dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4. Dry weather field screening must consist of (1) field observations; and (2) field screening according to item (2)c. below.

If dry weather field screening is necessary, at a minimum, the permittee shall:

- a. Conduct dry weather field screening in priority areas as identified by the permittee in Part III.B.2(e)(1). By the end of the permit term, all of those priority areas, although not necessarily all individual outfalls must be screened.
- b. Field observation requirements – The permittee shall develop written procedures for observing flows from outfalls when there has been at least 72 hours of dry weather. The written procedures must include the basis used to determine which outfalls will be observed. The permittee shall record visual observations such as odor, color, clarity, floatables, deposits, or stains.
- c. Field screening requirements – The permittee shall develop written procedures to determine which dry weather flows will be screened, based on results of field observations or complaint from the public or the permittee's trained field staff. At a minimum, when visual observations indicate a potential problem such as discolored flows, foam, surface sheen, and other similar indicators of contamination, the permittee shall conduct a field screening analysis for selected indicator pollutants. The basis for selecting the indicator pollutants must be described in the written procedures. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

(3) Reduction of Floatables

The permittee shall implement a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the MS4. The MS4 shall include source controls at a minimum and structural controls and other appropriate controls where necessary.

The permittee shall maintain two locations where floatable material can be removed before the stormwater is discharged to or from the MS4. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated by weight, volume, or by other practical means. Results shall be included in the annual report.

### **3. Construction Site Stormwater Runoff Control**

#### **(a) Requirements and Control Measures**

- (1) All permittees shall develop, implement, and enforce a program requiring operators of small and large construction activities, as defined in Part I of this general permit, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law, to require erosion and sediment control.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the the program fully implemented by the end of this permit term.

If TCEQ waives requirements for stormwater discharges associated with small construction from a specific site(s), the permittee is not required to enforce the program to reduce pollutant discharges from such site(s).

#### **(b) Requirements for all Permittees**

All permittees shall include the requirements described below in Parts III.B.3(b)(1)-(7)

- (1) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be included in the annual report. Such written procedures must be maintained on site or in the SWMP and made available for inspection by the TCEQ.
- (2) All permittees shall require that construction site operators implement appropriate erosion and sediment control BMPs. The permittee's construction program must ensure the following minimum requirements are effectively implemented for all small and large construction activities discharging to its small MS4.
  - a. Erosion and Sediment Controls - Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants.
  - b. Soil Stabilization - Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures. In arid, semiarid, and drought-stricken areas, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed.

The permittee shall develop written procedures that describes initiating and completing stabilization measures for construction sites.

- c. BMPs – Design, install, implement, and maintain effective BMPs to minimize the discharge of pollutants to the small MS4. At a minimum, such BMPs must be designed, installed, implemented and maintained to:
    - (i) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters;
    - (ii) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
    - (iii) Minimize the discharge of pollutants from spills and leaks.
  - d. As an alternative to (a) through (c) above, all permittees shall ensure that all small and large construction activities discharging to the small MS4 have developed and implemented a stormwater pollution prevention plan (SWP3) in accordance with the TPDES CGP TXR150000. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed and described in the written procedure required in item (2)b. above. As an alternative, vegetative stabilization measures may be implemented as soon as practicable.
- (3) Prohibited Discharges - The following discharges are prohibited:
- a. Wastewater from washout of concrete and wastewater from water well drilling operations, unless managed by an appropriate control;
  - b. Wastewater from washout and cleanout of stucco, paint, from release oils, and other construction materials;
  - c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
  - d. Soaps or solvents used in vehicle and equipment washing; and
  - e. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs.

(4) Construction Plan Review Procedures

To the extent allowable by state, federal, and local law, all permittees shall maintain and implement site plan review procedures that describe which plans will be reviewed as well as when an operator may begin construction. For those permittees without legal authority to enforce site plan reviews, this requirement is limited to those sites operated by the permittee and its contractors and located within the permittee's regulated area. The site plan procedures must meet the following minimum requirements:

- a. The site plan review procedures must incorporate consideration of potential water quality impacts.
- b. The permittee may not approve any plans unless the plans contain appropriate site specific construction site control measures that, at a minimum, meet the requirements described in Part III.B.3.(a) or in the TPDES CGP, TXR150000.



The permittee may require and accept a plan, such as a SWP3, that has been developed pursuant to the TPDES CGP, TXR150000.

(5) Construction Site Inspections and Enforcement

To the extent allowable by state, federal, and local law, all permittees shall implement procedures for inspecting large and small construction projects. Permittees without legal authority to inspect construction sites shall at a minimum conduct inspection of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

- a. The permittee shall conduct inspections based on the evaluation of factors that are a threat to water quality, such as: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; and past record of non-compliance by the operators of the construction site.
- b. Inspections must occur during the active construction phase.
  - (i) All permittees shall develop and implement updated written procedures outlining the inspection and enforcement requirements. These procedures must be maintained on-site or in the SWMP and be made available to TCEQ.
  - (ii) Inspections of construction sites must, at a minimum:
    1. Determine whether the site has appropriate coverage under the TPDES CGP, TXR150000. If no coverage exists, notify the permittee of the need for permit coverage;
    2. Conduct a site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the small MS4's requirements;
    3. Assess compliance with the permittee's ordinances and other regulations; and
    4. Provide a written or electronic inspection report.
- c. Based on site inspection findings, all permittees shall take all necessary follow-up actions (for example, follow-up-inspections or enforcement) to ensure compliance with permit requirements and the SWMP. These follow-up and enforcement actions must be tracked and maintained for review by the TCEQ.

For non-traditional small MS4s with no enforcement powers, the permittee shall notify the adjacent MS4 operator with enforcement authority or the appropriate TCEQ Regional Office according to Part III.A.3(b).

(6) Information submitted by the Public

All permittees shall develop, implement, and maintain procedures for receipt and consideration of information submitted by the public.

(7) MS4 Staff Training

All permittees shall ensure that all staff whose primary job duties are related to implementing the construction stormwater program (including permitting, plan review, construction site inspections, and enforcement) are informed or trained to

conduct these activities. The training may be conducted by the permittee or by outside trainers.

(c) **Additional Requirements for Level 3 and 4 small MS4s**

In addition to the requirements described in Parts III.B.3(b)(1)-(7) above, permittees who operate Level 3 and 4 small MS4s shall meet the following requirements:

**Construction Site Inventory**

Permittees who operate Level 3 and 4 small MS4s shall maintain an inventory of all permitted active public and private construction sites, that result in a total land disturbance of one or more acres or that result in a total land disturbance of less than one acre if part of a larger common plan or development or sale. Notification to the small MS4 must be made by submittal of a copy of an NOI or a small construction site notice, as applicable. The permittee shall make this inventory available to the TCEQ upon request.

**4. Post Construction Stormwater Management in New Development and Redevelopment**

(a) **Post-Construction Stormwater Management Program**

- (1) All permittees shall develop, implement, and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. The program may utilize an offsite mitigation and payment in lieu of components to address this requirement.

Existing permittees shall assess program elements that were described in the previous permit and modify as necessary to continue reducing the discharge of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly regulated permittees shall have the program fully implemented by the end of the permit term.

- (2) All permittees shall use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects. The permittees shall establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality. If the construction of permanent structures is not feasible due to space limitations, health and safety concerns, cost effectiveness, or highway construction codes, the permittee may propose an alternative approach to TCEQ. Newly regulated permittees shall have the program element fully implemented by the end of the permit term.

(b) **Requirements for all Permittees**

All permittees shall include the requirements described below in Parts III.B.4.(b)(1)-(3)

- (1) All permittees shall annually review and update as necessary, the SWMP and MCM implementation procedures required by Part III.A.2. Any changes must be

included in the annual report. Such written procedures must be maintained either on site or in the SWMP and made available for inspection by TCEQ.

- (2) All permittees shall document and maintain records of enforcement actions and make them available for review by the TCEQ.

- (3) Long-Term Maintenance of Post-Construction Stormwater Control Measures

All permittees shall, to the extent allowable under state, federal, and local law, ensure the long-term operation and maintenance of structural stormwater control measures installed through one or both of the following approaches:

- a. Maintenance performed by the permittee. (See Part III.B.5)
- b. Maintenance performed by the owner or operator of a new development or redeveloped site under a maintenance plan. The maintenance plan must be filed in the real property records of the county in which the property is located. The permittee shall require the owner or operator of any new development or redeveloped site to develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. The permittee shall require operation and maintenance performed is documented and retained on site, such as at the offices of the owner or operator, and made available for review by the small MS4.

- (c) Additional Requirements for Level 4 small MS4s

In addition to the requirements described in Parts III.B.5(b)(1)-(3), permittees who operate Level 4 small MS4s shall meet the following requirements:

**Inspections** - Permittees who operate Level 4 small MS4s shall develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained as required consistent with its applicable maintenance plan. For small MS4s with limited enforcement authority, this requirement applies to the structural controls owned and operated by the small MS4 or its contractors that perform these activities within the small MS4's regulated area.

**Inspection Reports** - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

## **5. Pollution Prevention and Good Housekeeping for Municipal Operations**

- (a) Program development

All permittees shall develop and implement an operation and maintenance program, including an employee training component that has the ultimate goal of preventing or reducing pollutant runoff from municipal activities and municipally owned areas including but not limited to park and open space maintenance; street, road, or highway maintenance; fleet and building maintenance; stormwater system maintenance; new construction and land disturbances; municipal parking lots; vehicle and equipment maintenance and storage yards; waste transfer stations; and salt/sand storage locations.

Existing permittees shall assess program elements that were described in the previous permit, modify as necessary, and develop and implement new elements, as necessary, to continue reducing the discharges of pollutants from the MS4 to the MEP. New elements must be fully implemented by the end of this permit term and newly

regulated permittees shall have the program fully implemented by the end of this permit term. (See also Part III.A.1.(c))

**(b) Requirements for all Permittees**

All permittees shall include the requirements described below in Parts III.B.5.(1)-(6) in the program:

**(1) Permittee-owned Facilities and Control Inventory**

All permittees shall develop and maintain an inventory of facilities and stormwater controls that it owns and operates within the regulated area of the small MS4. The inventory must include all applicable permit numbers, registration numbers, and authorizations for each facility or controls. The inventory must be available for review by TCEQ and must include, but is not limited, to the following, as applicable:

- a. Composting facilities;
- b. Equipment storage and maintenance facilities;
- c. Fuel storage facilities;
- d. Hazardous waste disposal facilities;
- e. Hazardous waste handling and transfer facilities;
- f. Incinerators;
- g. Landfills;
- h. Materials storage yards;
- i. Pesticide storage facilities;
- j. Buildings, including schools, libraries, police stations, fire stations, and office buildings;
- k. Parking lots;
- l. Golf courses;
- m. Swimming pools;
- n. Public works yards;
- o. Recycling facilities;
- p. Salt storage facilities;
- q. Solid waste handling and transfer facilities;
- r. Street repair and maintenance sites;
- s. Vehicle storage and maintenance yards; and
- t. Structural stormwater controls.

**(2) Training and Education**

All permittees shall inform or train appropriate employees involved in implementing pollution prevention and good housekeeping practices. All permittees shall maintain a training attendance list for inspection by TCEQ when requested.



- (3) Disposal of Waste Material - Waste materials removed from the small MS4 must be disposed of in accordance with 30 TAC Chapters 330 or 335, as applicable.
- (4) Contractor Requirements and Oversight
  - a. Any contractors hired by the permittee to perform maintenance activities on permittee-owned facilities must be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures described in Parts III B.5.(b)(2)-(6).
  - b. All permittees shall provide oversight of contractor activities to ensure that contractors are using appropriate control measures and SOPs. Oversight procedures must be maintained on-site and made available for inspection by TCEQ.
- (5) Municipal Operation and Maintenance Activities
  - a. Assessment of permittee-owned operations

All permittees shall evaluate operation and maintenance (O&M) activities for their potential to discharge pollutants in stormwater, including but not limited to:

    - (i) Road and parking lot maintenance, including such areas as pothole repair, pavement marking, sealing, and re-paving;
    - (ii) Bridge maintenance, including such areas as re-chipping, grinding, and saw cutting;
    - (iii) Cold weather operations, including plowing, sanding, and application of deicing and anti-icing compounds and maintenance of snow disposal areas; and
    - (iv) Right-of-way maintenance, including mowing, herbicide and pesticide application, and planting vegetation.
  - b. All permittees shall identify pollutants of concern that could be discharged from the above O&M activities (for example, metals; chlorides; hydrocarbons such as benzene, toluene, ethyl benzene, and xylenes; sediment; and trash).
  - c. All permittees shall develop and implement a set of pollution prevention measures that will reduce the discharge of pollutants in stormwater from the above activities. These pollution prevention measures may include the following examples:
    - (i) Replacing materials and chemicals with more environmentally benign materials or methods;
    - (ii) Changing operations to minimize the exposure or mobilization of pollutants to prevent them from entering surface waters; and
    - (iii) Placing barriers around or conducting runoff away from deicing chemical storage areas to prevent discharge into surface waters.
  - d. Inspection of pollution prevention measures - All pollution prevention measures implemented at permittee-owned facilities must be visually inspected to ensure they are working properly. The permittee shall develop written procedures that describes frequency of inspections and how they will

be conducted. A log of inspections must be maintained and made available for review by the TCEQ upon request.

**(6) Structural Control Maintenance**

If BMPs include structural controls, maintenance of the controls must be performed by the permittee and consistent with maintaining the effectiveness of the BMP. The permittee shall develop written procedures that define the frequency of inspections and how they will be conducted.

**(c) Additional Requirements for Level 3 and 4 small MS4s:**

In addition to the requirements described in Parts.B.5.(b)(1)-(6) above, permittees who operate Level 3 or 4 small MS4s shall meet the following requirements:

**(1) Storm Sewer System Operation and Maintenance**

- a. Permittees who operate Level 3 or 4 small MS4s shall develop and implement an O&M program to reduce to the maximum extent practicable the collection of pollutants in catch basins and other surface drainage structures.
- b. Permittees who operate Level 3 or 4 small MS4s shall develop a list of potential problem areas. The permittees shall identify and prioritize problem areas for increased inspection (for example, areas with recurrent illegal dumping).

**(2) Operation and Maintenance Program to Reduce Discharges of Pollutants from Roads**

Permittees who operate Level 3 or 4 small MS4s shall implement an O&M program that includes at least one of the following: a street sweeping and cleaning program, or an equivalent BMP such as an inlet protection program, which must include an implementation schedule and a waste disposal procedure. The basis for the decision must be included in the SWMP. If a street sweeping and cleaning program is implemented, the permittee shall evaluate the following permittee-owned and operated areas for the program: streets, road segments, and public parking lots including, but not limited to, high traffic zones, commercial and industrial districts, sport and event venues, and plazas, as well as areas that consistently accumulate high volumes of trash, debris, and other stormwater pollutants.

- a. Implementation schedules – If a sweeping program is implemented, the permittee shall sweep the areas in the program (for example, the streets, roads, and public parking lots) in accordance with a frequency and schedule determined in the permittee's O&M program.
- b. For areas where street sweeping is technically infeasible (for example, streets without curbs), the permittee shall focus implementation of other trash and litter control procedures, or provide inlet protection measures to minimize pollutant discharges to storm drains and creeks.
- c. Sweeper Waste Material Disposal – If utilizing street sweepers, the permittee shall develop a procedure to dewater and dispose of street sweeper waste material and shall ensure that water and material will not reenter the small MS4.

(3) Mapping of Facilities

Permittees who operate Level 3 or 4 small MS4s shall, on a map of the area regulated under this general permit, identify where the permittee-owned and operated facilities and stormwater controls are located.

(4) Facility Assessment

Permittees who operate Level 3 or 4 small MS4s shall perform the following facility assessment in the regulated portion of the small MS4 operated by the permittee:

- a. Assessment of Facilities' Pollutant Discharge Potential - The permittee shall review the facilities identified in Part III.B.5.(b) once per permit term for their potential to discharge pollutants into stormwater.
- b. Identification of *high priority* facilities - Based on the Part III.B.5.(c)(4)a. assessment, the permittee shall identify as *high priority* those facilities that have a high potential to generate stormwater pollutants and shall document this in a list of these facilities. Among the factors that must be considered in giving a facility a high priority ranking are the amount of urban pollutants stored at the site, the identification of improperly stored materials, activities that must not be performed outside (for example, changing automotive fluids, vehicle washing), proximity to waterbodies, proximity to sensitive aquifer recharge features, poor housekeeping practices, and discharge of pollutant(s) of concern to impaired water(s). High priority facilities must include, at a minimum, the permittee's maintenance yards, hazardous waste facilities, fuel storage locations, and any other facilities at which chemicals or other materials have a high potential to be discharged in stormwater.
- c. Documentation of Assessment Results - The permittee shall document the results of the assessments and maintain copies of all site evaluation checklists used to conduct the assessments. The documentation must include the results of the permittee's initial assessment, and any identified deficiencies and corrective actions taken.

(5) Development of Facility Specific SOPs

Permittees who operate Level 3 or 4 small MS4s shall develop facility specific stormwater management SOPs. The permittee may utilize existing plans or documents that may contain the following required information:

- a. For each high priority facility identified in Part III.B.5.(c)(4)b., the permittee shall develop a SOP that identifies BMPs to be installed, implemented, and maintained to minimize the discharge of pollutants in stormwater from each facility.
- b. A hard or electronic copy of the facility-specific stormwater management SOP (or equivalent existing plan or document) must be maintained and be available for review by the TCEQ. The SOP must be kept on site when possible and must be kept up to date.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate Level 3 or 4 small MS4s shall implement the following stormwater controls at all high priority facilities identified in Part III.B.5.(c)(4)b. A description of BMPs developed to comply with this requirement must be included in each facility specific SOP:

- a. General good housekeeping – Material with a potential to contribute to stormwater pollution must be sheltered from exposure to stormwater.
- b. De-icing and anti-icing material storage - The permittee shall ensure, to the MEP, that stormwater runoff from storage piles of salt and other de-icing and anti-icing materials is not discharged; or shall ensure that any discharges from the piles are authorized under a separate discharge permit.
- c. Fueling operations and vehicle maintenance - The permittee shall develop SOPs (or equivalent existing plans or documents) that address spill prevention and spill control at permittee-owned and operated vehicle fueling, vehicle maintenance, and bulk fuel delivery facilities.
- d. Equipment and vehicle washing - The permittee shall develop SOPs that address equipment and vehicle washing activities at permittee-owned and operated facilities. The discharge of equipment and vehicle wash water to the small MS4 or directly to receiving waters from permittee-owned facilities is not authorized under this general permit. To ensure that wastewater is not discharged under this general permit, the permittee's SOP may include installing a vehicle wash reclaim system, capturing and hauling the wastewater for proper disposal, connecting to sanitary sewer (where applicable and approved by local authorities), ceasing the washing activity, or applying for and obtaining a separate TPDES permit.

(7) Inspections

Permittees who operate Level 3 or 4 small Ms4s shall develop and implement an inspection program, which at a minimum must include periodic inspections of high priority permittee-owned facilities. The results of the inspections and observations must be documented and available for review by the TCEQ.

(d) Additional Requirements for Level 4 small MS4s:

In addition to all the requirements described in Parts III.B.5(b) and III.B.5.(c) above, permittees who operate Level 4 small MS4s shall meet the following requirements:

(1) Pesticide, Herbicide, and Fertilizer Application and Management

- a. Landscape maintenance - The permittee shall evaluate the materials used and activities performed on public spaces owned and operated by the permittee such as parks, schools, golf courses, easements, public rights of way, and other open spaces for pollution prevention opportunities. Maintenance activities for the turf landscaped portions of these areas may include mowing, fertilization, pesticide application, and irrigation. Typical pollutants include sediment, nutrients, hydrocarbons, pesticides, herbicides, and organic debris.
- b. The permittee shall implement the following practices to minimize landscaping-related pollutant generation with regard to public spaces owned and operated by the permittee:
  - (i) Educational activities, permits, certifications, and other measures for the permittee's applicators and distributors.
  - (ii) Pest management measures that encourage non-chemical solutions where feasible. Examples may include:
    - (a) Use of native plants or xeriscaping;



- (b) Keeping clippings and leaves out the small MS4 and the street by encouraging mulching, composting, or landfilling;
    - (c) Limiting application of pesticides and fertilizers if precipitation is forecasted within 24 hours, or as specified in label instructions;
    - (d) Reducing mowing of grass to allow for greater pollutant removal, but not jeopardizing motorist safety.
  - c. The permittee shall develop schedules for chemical application in public spaces owned and operated by the permittee that minimize the discharge of pollutants from the application due to irrigation and expected precipitation.
  - d. The permittee shall ensure collection and proper disposal of the permittee's unused pesticides, herbicides, and fertilizers.
- (2) Evaluation of Flood Control Projects

The permittee shall assess the impacts of the receiving water(s) for all flood control projects. New flood control structures must be designed, constructed, and maintained to provide erosion prevention and pollutant removal from stormwater. The retrofitting of existing structural flood control devices to provide additional pollutant removal from stormwater shall be implemented to the maximum extent practicable.

## **6. Industrial Stormwater Sources**

Permittees operating a Level 4 small MS4 shall include the requirements described below in Part III. B.6(a) and (b) – this requirement is only applicable to Level 4 MS4s

- (a) Permittees who operate Level 4 small MS4s shall identify and control pollutants in stormwater discharges to the small MS4 from permittee's landfills; other treatment, storage, or disposal facilities for municipal waste (for example, transfer stations and incinerators); hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Emergency Planning and Community Right-to-Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the small MS4.
- (b) The program must include priorities and procedures for inspections and for implementing control measures for such industrial discharges.

## **7. Authorization for Construction Activities where the Small MS4 is the Site Operator**

The development of this MCM for construction activities, where the small MS4 is the site operator, is optional and provides an alternative to the MS4 operator seeking coverage under TPDES CGP, TXR150000 for each construction activity. Permittees that choose to develop this measure will be authorized to discharge stormwater and certain non-stormwater from construction activities where the MS4 operator meets the definition of a construction site operator in Part I of this general permit.

When developing this measure, permittees are required to meet all requirements of, and be consistent with, applicable effluent limitation guidelines for the Construction and Development industry (40 CFR Part 450), TPDES CGP TXR150000, and Part III.B.3 of this permit.

The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the small MS4 located within a UA or the area designated by TCEQ as requiring

coverage. However, an MS4 operator may also utilize this MCM over additional portions of their small MS4 that are also in compliance with all of the MCMs listed in this general permit.

This MCM must be developed as a part of the SWMP that is submitted with the NOI for permit coverage. If this MCM is developed after submitting the initial NOI, an NOC must be submitted notifying the executive director of this change, and identifying the geographical area or boundary where the activities will be conducted under the provisions of this general permit.

Utilization of this MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under an individual TPDES permit.

This MCM is only available for projects where the small MS4 is a construction site operator or owner, and the MCM does not provide any authorization for other construction site operators at a municipal project.

Controls required under this MCM must be implemented prior to discharge from a municipal construction site into surface water in the state.

The MCM must include:

- (a) A description of how construction activities will generally be conducted by the permittee so as to take into consideration local conditions of weather, soils, and other site-specific considerations;
- (b) A description of the area that this MCM will address and where the permittee's construction activities are covered (for example within the boundary of the urbanized area, the corporate boundary, a special district boundary, an extra territorial jurisdiction, or other similar jurisdictional boundary);
- (c) Either a description of how the permittee will supervise or maintain oversight over contractor activities to ensure that the SWP3 requirements are properly implemented at the construction site; or how the permittee will make certain that contractors have a separate authorization for stormwater discharges;
- (d) A general description of how a SWP3 will be developed for each construction site, according to Part VI of this general permit, "Authorization for Municipal Construction Activities"; and
- (e) Records of municipal construction activities authorized under this optional MCM, in accordance with Part VI of this general permit.

### **Section C. General Requirements**

Permittees shall provide information in the SWMP documenting the development and implementation of the program. At a minimum, the documentation must include:

- 1. A list of any public or private entities assisting with the development or implementation of the SWMP;
- 2. If applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution;
- 3. A list of all BMPs and measurable goals for each of the MCMs;
- 4. A schedule for the implementation of all SWMP requirements. The schedule must include, as appropriate, the months and years in which the permittee will undertake

required actions, including interim milestones and the frequency of the action throughout the permit term.

5. A description of how each measurable goal will be evaluated; and
6. A rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected.

## **Part IV. Recordkeeping and Reporting**

### **Section A. Recordkeeping**

1. The permittee shall retain all records, a copy of this TPDES general permit, and records of all data used to complete the application (NOI) for this general permit and satisfy the public participation requirements, for a period of at least three (3) years, or for the remainder of the term of this general permit, whichever is longer. This period may be extended by request of the executive director at any time.
2. The permittee shall submit the records to the executive director only when specifically asked to do so. The SWMP required by this general permit (including a copy of the general permit) must be retained at a location accessible to the TCEQ.
3. The permittee shall make the NOI and the SWMP available to the public at reasonable times during regular business hours, if requested to do so in writing. Copies of the SWMP must be made available within ten (10) working days of receipt of a written request. Other records must be provided in accordance with the Texas Public Information Act. However, all requests for records from federal facilities must be made in accordance with the Freedom of Information Act.
4. The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

### **Section B. Reporting**

#### **1. General Reporting Requirements**

##### **(a) Noncompliance Notification**

According to 30 TAC § 305.125(9), any noncompliance which may endanger human health or safety, or the environment, must be reported by the permittee to the TCEQ. Report of such information must be provided orally or by fax to the TCEQ Regional Office within 24 hours of becoming aware of the noncompliance. A written report must be provided by the permittee to the appropriate TCEQ Regional Office and to the TCEQ Enforcement Division (MC-224) within five working days of becoming aware of the noncompliance. The written report must contain:

- (1) A description of the noncompliance and its cause;
- (2) The potential danger to human health or safety, or the environment;
- (3) The period of noncompliance, including exact dates and times;
- (4) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and

- (5) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

(b) Other Information

When the permittee becomes aware that it either submitted incorrect information or failed to submit complete and accurate information requested in an NOI, NOT, or NOC, or any other report, the permittee shall promptly submit the facts or information to the executive director.

## **2. Annual Report**

The MS4 operator shall submit a concise annual report to the executive director within 90 days of the end of each reporting year. For the purpose of this section, the reporting year may include either the permit year, the permittee's fiscal year or the calendar year, as elected by the small MS4 and notified to the TCEQ in the application submittal. The annual report must address the previous reporting year.

The first reporting year for annual reporting purposes shall begin on the permit effective date and shall last for a period of one (1) year (the end of the "permit year"). Alternatively, if the permittee elects to report based on its fiscal year, the first reporting year will last until the end of the fiscal year immediately following the issuance date of this permit. If the permittee elects to report based on the calendar year, then the first reporting year will last until December 31, 2019.

Subsequent calendar years will begin at the beginning of the first reporting year (which will vary based on the previous paragraph) and last for one (1) year. The MS4 operator shall also make a copy of the annual report readily available for review by TCEQ personnel upon request. The report must include:

- (a) The status of the compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals;
- (b) A summary of the results of information collected and analyzed, during the reporting period, including monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- (c) If applicable, a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4s BMPs used to address the pollutant of concern;
- (d) A summary of the stormwater activities the MS4 operator plans to undertake during the next reporting year;
- (e) Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- (f) Description and schedule for implementation of additional BMP's that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans. For waters that are listed as impaired after discharge authorization pursuant to Part II.D.4, include a list of such waters and the pollutant(s) causing the impairment, and a summary of any actions taken to comply with the requirements of Part II.D.4.b.;
- (g) Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable);



- (h) The number of construction activities where the small MS4 is the operator and authorized under the 7<sup>th</sup> optional MCM, including the total number of acres disturbed; and
- (i) The number of construction activities that occurred within the jurisdictional area of the small MS4 (as noticed to the permittee by the construction operator), and that were not authorized under the 7<sup>th</sup> MCM.

MS4s authorized under the previous version of the permit must prepare an annual report whether or not the NOI and SWMP have been approved by the TCEQ. If the permittee has either not implemented the SWMP or not begun to implement the SWMP because it has not received approval of the NOI and SWMP, then the annual report may include that information.

If permittees share a common SWMP, they shall contribute to and submit a single system-wide report. Each permittee shall sign and certify the annual report in accordance with 30 TAC § 305.128 (relating to Signatories to Reports).

The annual report must be submitted with the appropriate TCEQ reporting forms if available, or as otherwise approved by TCEQ.

The annual report must be submitted to the following address:

Texas Commission on Environmental Quality  
Stormwater Team; MC - 148  
P.O. Box 13087  
Austin, Texas 78711-3087

A copy of the annual report must also be submitted to the TCEQ Regional Office that serves the area of the regulated small MS4, except if the report is submitted electronically.

Effective December 21, 2020, annual reports must be submitted using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

## **Part V. Standard Permit Conditions**

- A. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the general permit and statutes under which it was issued, and is grounds for enforcement action, for terminating coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.
- B. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- C. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- D. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee shall furnish to the executive director, upon

request and within a reasonable timeframe, any information necessary for the executive director to determine whether cause exists for modifying, revoking, suspending, reissuing or terminating authorization under this general permit. Additionally, the permittee shall provide to the executive director, upon request, copies of all records that the permittee shall maintain as a condition of this general permit.

- E. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of this permit and with the condition of the permittee's SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed only when the operation is necessary to achieve compliance with the conditions of this permit.
- F. Inspection and entry shall be allowed under the TWC Chapters 26-28, Health and Safety Code §§ 361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC § 26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
- G. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under the TWC, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:
  - 1. Negligently or knowingly violating CWA, §§ 301, 302, 303, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, § 402; and
  - 2. Knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance.
- H. All reports and other information requested by or submitted to the executive director must be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).
- I. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- J. The permittee shall implement its SWMP on any new areas under its jurisdiction that are located in a UA or that are designated by the TCEQ. Implementation of the SWMP in these areas is required three (3) years from acquiring the new area, or five (5) years from the date of initial permit coverage.

**Part VI. Authorization for Municipal Construction Activities – Applicable only if the 7th Optional MCM is selected**

The MS4 operator may obtain authorization under TPDES CGP, TXR150000 to discharge stormwater runoff from each construction activity performed by the MS4 operator that results in a land disturbance of one (1) acre or more of land or less than one (1) acre of land, if the construction activity is part of a larger common plan of development or sale that would disturb one acre or more. Alternatively, the MS4 operator may develop the SWMP to include the optional seventh (7<sup>th</sup>) stormwater MCM listed in Part III.B.7 of this general permit if the eligibility requirements in Part VI.A. below are met.

If an MS4 operator decides to utilize this MCM, then the MS4 operator must include this MCM in its SWMP submitted with the NOI or submit an NOC notifying the executive director of the addition of this MCM to its SWMP. The MS4 operator must identify the geographic area or boundary where the construction activities will be conducted under the provisions of this general permit. If the permittee meets the terms and requirements of this general permit, then discharges from these construction activities may be authorized under this general permit as long as they occur within the regulated geographic area of the small MS4.

An MS4 operator may utilize this MCM over additional portions of their small MS4 if those areas are also in compliance with all MCMs listed in this general permit. Even if an MS4 operator has developed this optional seventh stormwater MCM, the MS4 operator may apply under TPDES CGP TXR150000 for authorization for particular municipal construction activities including those activities that occur during periods of low potential for erosion (for which no SWP3 must be developed).

**Section A. Eligible Construction Sites**

Discharges from construction activities within the regulated area where the MS4 operator meets the definition of construction site operator are eligible for authorization under this general permit. Discharges from construction activities outside of the regulated area, where the MS4 operator meets the definition of construction site operator, are only eligible for authorization under this general permit in those areas where the MS4 operator meets the requirements of Parts III.B.1. through III.B.6 of this general permit, related to MCMs.

**Section B. Discharges Eligible for Authorization****1. Stormwater Associated with Construction Activity**

Discharges of stormwater runoff from small and large construction activities may be authorized under this general permit.

**2. Discharges of Stormwater Associated with Construction Support Activities**

Discharges of stormwater runoff from construction support activities, including concrete batch plants, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under this general permit provided:

- (a) The activity is located within a one-mile distance from the boundary of the permitted construction site and directly supports the construction activity;

- (b) A SWP3 is developed according to the provisions of this general permit and includes appropriate controls and measures to control sediment and erosion and discharge of pollutants in stormwater runoff from the supporting construction activity site;
- (c) The construction support activity either does not operate beyond the completion date of the construction activity or obtains separate TPDES authorization for discharges as required; and
- (d) Discharge of stormwater from concrete production facilities must meet the requirements in Section E below

### **3. Non-Stormwater Discharges**

The following non-stormwater discharges from construction sites authorized under this general permit are also eligible for authorization under this MCM:

- (a) Discharges from emergency fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (b) Uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);
- (c) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;
- (d) Uncontaminated water used to control dust;
- (e) Potable water sources including waterline flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (f) Uncontaminated air conditioning condensate; and
- (g) Uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents.

### **4. Other Permitted Discharges**

Any discharge authorized under a separate TPDES or TCEQ permit may be combined with discharges from construction sites operated by the small MS4, provided the discharge complies with the associated permit.

## **Section C. Limitations on Permit Coverage**

Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under Part VI of the general permit.

### Section D. Stormwater Pollution Prevention Plan (SWP3) Requirements

Operators of municipal construction activities that qualify for coverage under this general permit and that discharge stormwater associated with construction activities into surface water in the state must:

1. Develop a SWP3 according to the provisions of this general permit that covers the entire site and begin implementation of that plan prior to commencing construction activities;
2. Post a signed copy of a TCEQ approved site notice in a location at the construction site where it is readily available for viewing prior to commencing construction activities and maintain the notice in that location until completion of the construction activity and final stabilization of the site;
3. Ensure the project specifications allow or provide that adequate BMPs may be developed and modified as necessary to meet the requirements of this general permit and the SWP3;
4. Ensure all contractors are aware of the SWP3 requirements, are aware that municipal personnel are responsible for the day-to-day operations of the SWP3, and who to contact concerning SWP3 requirements; and
5. Ensure that the SWP3 identifies the municipal personnel responsible for implementation of control measures described in the plan.

### Section E. Stormwater Runoff from Concrete Batch Plants

Discharges of stormwater runoff from concrete batch plants at regulated construction sites may be authorized under the provisions of this general permit provided that the following requirements are met for concrete batch plant(s) authorized under this permit. If discharges of stormwater runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or an individual permit. This permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at regulated construction sites. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

#### 1. Benchmark Sampling Requirements

- (a) Operators of concrete batch plants authorized under this section must sample the stormwater runoff from the concrete batch plants according to the requirements of this section of the general permit, and must conduct evaluations of the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 1. Benchmark Monitoring

Benchmark Parameters	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease (*1)	15 mg/L	1/quarter (*2)(*3)	Grab (*4)
Total Suspended Solids (*1)	50 mg/L	1/quarter (*2)(*3)	Grab (*4)
pH (*1)	6.0-9.0 S.U.	1/quarter (*2)(*3)	Grab (*4)
Total Iron (*1)	1.3 mg/L	1/quarter (*2)(*3)	Grab (*4)



- (\*1) Analytical data intended for compliance with benchmark monitoring requirements must be analyzed by a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory based on state rules located in 30 TAC Chapter 25. Analysis must be performed using sufficiently sensitive methods for analysis that comply with the rules located in 40 CFR §136.1(c) and 40 CFR §122.44(i)(1)(iv).
- (\*2) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.
- (\*3) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.
  - January through March
  - April through June
  - July through September
  - October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the NOI.

- (\*4) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.
- (b) The permittee shall compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

- (1) Any additional potential sources of pollution, such as spills that might have occurred;
- (2) Necessary revisions to good housekeeping measures that are part of the SWP3;
- (3) Additional BMPs, including a schedule to install or implement the BMPs; and
- (4) Other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater run-on to the permitted facility, by laboratory analyses of samples of stormwater run-off from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

## **2. BMPs and SWP3 Requirements**

Minimum Stormwater Pollution Prevention Plan (SWP3) Requirements - The following are required in addition to other SWP3 requirements listed in this section:

- (a) Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices. The following must be developed, at a minimum, in support of developing this description:
  - (1) Drainage – The site map must include the following information:
    - a. The location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;
    - b. A depiction of the drainage area and the direction of flow to the outfall(s);
    - c. Structural controls used within the drainage area(s);
    - d. The locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes listed in the TPDES CGP TXR150000; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and
    - e. The locations of the following: any bag house or other dust control device(s); recycle or sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.
  - (2) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.
  - (3) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated.
  - (4) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.

- (b) Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part VI.E.2.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:
- (1) Good Housekeeping - Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.
    - a. Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater.

Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.
    - b. Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.
  - (2) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.
  - (3) Inspections - Qualified facility personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.
  - (4) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.
  - (5) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

- (6) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.
- (c) Comprehensive Compliance Evaluation – At least once per year, one (1) or more qualified personnel (for example, a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following:
- (1) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.
  - (2) Based on the results of the evaluation, the following must be revised as appropriate within two (2) weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part VI.E.2(a), "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part VI.E.2.(b) "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.
  - (3) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC §305.128, relating to Signatories to Reports.
  - (4) The Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part VI.E.2.(b)(3) of this general permit.

### **3. Prohibition of Wastewater Discharges**

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck washout at construction sites may be authorized if conducted in accordance with the requirements of Part VI of this general permit.

### **4. Concrete Truck Wash Out Requirements**

This general permit authorizes the wash out of concrete trucks at construction sites regulated under this section of the general permit, provided the following requirements are

met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production waste water must be authorized under a separate TCEQ general permit or individual permit.

- (a) Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.
- (b) Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
- (c) Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of rain.
- (d) The discharge of wash out water shall not cause or contribute to groundwater contamination.
- (e) If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated map.

#### **Section F. Effective Date of Coverage**

Construction activities may not commence under this section until the MS4 NOI and SWMP are approved in writing by the TCEQ. Following approval of the NOI and SWMP, operators of construction activities eligible for coverage under this general permit are authorized to discharge stormwater associated with construction activity immediately upon posting the signed construction site notice required under this section.

#### **Section G. Deadlines for SWP3 Preparation and Compliance**

The SWP3 must:

- 1. Be completed and initially implemented prior to commencing construction activities that result in soil disturbance;
- 2. Be updated as necessary to reflect the changing conditions of new contractors, new areas of responsibility, and changes in best management practices; and
- 3. Provide for compliance with the terms and conditions of this general permit.

#### **Section H. Plan Review and Making Plans Available**

The SWP3 must be retained on-site at the construction site or made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; and to local government officials.

#### **Section I. Keeping Plans Current**

The permittee shall amend the SWP3 whenever either of the following occurs:



1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3; or
2. Results of inspections or investigations by site operators, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

## **Section J. Contents of SWP3**

The SWP3 must include, at a minimum, the information described in this section.

### **1. Site Description**

A site description, or project description, which must include:

- (a) A description of the nature of the construction activity, potential pollutants and sources;
- (b) A description of the intended schedule or sequence of major activities that will disturb soils for major portions of the site;
- (c) The number of acres of the entire construction site property and the total number of acres of the site where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas;
- (d) Data describing the soil type or the quality of any discharge from the site;
- (e) A map showing the general location of the site (e.g. a portion of a city or county map);
- (f) A detailed site map indicating the following:
  - (1) Drainage patterns and approximate slopes anticipated after major grading activities;
  - (2) Areas where soil disturbance will occur;
  - (3) Locations of all major structural controls either planned or in place;
  - (4) Locations where temporary or permanent stabilization practices are expected to be used;
  - (5) Locations of construction support activities, including off-site activities that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment storage areas;
  - (6) Surface waters (including wetlands) either at, adjacent, or in close proximity to the site;
  - (7) Locations where stormwater discharges from the site directly to a surface water body or a MS4; and
  - (8) Vehicle wash areas.
- (g) The location and description of asphalt plants and concrete plants (if any) providing support to the construction site and that are also authorized under this general permit;
- (h) The name of receiving waters at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project; and
- (i) A copy of Part VI of this TPDES general permit.

## **2. Structural and non-structural controls**

The SWP3 must describe the structural and the non-structural controls (BMPs) that will be used to minimize pollution in runoff. The description must identify the general timing or sequence for implementation and the party responsible for implementation. At a minimum, the description must include the following components:

### **Erosion and Sediment Controls**

- (a) Erosion and sediment controls must be designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.
- (b) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications. If periodic inspections or other information indicates a control has been used incorrectly, or that the control is performing inadequately, the operator must replace or modify the control.
- (c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50 percent.
- (d) If sediment escapes the site, accumulations must be removed at a frequency to minimize further negative effects. and, whenever feasible, prior to the next rain event.
- (e) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by stormwater runoff.

## **3. Stabilization Practices**

The SWP3 must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans must ensure that existing vegetation is preserved where possible.

- (a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, and other similar measures.
- (b) The following records must be maintained and either attached to or referenced in the SWP3 and made readily available upon request to the parties in Part VI.H. of this general permit:
  - (1) The dates when major grading activities occur;
  - (2) The dates when construction activities temporarily or permanently cease on a portion of the site; and
  - (3) The dates when stabilization measures are initiated.
- (c) Stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily or permanently ceased, and will not resume for a period exceeding 14 calendar days, except as provided in (1) and (2) below.
  - (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
  - (2) Where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable. These

conditions exist in arid areas, semiarid areas, and areas experiencing drought conditions.

#### **4. Structural Control Practices**

The SWP3 must include a description of any structural control practices used to divert flows away from exposed soils, to limit the contact of runoff with disturbed areas, or to lessen the off-site transport of eroded soils.

(a) Sites with a drainage area of ten (10) or more acres:

- (1) A sediment basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, but must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from off-site areas and flow from on-site areas that are either undisturbed or have already undergone final stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations must be included in the SWP3.
- (2) Where rainfall data is not available or a calculation cannot be performed the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until the site reaches final stabilization.
- (3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until the site reaches final stabilization. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation pattern, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.
- (4) Perimeter Controls – At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(b) Controls for sites with drainage areas less than ten acres:

- (1) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.
- (2) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

## **5. Permanent Stormwater Controls**

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site.

## **6. Other Controls**

- (a) Off-site vehicle tracking of sediments and the generation of dust must be minimized.
- (b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to reduce pollutants from these materials.
- (c) The SWP3 must include a description of pollutant sources from areas other than construction (including stormwater discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

## **7. Effluent Limits**

The federal Effluent Limitations Guidelines at 40 CFR § 450.21 apply to all regulated construction activities under this 7<sup>th</sup> optional MCM, where the small MS4 is the operator.

## **8. Approved State and Local Plans**

- (a) The permittee shall ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.
- (b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for whom the permittee receives written notice.

## **9. Maintenance**

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If through inspections the permittee determines that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

## **10. Inspections of Controls**

- (a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion

control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid or semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection.

The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

- (b) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part VI.J.10(a) above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part VI.J.10.(a) above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).



- (c) In the event of flooding or other uncontrollable situations that prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.
- (d) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.
- (e) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).
- (f) The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

#### **11. Pollution Prevention Measures**

The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge.

#### **Section K. Additional Retention of Records**

The permittee shall retain the following records for a minimum period of three (3) years from the date that final stabilization has been achieved on all portions of the site. Records include:

1. A copy of the SWP3; and
2. All reports and actions required by this section, including copies of the construction site notices.