



Prosper is a place where everyone matters.

AGENDA
Meeting of the Prosper Town Council
Prosper Municipal Chambers
108 W. Broadway, Prosper, Texas
Tuesday, November 11, 2014
6:00 p.m.

1. Call to Order/Roll Call.
2. Invocation, Pledge of Allegiance and Pledge to the Texas Flag.
3. Announcements of upcoming events.
4. Presentations.
 - Presentation of a Proclamation to members of the Prosper Historical Society and local veterans proclaiming November 11, 2014, as *Veterans Day*.
 - Presentation of a Proclamation to members of the Pulmonary Hypertension Association proclaiming November 2014 as *Pulmonary Hypertension Awareness Month*.
 - Presentation to members of the Town of Prosper Finance Division for receiving a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2013.

5. **CONSENT AGENDA:**

(Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.)

- 5a. Consider and act upon minutes from the following Town Council meeting. **(RB)**
 - Regular Meeting – October 28, 2014
- 5b. Consider and act upon canceling the November 25, 2014, and the December 23, 2014, Prosper Town Council meetings. **(RB)**
- 5c. Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement with Collin County related to the Coleman Street between Prosper Trail and Preston Road project. **(MR)**
- 5d. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or preliminary site plan. **(AG)**

6. **CITIZEN COMMENTS:**

(The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting.)

Other Comments by the Public -

REGULAR AGENDA:

(If you wish to address the Council during the regular agenda portion of the meeting, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.)

PUBLIC HEARINGS:

7. Conduct a Public Hearing, and consider and act upon a request for a variance to the Sign Ordinance, Section 1.09(D), regarding Monument Signs, regarding an alternative detached sign, located on the north side of Broadway Street, 550± feet east of Coleman Street. (V14-0003). **(AG)**

DEPARTMENT ITEMS:

8. Consider and act upon authorizing the Town Manager to execute a Contract Amendment #2 with Kimley-Horn and Associates, Inc., related to the Coleman Street from Prosper Trail to Prosper High School project. **(MR)**
9. Consider and act upon approving the Prosper Youth Sports Commission (PYSC) inaugural by-laws. **(WM)**
10. Discussion on implementing the Stormwater Management Program requirement to meet conditions of the TCEQ General Permit to discharge under the Texas Pollutant Discharge Elimination System. **(DH)**
11. Discussion on the design of the Downtown Enhancements project. **(MR)**

12. **EXECUTIVE SESSION:**

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

- 12a.** *Section 551.087 – To discuss and consider economic development incentives.*

- 12b.** *Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.*
- 12c.** *Section 551.071 – To discuss possible litigation regarding claims related to landscaping and irrigation projects, and all matters incident and related thereto.*
- 12d.** *Section 551.071 - Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.*
- 13.** Reconvene in Regular Session and take any action necessary as a result of the Closed Session.
- 14.** Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.
 - Proration of utility bill fixed charges for partial month customers. **(KA)**
 - School Zone Times at Rogers Middle School. **(MR)**
 - TXDOT recommendations for Preston Road speed limit. **(MR)**
 - Joint Town Council and Planning & Zoning Commission meeting agenda. **(JW)**
 - Centennial Celebration Committee update. **(RB)**
- 15.** Adjourn.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at Prosper Town Hall, located at 121 W. Broadway Street, Prosper, Texas 75078, a place convenient and readily accessible to the general public at all times, and said Notice was posted on November 7, 2014, at 5:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

Robyn Battle, Town Secretary

Date Noticed Removed

Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

NOTICE

Pursuant to Town of Prosper Ordinance No. 13-63, all speakers other than Town of Prosper staff are limited to three (3) minutes per person, per item, which may be extended for an additional two (2) minutes with approval of a majority vote of the Town Council.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: The Prosper Town Council meetings are wheelchair accessible. For special services or assistance, please contact the Town Secretary's Office at (972) 569-1011 at least 48 hours prior to the meeting time.



Prosper is a place where everyone matters.

MINUTES

Meeting of the Prosper Town Council
Prosper Independent School District
Central Administration Building
Board Room
605 East 7th Street, Prosper, TX 75078
Tuesday, October 28, 2014

1. **Call to Order/Roll Call.**

The meeting was called to order at 6:00 p.m.

Council Members Present:

Mayor Ray Smith
Mayor Pro-Tem Meigs Miller
Deputy Mayor Pro-Tem Kenneth Dugger
Councilmember Michael Korbuly
Councilmember Mike Davis
Councilmember Jason Dixon

Council Members Absent:

Councilmember Curry Vogelsang, Jr.

Staff Members Present:

Harlan Jefferson, Town Manager
Robyn Battle, Town Secretary
Terrence Welch, Town Attorney
Hulon T. Webb, Jr., Executive Director of Development and Community Services
John Webb, Director of Development Services
Alex Glushko, Senior Planner
Matt Richardson, Senior Engineer
Will Mitchell, Parks & Recreation Manager
Kent Austin, Finance Director
January Cook, Purchasing Agent
Doug Kowalski, Police Chief
Gary McHone, Assistant Police Chief

2. **Invocation, Pledge of Allegiance and Pledge to the Texas Flag.**

Councilmember Korbuly led the invocation. The Pledge of Allegiance and the Pledge to the Texas Flag were recited.

3. **Announcements of upcoming events.**

Councilmember Dixon made the following announcements:

Early voting for the November 4 General Election will be held in Municipal Chambers through October 31 for Collin County voters. On Election Day, Collin County voters may vote at the Prosper ISD Central Administration Building located at 605 E. 7th Street. Election information is available on the Town's website, or by contacting the Collin County or Denton County Election Offices.

The Prosper Police Department is kicking off their annual “Cops with a Claus” campaign to assist families in need during the holiday season by providing them with gift cards for grocery stores, department stores, and a variety of merchants. Tax-deductible donations of any amount may be dropped off at Prosper Town Hall, or the Prosper Police Dispatch Office through December 6. For more information, please contact Assistant Police Chief Gary McHone.

The Landscaping Project for the Preston Road Median has begun, and should be complete within about four months. Landscape contractors will add a combination of drought-resistant native plants, grass, shrubs, and trees to the median from Highway 380 north to FM 455 in Celina. Motorists should expect some lane closures during the landscape project, and should use caution when driving near work areas.

4. Proclamations.

- **Proclamation presented to members of the Prosper Police Department declaring October 23-31, 2014, as *Red Ribbon Week*.**

Mayor Smith presented the Proclamation to Police Chief Doug Kowalski, Assistant Police Chief Gary McHone, and Officer Rachel Fallwell of the Prosper ISD Police Department.

5. CONSENT AGENDA:

(Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Council Members or staff.)

- 5a. **Consider and act upon minutes from the following Town Council meeting. (RB)**
 - **Regular Meeting – October 14, 2014**
- 5b. **Receive the September 2014 Financial Report. (KA)**
- 5c. **Receive the Quarterly Investment Report for the quarter ending September 30, 2014. (KA)**
- 5d. **Consider and act upon Resolution No. 14-73 accepting and approving the 2014 tax roll. (KA)**
- 5e. **Consider and act upon approving a Priority Support Agreement between VP Imaging, Inc., dba DocuNav Solutions, and the Town of Prosper, Texas, related to the upgrade and maintenance of the Town's Laserfiche software; and authorizing the Town Manager to execute same. (RB)**
- 5f. **Consider and act upon approving Amendment Eight to the Interlocal Agreement between Collin County and the Town of Prosper, extending the agreement through FY 2014-2015, relating to Animal Control Services; and authorizing the Town Manager to execute same. (TE)**
- 5g. **Consider and act upon approving Amendment Eight to the Interlocal Agreement between Collin County and the Town of Prosper, establishing**

the service fee for FY 2014-2015 relating to Animal Sheltering Services; and authorizing the Town Manager to execute same. (TE)

Councilmember Dixon made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to approve all items on the Consent Agenda. The motion was approved by a vote of 6-0.

6. CITIZEN COMMENTS:

(The public is invited to address the Council on any topic. However, the Council is unable to discuss or take action on any topic not listed on this agenda. Please complete a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting.)

Other Comments by the Public -

Jack Dixon, 810 Long Valley Court, Prosper, thanked Mayor Smith and Library Director Leslie Scott for attending the Lakes of Prosper chili cook-off, and encouraged residents to attend the Prosper Historical Society Veterans Day event on November 6, 2014.

Irwin “Cap” Parry, 850 Kingsview Drive, Prosper, thanked the Council for the opportunity to voice his concerns, and encouraged the Council to appoint a committee of citizens to study the development of the downtown area.

REGULAR AGENDA:

(If you wish to address the Council during the regular agenda portion of the meeting, please fill out a “Public Meeting Appearance Card” and present it to the Town Secretary prior to the meeting. Citizens wishing to address the Council for items listed as public hearings will be recognized by the Mayor. Those wishing to speak on a non-public hearing related item will be recognized on a case-by-case basis, at the discretion of the Mayor and Town Council.)

7. Discussion of the Prosper Youth Sports Commission (PYSC) inaugural bylaws. (WM)

Will Mitchell, Parks and Recreation Manager, gave a brief overview of the PYSC bylaws, and then introduced Troy Brock, President of the PYSC. Mr. Brock explained that the bylaws were developed using model bylaws from other communities, and soliciting input from members of the local sports leagues and the Town Council. The proposed bylaws were further modified recently, and a red-line version of the most recent changes was provided to the Town Council. The Town Council discussed the process for equitably deciding field and facility use, the Town Council's role in the appeal process, the rule requiring 80% of players on each team to live within Prosper ISD boundaries, and financial reporting that would be required of each member league.

Councilmember Dixon left the meeting at 6:53 p.m.

Mr. Brock informed the Town Council that the PYSC would meet again on November 10, and he invited the Town Council to submit feedback on the proposed bylaws prior to that meeting.

8. Consider and act upon an amendment to the Capital Improvement Plan (CIP). (MR)

Senior Engineer Matt Richardson presented this item before the Town Council. The Seventh Street project (Coleman Street to PISD Admin) was approved for construction of drainage, water, sewer and paving improvements, and incidental engineering and easement acquisition. Bid proposals have been reviewed for the project, and Town staff is requesting an amendment to the CIP in the additional amount of \$196,345 for a total project cost of \$990,000.

After discussion, Deputy Mayor Pro-Tem Dugger made a motion and Councilmember Korbuly seconded the motion to approve an amendment to the Capital Improvement Plan (CIP), in the additional amount of \$196,345 for the Seventh Street (Coleman to PISD Admin) project. The motion was approved by a vote of 5-0.

9. Consider and act upon awarding Bid No. 2015-03-B to P.C. Contractors, LLC, related to construction services for the Prosper Road Improvements Project 2015: Seventh Street (Coleman Road to PISD Admin.) Pavement Replacement and Water Line Installation; and authorizing the Town Manager to execute a construction agreement for same. (MR)

Senior Engineer Matt Richardson presented this item before the Town Council. The contract will replace the existing asphalt pavement on Seventh Street and parts of Church Street with new concrete pavement, including incidental work on driveways and drainage culverts. An 8" water line along the south side of Seventh Street, and four additional fire hydrants will be installed, increasing the ability of the Fire Department to respond in that area. After reviewing thirteen bids, Town staff recommended that the Town Council award the bid to P.C. Contractors for a total project cost of \$990,000.

Councilmember Korbuly made a motion, and Councilmember Davis seconded the motion to award Bid No. 2015-03-B to P.C Contractors, LLC, related to construction services for the Prosper Road Improvement Project 2015 – Seventh Street – Coleman Road to PISD Pavement Replacement and Water Line Installation; and authorize the Town Manager to execute a construction agreement for the same. The motion was approved by a vote of 5-0.

10. EXECUTIVE SESSION:

Recess into Closed Session in compliance with Section 551.001 et seq. Texas Government Code, as authorized by the Texas Open Meetings Act, to deliberate regarding:

10a. Section 551.087 – To discuss and consider economic development incentives.

10b. Section 551.072 – To discuss and consider purchase, exchange, lease or value of real property for municipal purposes and all matters incident and related thereto.

- 10c. Section 551.071 – To discuss possible litigation regarding claims related to landscaping and irrigation projects, and all matters incident and related thereto.**
- 10d. Section 551.074 – To discuss appointments to the Planning & Zoning Commission, Parks & Recreation Board, Prosper Economic Development Corporation Board, Board of Adjustment/Construction Board of Appeals, and Library Board.**
- 10e. Section 551.071 - Consultation with Town Attorney regarding legal issues associated with proposed extraterritorial jurisdiction release, and all matters incident and related thereto.**

The Town Council recessed into Executive Session at 7:15 p.m.

Councilmember Dixon returned to the meeting and joined the Executive Session at 8:13 p.m.

11. Reconvene in Regular Session and take any action necessary as a result of the Closed Session.

The Town Council reconvened the Regular Session at 8:17 p.m. The following action was taken as a result of Executive Session:

Mayor Pro-Tem Miller made a motion and Deputy Mayor Pro-Tem Dugger seconded the motion to appoint John Alzner to Place No. 4 on the Planning and Zoning Commission, to replace Klaus Hillman who resigned from the position. The motion was approved by a vote of 6-0.

12. Possibly direct Town staff to schedule topic(s) for discussion at a future meeting.

- **Discuss the Town Council meeting schedule for the Thanksgiving and Christmas holidays.**

The Town Council directed Town staff to cancel the November 25, 2014, and the December 23, 2014, Town Council meetings due to the Thanksgiving and Christmas holidays.

- **Discuss the proposed agenda for the Town Council/Planning and Zoning Commission Joint Work Session.**

Town staff was provided with direction on the proposed agenda, which includes discussion of the Town's Comprehensive Plan.

13. Adjourn.

The meeting was adjourned at 8:28 p.m.

These minutes approved on the 11th day of November, 2014.

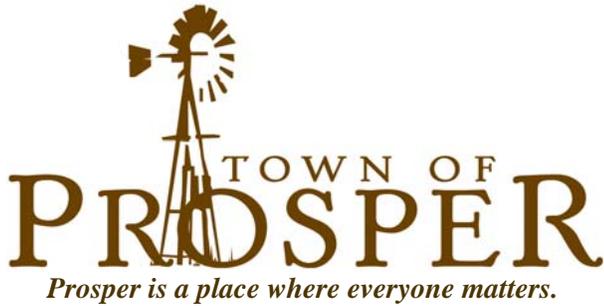
APPROVED:

Ray Smith, Mayor

ATTEST:

Robyn Battle, Town Secretary

DRAFT



**TOWN SECRETARY'S
OFFICE**

To: Mayor and Town Council

From: Robyn Battle, Town Secretary

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – November 11, 2014

Agenda Item:

Consider and act upon canceling the November 25, 2014, and the December 23, 2014, Prosper Town Council meetings.

Description of Agenda Item:

Due to the upcoming holiday schedule, Town staff is proposing that the following Prosper Town Council meetings be canceled:

- November 25, 2014
- December 23, 2014

Proposed Motion:

I make a motion to cancel the November 25, 2014, and the December 23, 2014, Prosper Town Council meetings.



ENGINEERING

To: Mayor and Town Council

From: Matt Richardson., P.E., Senior Engineer

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – November 11, 2014

Agenda Item:

Consider and act upon authorizing the Town Manager to execute an Interlocal Agreement with Collin County related to the Coleman Street between Prosper Trail and Preston Road project.

Description of Agenda Item:

On October 20, 2014, the Collin County Commissioner's Court authorized the assignment of discretionary bond funds to several transportation projects submitted for consideration by local cities. Among the selected projects was Coleman Street from Prosper Trail to Preston Road with a funding assignment from Collin County of \$1,412,500. This funding is in addition to the Town's allocation of \$1,880,000 in the current Capital Improvement Program.

The scope of work proposed for this funding includes the reconstruction of Coleman Street between Prosper Trail and Prosper High School as a two-lane curb and gutter roadway and the construction of a new extension of Coleman Street between Prosper High School and Preston Road as a two-lane curb and gutter roadway. This work will be completed in two phases with the first phase (south of the high school) being substantially completed in August 2015 and the second phase (east of the high school) being substantially completed in December 2015.

This Interlocal Agreement provides the framework for Collin County's participation in the project. The County will provide payment of the \$1,412,500 in two installments: 50% at the start of construction and the remaining 50% at the halfway point of construction. The Town is responsible for preparing the engineering design for the roadway, acquiring right-of-way, and for constructing the roadway.

Budget Impact:

The Collin County funding associated with this Interlocal Agreement is already included in the Capital Improvement Program.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the Interlocal Agreement as to form and legality.

Attached Documents:

1. Location Map
2. Interlocal Agreement

Town Staff Recommendation:

Town staff recommends that the Town Council authorize the Town Manager to execute an Interlocal Agreement with Collin County related to the Coleman Street between Prosper Trail and Preston Road project.

Proposed Motion:

I move to authorize the Town Manager to execute an Interlocal Agreement with Collin County related to the Coleman Street between Prosper Trail and Preston Road project.

**INTERLOCAL AGREEMENT
BETWEEN COLLIN COUNTY AND THE TOWN OF PROSPER
CONCERNING THE IMPROVEMENTS TO
COLEMAN STREET BETWEEN PROSPER TRAIL AND PRESTON ROAD
2007 BOND PROJECT #07-00-30**

WHEREAS, the County of Collin, Texas (“County”) and the Town of Prosper, Texas (“Town”) desire to enter into an agreement concerning the construction of improvements to Coleman Street between Prosper Trail and Preston Road (the “Project”) in Prosper, Collin County, Texas; and

WHEREAS, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the Town and County have determined that the improvements may be constructed most economically by implementing this agreement.

NOW, THEREFORE, this agreement is made and entered into by the County and the Town upon and for the mutual consideration stated herein.

WITNESSETH:

ARTICLE I.

The Town shall arrange to construct improvements to Coleman Street between Prosper Trail and Preston Road, hereinafter called the “Project”. The Project shall consist of constructing a two-lane undivided arterial (one-half of an ultimate four-lane divided arterial) from Prosper Trail to the south boundary of Prosper High School and from the east boundary of Prosper High School to Preston Road, a distance of approximately 6,000 linear feet. The improvements shall also include construction of underground storm sewers as part of the road improvements and a traffic signal at Coleman Street and Prosper Trail (if warranted). All improvements shall be designed to meet or exceed the current Collin County design standards and shall be constructed in accordance with the plans and specifications approved by the Town.

ARTICLE II.

The Town shall prepare plans and specifications for the improvements, accept bids and award a contract to construct the improvements and administer the construction contract. In all such activities, the Town shall comply with all state statutory requirements. The Town shall provide the County with a copy of the executed construction contract(s) for the Project.

ARTICLE III.

The Town shall also acquire approximately 3 acres of real property in the vicinity of the improvements for use as right-of-way.

ARTICLE IV.

The Town estimates the total actual cost of the project to be \$3,200,000. The County agrees to fund up to one half of the total cost to construct the improvements in an amount not to exceed \$1,412,500. The County shall remit 50 percent of this amount (\$706,250) to the Town within thirty (30) days after the Town issues a Notice to proceed to the lowest responsible bidder and the Town requests payment or upon the availability of bond funds for this Project, whichever occurs later. The County will remit the remaining 50 percent within thirty (30) days after receipt of notice from the Town that the Project is 50 percent complete. Following completion of the Project, the Town shall provide a final accounting of expenditures

for the Project. If the actual cost to construct the Project is less than the estimated amount set forth herein, the Town shall remit the County 50 percent of the difference between the estimated cost and the actual cost. The Commissioners Court may revise this payment schedule based on the progress of the Project. The “total cost of the Project” shall include land acquisition, engineering, construction, inspection, testing, street lighting, and construction administration costs including contingencies.

ARTICLE V.

The County’s participation in the Project shall not exceed \$1,412,500.

ARTICLE VI.

The Town shall prepare for the County an itemized statement specifying Project costs that have been incurred to date and submit detailed Project cost and progress reports every thirty (30) days until Project completion.

ARTICLE VII.

The Town and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

ARTICLE VIII.

INDEMNIFICATION. TO THE EXTENT ALLOWED BY LAW, EACH PARTY AGREES TO RELEASE, DEFEND, INDEMNIFY, AND HOLD HARMLESS THE OTHER (AND ITS OFFICERS, AGENTS, AND EMPLOYEES) FROM AND AGAINST ALL CLAIMS OR CAUSES OF ACTION FOR INJURIES (INCLUDING DEATH), PROPERTY DAMAGES (INCLUDING LOSS OF USE), AND ANY OTHER LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEYS’ FEES AND EXPENSES, IN ANY WAY ARISING OUT OF, RELATED TO, OR RESULTING FROM ITS PERFORMANCE UNDER THIS AGREEMENT, OR CAUSED BY ITS NEGLIGENT ACTS OR OMISSIONS (OR THOSE OF ITS RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, OR ANY OTHER THIRD PARTIES FOR WHOM IT IS LEGALLY RESPONSIBLE) IN CONNECTION WITH PERFORMING THIS AGREEMENT.

ARTICLE IX.

VENUE. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this agreement. The parties agree that this agreement is performable in Collin County, Texas and that exclusive venue shall lie in Collin County, Texas.

ARTICLE X.

SEVERABILITY. The provisions of this agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the agreement shall be enforced as if the invalid provision had never been included.

ARTICLE XI.

ENTIRE AGREEMENT. This agreement embodies the entire agreement between the parties and may only be modified in a writing executed by both parties.

ARTICLE XII.

SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this agreement without the written consent of the other party.

ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this agreement shall not create any rights in parties not signatories hereto.

ARTICLE XIV.

TERM. This agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project. This agreement shall automatically renew annually during this period.

APPROVED AS TO FORM:

COUNTY OF COLLIN, TEXAS

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: Keith Self
Title: County Judge
Date: _____
Executed on this ____ day of _____,
2014, by the County of Collin,
pursuant to Commissioners' Court
Order No. _____.

ATTEST:

TOWN OF PROSPER, TEXAS

By: _____
Name: Robyn Battle
Title: Town Secretary
Date: _____

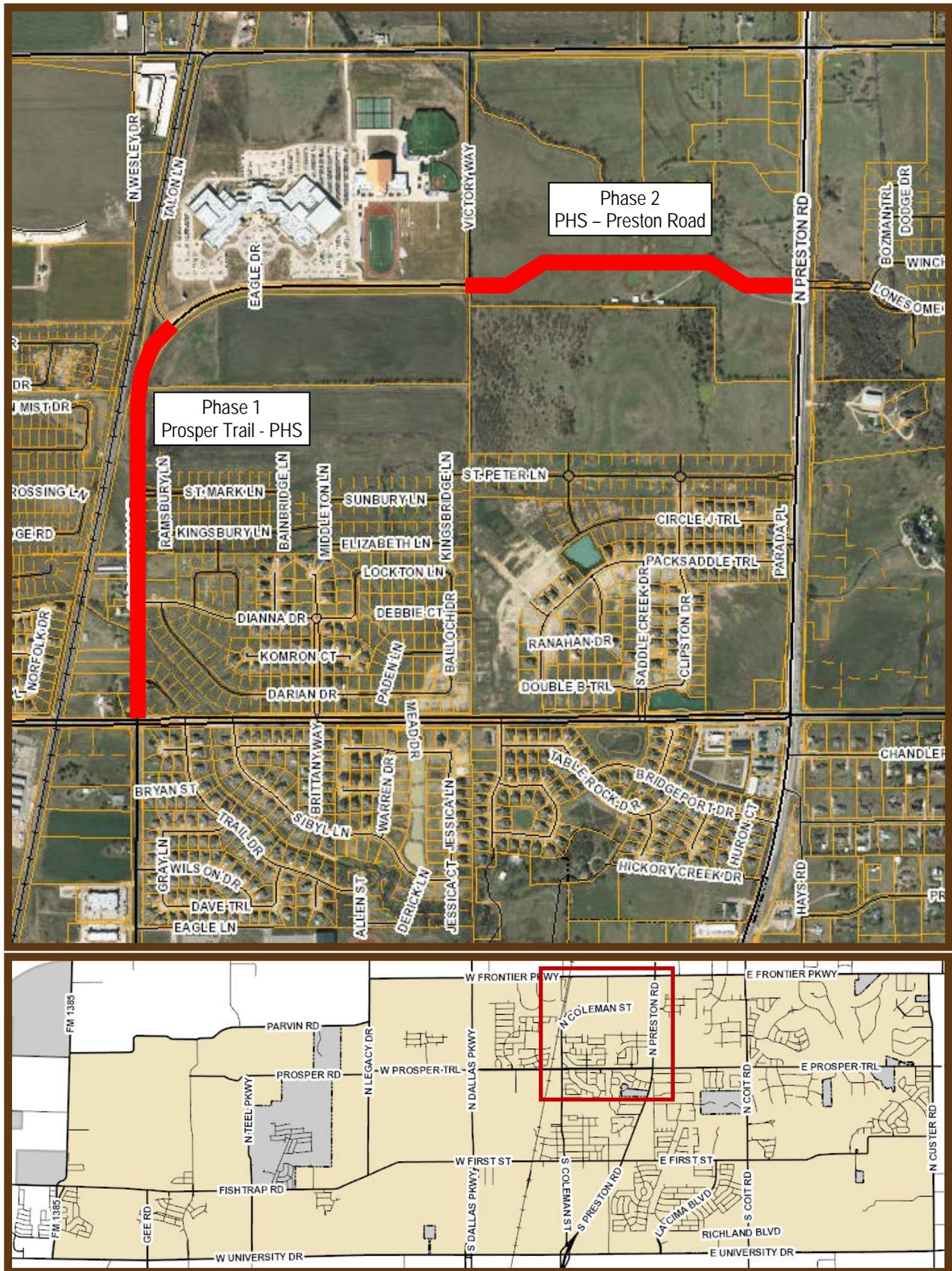
By: _____
Name: Harlan Jefferson
Title: Town Manager
Date: _____
Executed on behalf of the Town of
Prosper pursuant to Town Council
Resolution No. _____

APPROVED AS TO FORM:

By: _____
Name: Terrence Welch
Title: Town Attorney
Date: _____



Coleman Street (Prosper Trail to Preston Road)





PLANNING

To: Mayor and Town Council

From: Alex Glushko, AICP, Senior Planner

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – November 11, 2014

Agenda Item:

Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department, pursuant to Chapter 4, Section 1.5(C)(7) and 1.6(B)(7) of the Town's Zoning Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or preliminary site plan.

Description of Agenda Item:

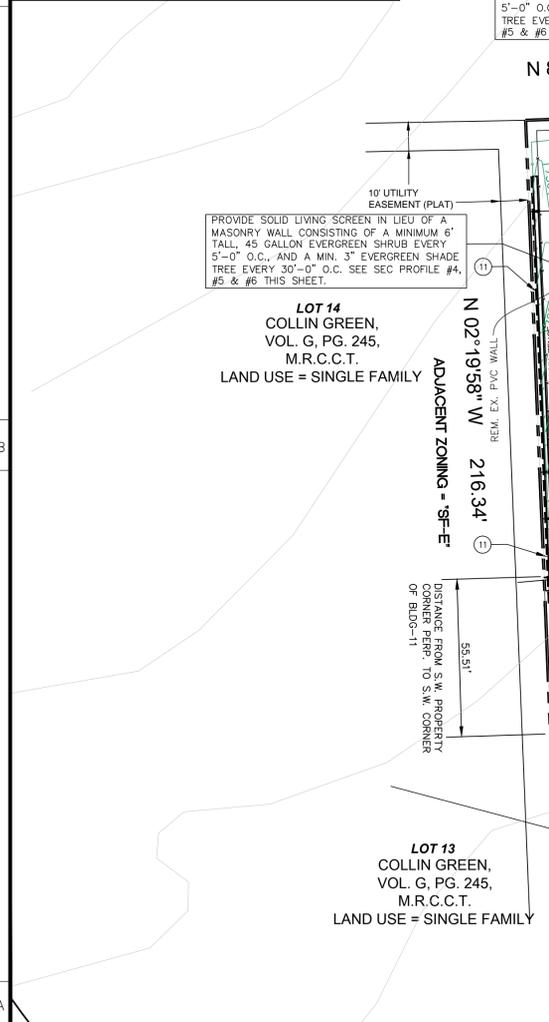
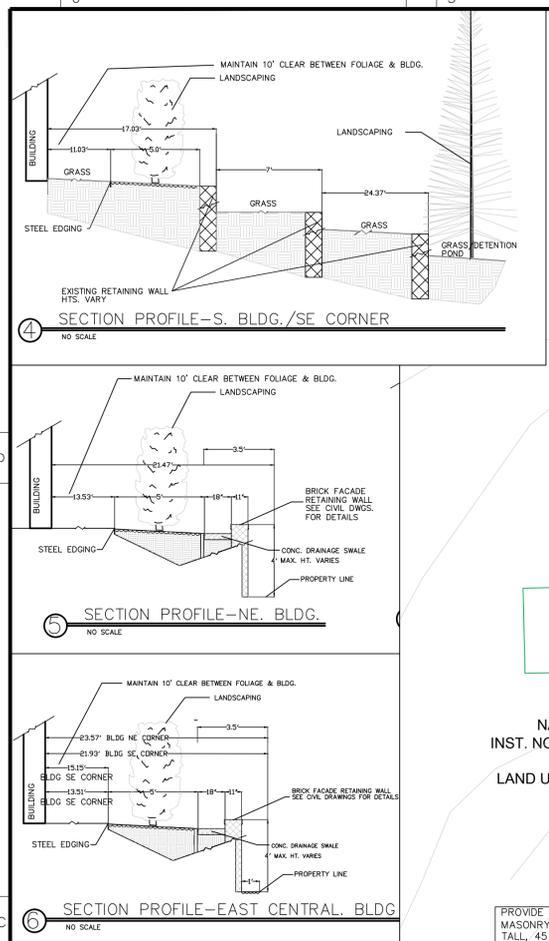
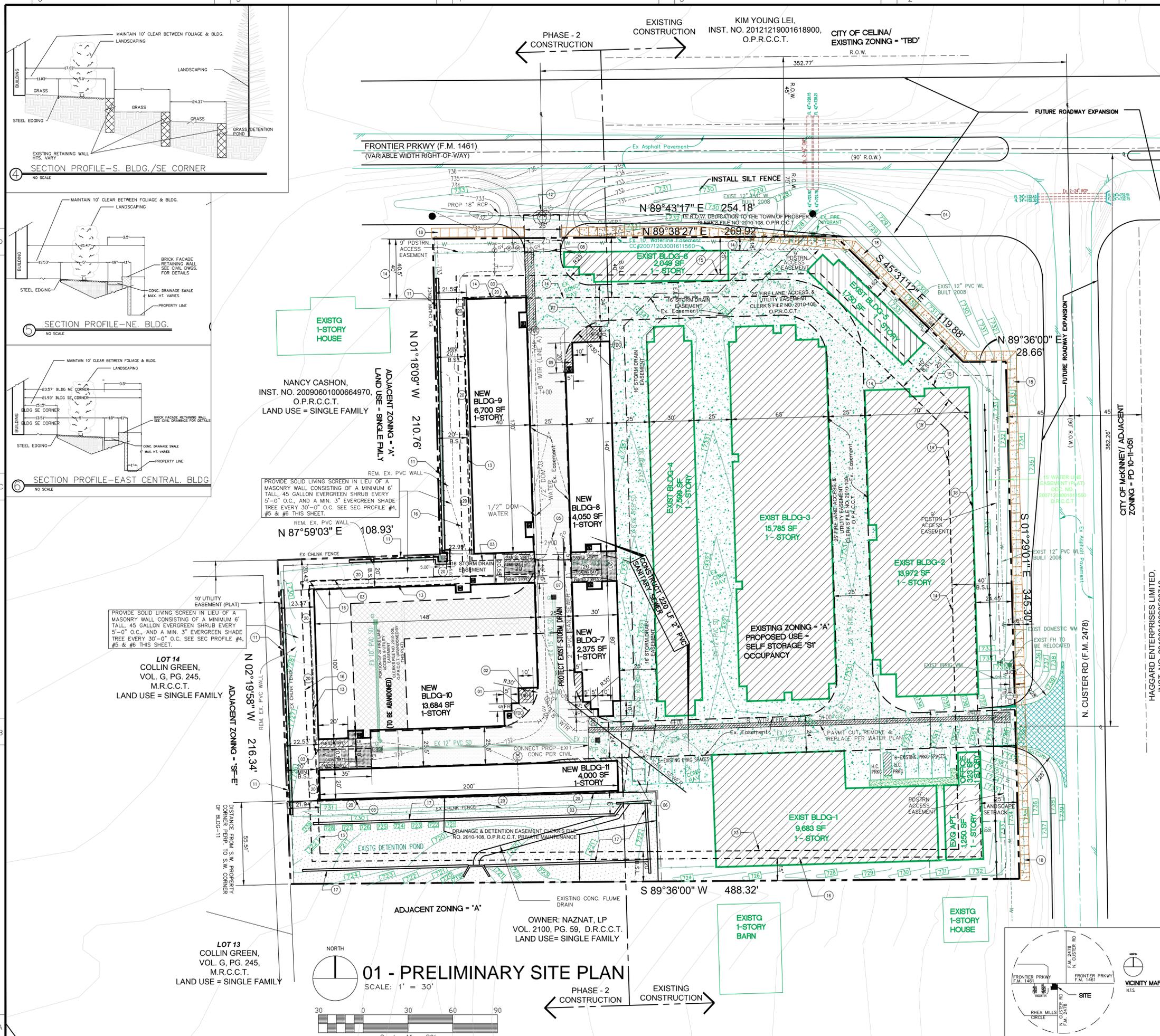
Attached are the site plans and/or preliminary plans acted on by the Planning & Zoning Commission at their November 4, 2014 meeting. Per the Town's Zoning Ordinance, the Town Council has the ability to direct staff to submit a written notice of appeal on behalf of the Town Council to the Development Services Department for any site plan or preliminary site plan acted on by the Planning & Zoning Commission.

Attached Documents:

1. Preliminary site plan for Custer Self Storage.
2. Site plan for Custer Self Storage.

Town Staff Recommendation:

Town staff recommends that the Town Council take no action on this item.



01 - PRELIMINARY SITE PLAN
 SCALE: 1" = 30'
 NORTH

- GRAPHIC LEGEND:**
- ABANDONED FIRELANE ACCESS & UTILITY EASEMENT
 - NEW CONCRETE DRIVE
 - EXISTING CONCRETE
 - NEW CONC. FIRELANE
 - PAINTED STRIPES OVER NEW CONC NO PARKING AREA
 - EXISTING BLDGS
 - NEW BLDGS
 - FIRE DEPT CONNECTION ON BLDG WALL
 - EXISTING FIRE HYDRANT
 - NEW FIRE HYDRANT
- GENERAL SITE INFO:**
- 1) LOT AREA: SQUARE FOOTAGE = 181,829 SF
 - 2) LOT AREA ACREAGE = 4.174 ACRES
 - 3) EXISTING ZONING = "A" AGRICULTURE
 - 4) PROPOSED USE = SELF STORAGE
 - 5) EXISTING BLDG AREA = 52,411 SF
 - 6) PROPOSED NEW BLDG AREA = 30,810 SF
 - 7) TOTAL EXISTING & NEW BLDG AREA = 83,221 SF
 - 8) NEW STORAGE BUILDING MAX HT = 1 STORY
 - 9) MAX LOT COVERAGE: TOTAL BLDG AREA / LOT AREA = 45.8%
 - 10) FLOOR AREA RATIO: TOTAL BLDG AREA / LOT AREA = 45.8%
 - 11) INTERIOR LANDSCAPING REQUIRED: N/A FOR PARKING LOT
 - 12) INTERIOR LANDSCAPING PROVIDED: N/A (NO PARKING LOT)
 - 13) SQUARE FOOTAGE OF IMPERVIOUS SURFACE = 83,221 + 54,673 = 137,894
 - 14) OPEN SPACE REQUIRED = 12,728 SF
 - 15) OPEN SPACE PROVIDED = 43,935 SF
- SITE PLAN NOTES:**
- 01 6" X 48" STL PAINTED "OSHA" YELLOW PIPE BOLLARD, SET IN BELOW PAVEMENT 18"X30" CONC BASE.
 - 02 NEW FIRE HYDRANT W/ 10'X10' PAINTED CLEAR HATCHED AREA AROUND "NFH" PER CITY STDS CENTERED AROUND IT. PROVIDE 6"X48" STL BOLLARDS AT 60" O.C. @ EXPOSED 10'X10' PERIMETER STARTING AT EXPOSED CORNERS.
 - 03 MIN. 150' HOSE PULL DISTANCE AROUND BLDG.
 - 04 NOT USED
 - 05 NEW GRADE AND/OR PAVEMENT CONTOUR LINES AT 2' INTERVALS
 - 06 EXISTING DUMPSTER
 - 07 PROPOSED 15' STORM DRAIN EASEMENT
 - 08 INSTALL 23 L.F. 6" HIGH DBL SWING CHAIN LINK GATE W/ "KNOX" BOX AS PER FIRE DEPT. STANDARDS
 - 09 NEW 4" WIDE "OSHA" NO PARKING YELLOW PAINTED STRIPE @ 45 DEGREE ANGLE AT 16" APART ON CENTER
 - 10 NOT USED
 - 11 NEW RETAINING WALL LOCATION W/ BRICK FACE 12" BACK FROM PROPERTY LINE. SEE LANDSCAPE & CIVIL DWGS FOR ADDTL INFO.
 - 12 REMOVE EXISTING RETAINING WALL ADJACENT TO PROPOSED NEW RETAINING WALL 18" WIDE CONC FLUME ON BACK SIDE, TYP
 - 13 REMOVE TWO (2) 10" CALIPER TREES
 - 14 40' BLDG SETBACK LINE PER ZONING.
 - 15 25' FRONT YARD LANDSCAPE SETBACK
 - 16 15' REAR & SIDE YARD LANDSCAPE SETBACK
 - 17 EXISTING DETENTION POND WALLS
 - 18 FUTURE ULTIMATE 6" WIDE REINF CONCRETE SIDEWALK PER CITY, "TAS" AND "ADA" STANDARDS, PROVIDE CURB RAMP AT DRIVEWAYS AS REQ'D
 - 19 NOT USED
 - 20 PROVIDE 10' WIDE X 10' HIGH CLEAR CLEAR ZONE TO BE MAINTAINED FOR FIRE PROTECTION ACCESS FROM BACK OF "NEW" BLDGS ALONG WESTERN AND SOUTHERN PROPERTY LINES AS NOTED.

- ABBREVIATIONS:**
- TW TOP OF WALL
 - BW BOTTOM OF WALL
 - FF FINISHED GRADE
 - RF FINISHED FLOOR
 - EX EXISTING
 - LF LINEAL FEET
 - EX EXPANSION JOINT
 - GV GAS VALVE
 - BSL BLDG SETBACK LINE
- PARKING REQUIREMENTS:**
- PRKG REQ'D PER CITY ZONING ORDINANCE (CHPTR 4.5):
- 1) MINI-WAREHOUSE: 4 PARKING SPACES PER COMPLEX PLUS
 - 2) ADDITIONAL SPACE PER 300 SF OF RENTAL OFFICE
 - 3) RENTAL OFFICE AREA = 323 SF / 300 SF = 1 SP REQ'D
 - 4) MANAGER'S APARTMENT: 1 SP REQ'D
 - 5) TOTAL PARKING REQ'D = 6 INCLUDING 1 MIN. HANDICAP SP
 - 6) TOTAL PARKING PROVIDED = 14 INCLUDING 2 HANDICAP SP

- STANDARD LANGUAGE AND/OR NOTATION AS FOLLOWS:**
- ANY REVISION TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
- 1) NEW DUMPSTER AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
 - 2) OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
 - 3) OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE.
 - 4) LANDSCAPING SHALL CONFORM TO LANDSCAPE PLANS APPROVED BY THE TOWN.
 - 5) ALL ELEVATIONS SHALL COMPLY WITH THE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE.
 - 6) BUILDINGS OF 5,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
 - 7) FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER TOWN STANDARDS OR AS DIRECTED BY THE FIRE DEPARTMENT.
 - 8) TWO POINTS OF ACCESS SHALL BE MAINTAINED FOR THE PROPERTY AT ALL TIMES.
 - 9) SPEED BUMPS/HUMPS ARE NOT PERMITTED WITHIN A FIRE LANE.
 - 10) HANDICAPPED PARKING AREAS AND BUILDING ACCESSIBILITY SHALL CONFORM TO THE AMERICANS WITH DISABILITIES ACT (ADA) AND WITH THE REQUIREMENTS OF THE CURRENTLY ADOPTED BUILDING CODE.
 - 11) ALL SIGNAGE IS SUBJECT TO THE BUILDING OFFICIAL APPROVAL.
 - 12) ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING OFFICIAL APPROVAL.
 - 13) ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO THE BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED FACADE PLAN.
 - 14) SIDEWALKS OF NOT LESS THAN SIX (6) FEET WIDTH ALONG THROUGHFARES AND COLLECTORS AND FIVE (5) FEET ALONG RESIDENTIAL STREETS, AND BARRIER FREE RAMPS AT ALL CURB CROSSINGS SHALL BE PROVIDED BY TOWN STANDARDS.
 - 15) APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED BY THE ENGINEERING DEPARTMENT.
 - 16) SITE PLAN APPROVAL IS REQUIRED PRIOR TO GRADING RELEASE.
 - 17) ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED UNDERGROUND.
 - 18) ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE ZONING ORDINANCE.
 - 19) NO 100 YEAR FLOOD PLANE EXISTS ON THIS SITE.

CONTRACTOR'S SEAL:

CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN.

SHOP DETAILS MUST BE SUBMITTED TO THIS OFFICE AND TO THE OWNER'S REPRESENTATIVE FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION.

CONSULTANT:

HAGGARD ENTERPRISES LIMITED,
 INST. NO. 2010061000588740.

Job No.: 1410
Issue Date: --
Drawn By: S.S.
Scale: --
Checked By: S.S.
Project Mgr.: S.S.

Sheet Title: PRELIMINARY SITE PLAN

Sheet No.: PSP

SULLIVAN Architecture
 Planning / Interiors

4436 BALLINGER DR
 PLANO, TX 75093
 (972) 612-7067 PHONE
 (972) 612-9543 FAX
 COPYRIGHT © 2014

Architect's Seal:

No.	Date	Revision
3	9-8-14	SITE RVNS
4	9-23-14	SITE RVNS
5	10-8-14	SITE RVNS
6	10-29-14	SITE RVNS

CUSTER SELF STORAGE PHASE-2
 5903 N. CUSTER RD.
 Prosper, TX

OWNER: Mike Ghani

Scale: 1" = 36"



PLANNING

To: Mayor and Town Council

From: John Webb, AICP, Director of Development Services

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – November 11, 2014

Agenda Item:

Conduct a Public Hearing, and consider and act upon a request for a variance to the Sign Ordinance, Section 1.09(D), regarding Monument Signs, regarding an alternative detached sign, located on the north side of Broadway Street, 550± feet east of Coleman Street. (V14-0003).

Description of Agenda Item:

On September 9, 2014, the Town Council approved an ordinance rezoning the subject property from Single Family-15 (SF-15) to Downtown Office (DTO), in accordance with the Future Land Use Plan. On September 16, 2014, the Planning & Zoning Commission approved a site plan for a realty office in the existing 1,367 square foot building. The property improvements include the conversion of the single family residence to an office building, the addition of three (3) parking spaces, the construction of a screening fence along the north side of the property, and landscaping and irrigation in accordance with the Zoning Ordinance.

Businesses that seek to install a detached advertising sign are required to follow the regulations for a monument sign. The applicant is seeking a variance regarding the requirements for Monument Signs to permit an alternative detached sign, as shown on the attached exhibit. A comparison of the requirements for a monument sign and the requested sign, as proposed by the applicant, are noted below:

	Monument Sign	Requested Alternative Detached Sign
Max. size	64 square feet	12 square feet (excluding mounting post)
Max. height	8 feet	± 6 feet
Min. front setback	15 feet	5 feet
Min. side setback	15 feet	2.5 feet
Min. height of text and graphics	6 inches	Less than 6 inches
Min. distance of text and graphics from top and sides of sign	6 inches	Less than 6 inches
Min. distance of text and graphics from bottom of the sign	12 inches	Less than 12 inches

The Sign Ordinance requires monument signs to be constructed of the same primary masonry materials as the front building façade of the principal or main building on the same lot or shall be stone or brick and shall be of similar architectural style. The primary material of the existing building is cementitious fiber board, and the requested mounting post of the sign is proposed to be wood, painted to match the building, which will be architecturally complimentary.

The applicant indicated the request is based on the narrowness of the lot and the setback of the structure from the edge of the roadway due to the 100 feet of right-of-way of Broadway. Additionally, due to the relatively small size of the sign, the required minimum size of the text cannot be met.

The Sign Ordinance has five (5) criteria to be considered in determining the validity of a sign variance request. In order to approve a request for a variance, the Town Council shall determine that the request meets four (4) of the five (5) criteria. These criteria, as well as staff's responses for each, are below:

1. *The literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant;*

The sign regulations require signs to be setback a minimum of fifteen (15) feet from the property lines. The subject property is approximately fifty-five (55) feet wide with an existing building located within fifteen (15) feet of the front property line. Along the west side of the property, the building is within fifteen (15) feet of the property line, and along the east side of the property, the driveway is within fifteen (15) feet of the property line. The literal enforcement of the regulations in combination with the existing conditions of the subject property does not appear to allow for a monument sign to be placed on the property in accordance with the Sign Ordinance.

2. *The proposed sign shall not adversely impact and will be wholly compatible with the use and permitted development of the adjacent property (visibility, size, etc.);*

The proposed design and size of the sign is more compatible with the residential-style of the structure as compared to a typical monument sign.

3. *The proposed sign shall be of a unique design or configuration;*

The proposed sign is an alternative type of detached signage which is of unique design and is appropriate for use in a downtown setting.

4. *The special exception is needed due to a hardship caused by restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected, and such hardship is not self imposed;*

The unique restrictions on this property which are not self-imposed include 1) the setback of the existing structure from the front property line, 2) the width of the lot and 3) the depth of the parkway.

5. *The special exception will substantially improve the public convenience and welfare and does not violate the intent of this Ordinance.*

This request does not violate the intent of the Sign Ordinance.

Legal Obligations and Review:

Notification was provided to neighboring property owners as required by the Sign Ordinance. Town staff has received one public hearing notice reply form, not in opposition to the request.

Attached Documents:

1. Sign variance exhibits.
2. Public hearing notice reply form.

Town Staff Recommendation:

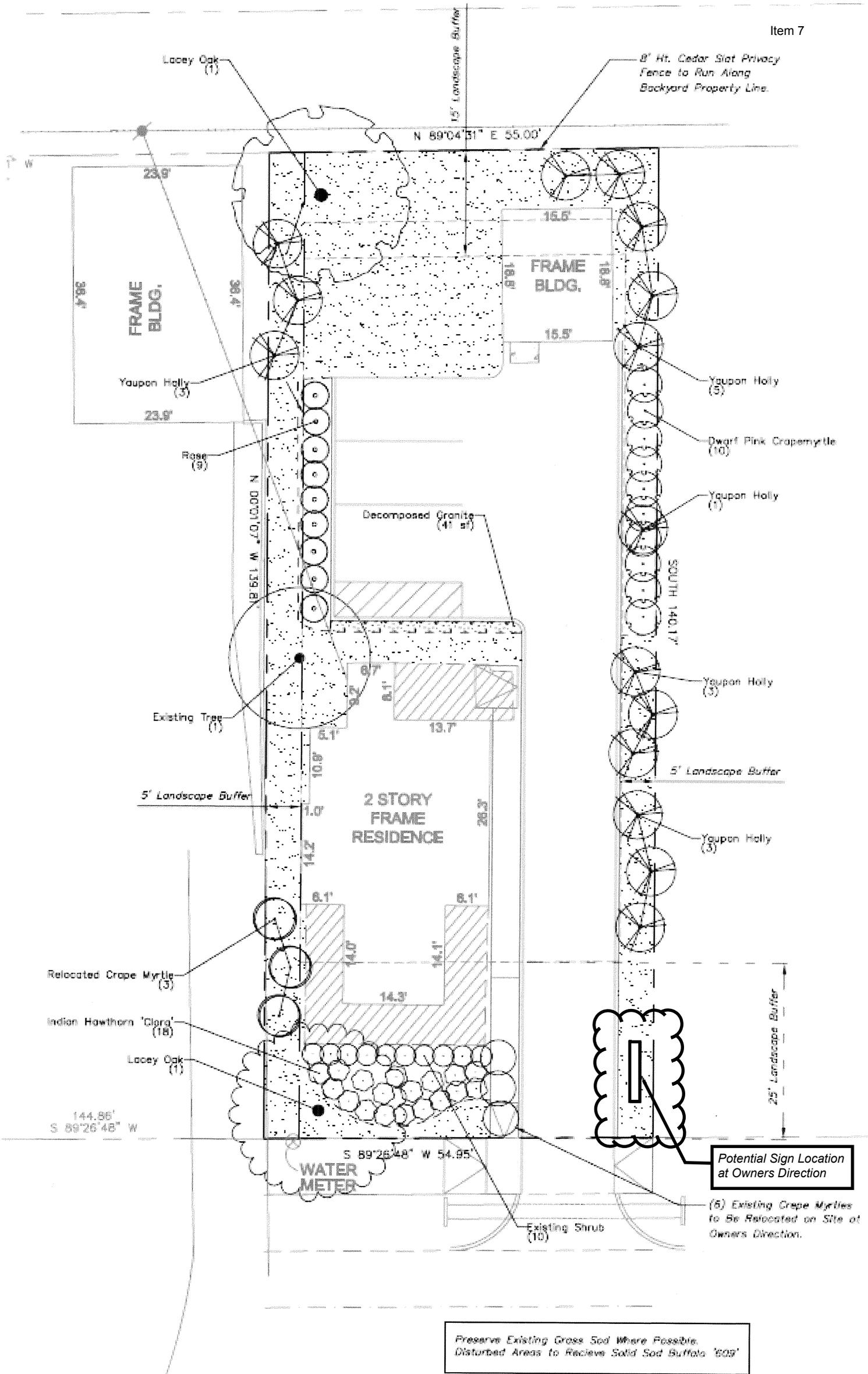
Town staff recommends that the Town Council approve the request for a variance to the Sign Ordinance, Section 1.09(D), regarding Monument Signs, regarding an alternative detached sign, located on the north side of Broadway Street, 550± feet east of Coleman Street.

Proposed Motion:

I move to approve the request for a variance to the Sign Ordinance, Section 1.09(D), regarding Monument Signs, regarding an alternative detached sign, located on the north side of Broadway Street, 550± feet east of Coleman Street.

Statement of Intent
209 E Broadway St
Prosper, TX 75078

It is the intent of the Applicant to construct a small sign (3' x 4') to match the existing structure. The literal enforcement of the sign regulations creates an unnecessary hardship for the applicant. The proposed sign will not adversely impact and will be wholly compatible with the use and permitted development of the adjacent property. The proposed sign shall be of a unique design or configuration keeping with the Victorian theme. The special exception is needed due to a hardship caused by the size of the lot and easement for TX DOT where the sign would normally be erected and such hardship is not self imposed. The special exception will substantially improve the public convenience and welfare and does not violate the intent of this Ordinance.



Potential Sign Location at Owners Direction

(5) Existing Crepe Myrtles to Be Relocated on Site at Owners Direction.

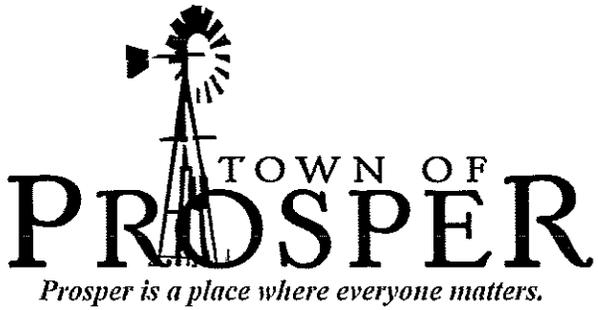
Preserve Existing Grass Sod Where Possible. Disturbed Areas to Receive Solid Sod Buffalo '609'

EAST BROADWAY STREET
22' ASPHALT 100' R.O.W. PER PLAT



One Plus Realty

A) 48" wide by 36" tall Aluminum Sign 2



**DEVELOPMENT SERVICES
DEPARTMENT**
P.O. Box 307
Prosper, TX 75078
Phone: 972-346-3502
Fax: 972-347-2842

REPLY FORM

SUBJECT:

Case V14-0003: The Town of Prosper has received a request for a variance to Section 1.09 of the Sign Ordinance, for an alternative detached sign.

LOCATION OF SUBJECT PROPERTY:

The property is located on the north side of Broadway Street, 550± feet east of Coleman Street.

DESCRIPTION OF THE REQUEST:

The variance is in regard to signage for One Plus Realty for an alternative detached sign.

- I OPPOSE the request as described in the notice of public hearing.
- I DO NOT OPPOSE the request as described in the notice of public hearing.

COMMENTS (ATTACH ADDITIONAL SHEETS IF NECESSARY): _____

Cecil Norris
Name (please print)

Cecil R. Norris
Signature

204 E 5th
Address

10-25-14
Date

Prosper TX 75078
City, State, and Zip Code

NA
E-mail Address



ENGINEERING

To: Mayor and Town Council

From: Matt Richardson., P.E., Senior Engineer

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – November 11, 2014

Agenda Item:

Consider and act upon authorizing the Town Manager to execute a Contract Amendment #2 with Kimley-Horn and Associates, Inc., related to the Coleman Street from Prosper Trail to Prosper High School project.

Description of Agenda Item:

On March 25, 2014, Town Council authorized a professional services agreement with Kimley-Horn and Associates, Inc., in the amount of \$199,100 related to the design of Coleman Street from Prosper Trail to Prosper High School. At that time, Town staff was working with Collin County to secure additional funding to increase the scope of the project to include a new extension of Coleman Street from Prosper High School to Preston Road. Since the additional funding was uncertain at that time, the design of the new extension was not included in the original contract.

On October 20, 2014, the Collin County Commissioner's Court authorized the assignment of discretionary bond funds to Coleman Street from Prosper Trail to Preston Road. An Interlocal Agreement with Collin County formalizing this funding assignment is also on this Town Council agenda. On October 27, 2014, the Town Manager executed Contract Amendment #1 with Kimley-Horn in the amount of \$10,000 authorizing them to proceed with a topographic survey for the new extension.

Town staff and Kimley-Horn have since developed Contract Amendment #2 regarding the remaining design services for the new extension. Contract Amendment #2 includes preliminary and final engineering design services for the new extension of Coleman Street from Prosper High School to Preston Road. It also includes right-of-way exhibits, geotechnical investigation, and construction phase services similar to other capital projects. This amendment also includes environmental investigation and permitting for a possible wetland area located within the roadway alignment. Wetland mitigation, if necessary, is not included within the scope of work. The total cost of Contract Amendment #2 is \$149,850, which raises the total contract value to \$358,950.

Construction of Coleman Street will be split into two phases. The segment from Prosper Trail to Prosper High School will be Phase 1 and is currently under design with construction anticipated to begin in April 2015 and be substantially complete in August 2015. The segment from Prosper High School to Preston Road will be Phase 2 and will begin design after execution of this contract amendment. Construction of Phase 2 is anticipated to begin in July 2015 and be substantially complete in December 2015, barring any issues with right-of-way acquisition.

Budget Impact:

Funding for this contract amendment is included in the Capital Improvement Plan.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the standard contract amendment as to form and legality.

Attached Documents:

1. Location Map
2. Contract Amendment #2

Town Staff Recommendation:

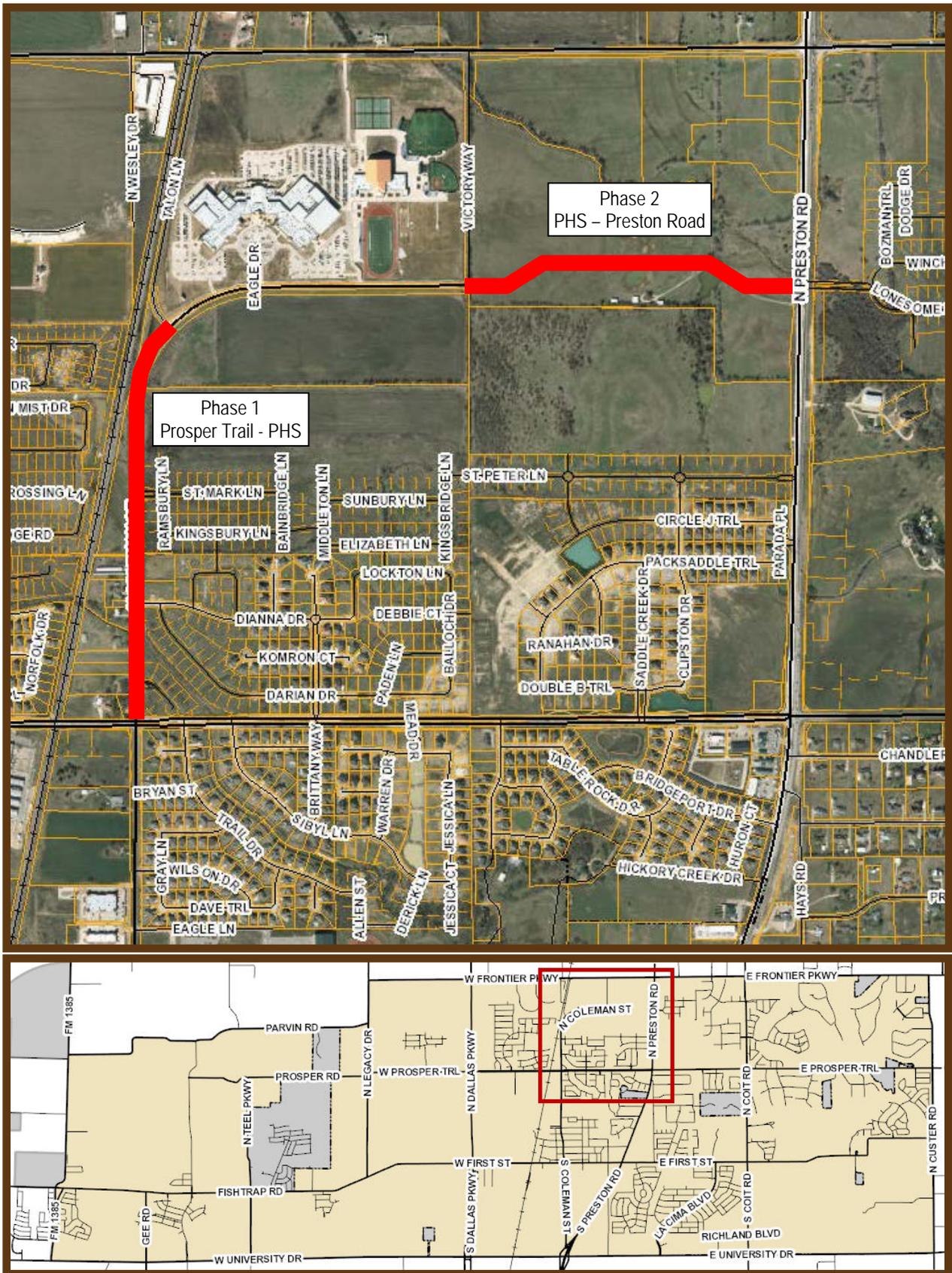
Town staff recommends that the Town Council authorize the Town Manager to execute Contract Amendment #2 with Kimley-Horn and Associates, Inc., related to the Coleman Street from Prosper Trail to Prosper High School project.

Proposed Motion:

I move to authorize the Town Manager to execute Contract Amendment #2 with Kimley-Horn and Associates, Inc., related to the Coleman Street from Prosper Trail to Prosper High School project.



Coleman Street (Prosper Trail to Preston Road)



**CONTRACT AMENDMENT #2
BETWEEN THE TOWN OF PROSPER, TEXAS,
AND KIMLEY-HORN AND ASSOCIATES, INC.
FOR THE COLEMAN STREET (PROSPER TRAIL TO TALON LANE) PROJECT (1405-ST)**

This Contract Amendment for Professional Engineering Services, hereinafter called "Amendment," is entered into by the **Town of Prosper, Texas**, a municipal corporation, duly authorized to act by the Town Council of said Town, hereinafter called "Town," and **Kimley-Horn and Associates, Inc.**, a North Carolina corporation, acting through a duly authorized officer, hereinafter called "Consultant," relative to Consultant providing professional engineering services to Town. Town and Consultant when mentioned collectively shall be referred to as the "Parties."

W I T N E S S E T H:

WHEREAS, the Town previously engaged the services of the Consultant to design and prepare construction documents for Coleman Street from Prosper Trail to Talon Lane, hereinafter called "Original Project"; and

WHEREAS, the Parties previously entered into an professional services agreement regarding the Original Project on or about March 25, 2014, in the amount of One Hundred Ninety-Nine Thousand One Hundred and 00/100 Dollars (\$199,100.00), hereinafter called the "Original Agreement"; and Amendment #1 on or about October 27, 2014 in the amount of Ten Thousand and 00/100 Dollars (\$10,000.00).

WHEREAS, the Parties now desire to amend the Original Agreement to increase the scope of services and compensation provided to design and prepare construction documents for Coleman Street from its existing eastern terminus to SH 289 / Preston Road.

For the mutual promises and benefits herein described, Town and Consultant agree to amend the Original Agreement as follows:

1. **Additional Services to be Performed by Consultant.** The Parties agree that Consultant shall perform such additional services as are set forth and described in **Exhibit A2 – Scope of Services** and incorporated herein as if written word for word. All references in the Original Agreement to "Exhibit A" are hereby amended to state "Exhibits A, A1 and A2."

2. **Additional Compensation of Consultant.** Town agrees to pay to Consultant for the satisfactory completion of all services included in this Amendment a total additional fee of One Hundred Forty-Nine Thousand and Eight Hundred Fifty and 00/100 Dollars (\$149,850.00) for the additional services as set forth and described in **Exhibit B2 – Compensation Schedule** and incorporated herein as if written word for word. All references in the Original Agreement to "Exhibit B" are hereby amended to state "Exhibits B, B1 and B2."

3. **Definition of Project.** All references to "Project" in the Original Agreement shall be understood to mean the services of the Consultant to design and prepare construction documents for Coleman Street from Prosper Trail to Talon Lane, to conduct topographic survey associated with extending Coleman Street from its existing eastern terminus to SH 289 / Preston Road, and to design and prepare construction documents for Coleman Street from its existing terminus to SH 289 / Preston Road.

4. **Revised Compensation for Consultant's Services.** Paragraph 3.1 of the Original Agreement is hereby amended to increase Consultant's total compensation by deleting "Two Hundred Nine Thousand One Hundred and 00/100 Dollars (\$209,100.00)" and replacing it with "Three Hundred Fifty-Eight and Nine Hundred Fifty and 00/100 Dollars (\$358,950.00)."

5. **Original Agreement.** All other provisions and terms of the Original Agreement shall remain in full force and effect and this Amendment to the Original Agreement shall in no way release, affect, or impair any other provision or responsibility contained in the Original Agreement.

IN WITNESS WHEREOF, the Parties, having read and understood this Amendment, have executed such in duplicate copies, each of which shall have full dignity and force as an original, on the _____ day of _____, 20_____.

KIMLEY-HORN AND ASSOCIATES, INC.

TOWN OF PROSPER, TEXAS

By: _____
Signature

By: _____
Signature

Printed Name

Harlan Jefferson
Printed Name

Title

Town Manager
Title

Date

Date

**EXHIBIT A2
SCOPE OF SERVICES**

**CONTRACT AMENDMENT #2
BETWEEN THE TOWN OF PROSPER, TEXAS,
AND KIMLEY-HORN AND ASSOCIATES, INC.
FOR THE COLEMAN STREET (PROSPER TRAIL TO TALON LANE) PROJECT (1405-ST)**

I. PROJECT DESCRIPTION

Contract Amendment #2 includes design and preparation of construction documents (separate bid package) for Coleman Street (2 lanes of ultimate 4-lane divided) from its existing eastern terminus to SH 289 (approximately 2,700 linear-feet), including the ultimate intersection layout at Victory Lane and SH 289 (eastbound and westbound approaches) and a southbound right-turn lane on SH 289. The improvements include paving, drainage, pavement markings and signage, traffic control along SH 289, and erosion control plans. The project also includes geotechnical, environmental, bidding and construction phase services, and preparation of record drawings.

Landscaping, irrigation, lighting, water, sewer, sidewalks, warrant studies, and traffic signal designs are not included, but can be added upon request as Additional Services. Additional Services shall be performed only upon written authorization of the Town.

II. TASK SUMMARY, BASIC SERVICES (LUMP SUM)

Task 1 – Geotechnical Investigation (Subconsultant)

- a. Subsurface Exploration
 - i. Along the roadway alignment, drill and extrude two (2) sample borings to depths of 15' below existing grade using truck-mounted equipment. Borings will be drilled on center of roadway at 1,000-foot spacing (or less). Additional depths or borings, if necessary, will be provided as Additional Services only upon written Town authorization.
 - Check samples for consistency with a hand penetrometer
 - Stake the boring locations using normal taping procedures (location and elevation to be surveyed)
 - Backfill bore holes and plug at the surface
 - Provide continuous sampling (with field strength testing)
 - Rock, if encountered, will be evaluated for hardness by TxDOT cone penetration field testing
- b. Laboratory Services
 - i. Testing
 - Moisture contents to determine profile of moisture variations
 - Atterberg limits and sieve analysis for classification of soils
 - Unconfined compression tests to evaluate soil strengths
 - Swell test to determine swell potential and subgrade treatment requirements
 - Lime Stabilization Series to determine percent lime and/or cement required for subgrade stabilization
 - Sulfate test

- Standard proctor
 - Resilient modulus
- c. Engineering Analysis
- i. Prepare an addendum to the previously prepared engineering report presenting the following:
 - Sample boring location map
 - General soil and ground-water conditions
 - Examine samples for visible evidence of sulfates and discuss in the reports
 - Recommendations for appropriate subgrade treatment, stabilization type, and concentration
 - Recommended pavement section
 - Earthwork recommendations, including compaction criteria for any fill placed
 - ii. The geotechnical engineer's design recommendations shall be relied upon by the Consultant for design
 - iii. Submit one (1) copy of the report to the Town

Task 2 – Preliminary Design (30%)

- a. Project Management and Administration
 - i. Up to three (3) meetings with Town staff and stakeholders (including the adjacent landowners, TxDOT and/or franchise utility companies)
 - ii. Project site visits
 - iii. Develop project production plan
 - iv. Coordinate with subconsultants
 - v. Prepare and email monthly progress reports with invoices
 - vi. Project correspondence and invoicing
- b. Data Collection and Property Research
 - i. Collect property owner and record information
 - ii. Gather existing plat, right-of-way and easement information and supplement the topographic survey. KHA will retain a title company to research each property for existing easements. KHA will rely on the information provided by the title company to identify easements. Undocumented easements may not be identified.
- c. Roadway Design
 - i. Establish roadway centerline
 - ii. Prepare one (1) preliminary roadway plan/alignment, including ultimate intersection improvements @ Victory Way and at SH 289 (ultimate Coleman Street eastbound and westbound approach and a southbound right-turn lane on SH 289).
 1. Prepare typical sections.
 2. Prepare preliminary plan and profile (roll plot format, 1"=100' scale). Items to be included:
 - a. Plan
 - Control data
 - Existing / proposed right-of-way and easements
 - Existing topography
 - Existing pavement
 - Proposed centerline alignment and horizontal curve data
 - Proposed back of curb
 - Proposed storm sewer and culvert alignments and sizes

- Existing trees to remain (if possible)
- Existing trees to be removed
- Existing Town utility locations
- Existing franchise utility locations (relying upon information provided by franchise utilities and SUE information)
- Conduit layout at Victory Lane and west side of SH 289 for future signals
- b. Profile
 - Existing Ground Profile and Proposed Vertical Alignment (top of curb)
- d. Drainage Design
 - i. Compile the hydrological and hydraulic data. Size one (1) ultimate culvert crossing near existing pond.
 - ii. Develop the project drainage area map
 1. Determine conveyance paths, channel slopes, time of concentration, and runoff coefficients as required to calculate design-year flows
 2. Subdivide the overall drainage areas into sub-areas and calculate the discharge at each inlet. Analyze inlet capacities and adjust inlet locations and sub-areas as needed to meet Town design criteria.
 - iii. Analyze drainage improvements required to accommodate the ultimate roadway. Evaluate the need for any offsite drainage improvements and report to the Town (the need for offsite improvements, including channel improvements, is not anticipated). The design of any offsite drainage improvements (if required) will be considered an Additional Service. Additional Services shall be performed only upon written authorization of the Town.
 - iv. Identify the need for additional drainage easements to accommodate the proposed drainage improvements (if required).
- e. Utility Design
 - i. Establish the location of existing public utilities based upon information provided by the Town and field survey information
 - ii. Establish the location of existing franchise utilities based upon information gathered from survey and franchisees Identify potential conflicts with franchise utilities. The Town shall perform the coordination with the franchisees if any relocations are required. Consultant shall provide plan sets upon request for franchise utility coordination purposes.
 - iii. Identify potential Town utility conflicts
 - iv. Minor adjustments to Town utilities will be called out. Water or sewer main design will be considered Additional Services if required. Additional Services shall be performed only upon written authorization of the Town.
- f. Traffic Design
 - i. Prepare pavement markings and signage preliminary layout
 - ii. Traffic Control Plan: Traffic Control Plans and TxDOT standard details will be developed and compiled as required by TxDOT for the SH 289 connection permit and included in the Final Design Submittal.
- g. Additional Conduit: Provide PVC carrier sleeves under proposed median openings and paved medians for future irrigation and future signals (Victory Lane and west side of SH 289).
- h. Streetscape, Landscaping, Irrigation, and Illumination Design are considered Additional Services. Additional Services shall be performed only upon written authorization of the Town.
- i. Preliminary Design Submittal

- i. Submittal shall include the following (30%, up to three (3) copies of each, hardcopy, and PDF):
 1. Preliminary roll plot, including typical sections. Roll plot will include paving plan and profile and storm drain plan (no profile).
 2. Preliminary drainage area map
 3. Preliminary opinion of probable construction cost

Task 3 – Final Design (60%, 90%, Final)

- a. Project Management and Administration
 - i. Up to three (3) meetings with Town staff and stakeholders (including the ISD and franchise utility companies)
 - ii. Project site visits
 - iii. Develop project production plan
 - iv. Coordinate with subconsultants
 - v. Prepare and email monthly progress reports with invoices
 - vi. Project correspondence and invoicing
- b. General
 - i. Incorporate preliminary design submittal review comments
 - ii. Prepare plan sheets (22"x34" at a scale of 1" =20' horizontal, and 1" =4' vertical)
 - iii. Prepare general notes and technical specification data. Identify and prepare special specifications and/or special provisions applicable to the project.
 - iv. Compile pay item listing, quantities, and update the overall opinion of probable construction cost
- c. Roadway Design
 - i. Finalize roadway plan and profile
 - ii. Develop design cross-sections
 1. Develop on 50' station intervals
 2. Show pavement, subgrade, right-of-way limits, side slopes, pavement cross slopes, curbs, and sidewalks
 3. Cross-sections will be provided in the bid documents
 - iii. Prepare roadway details to clarify intent of design
 - iv. Compile applicable Town standard details. Modify standard details if needed.
- d. Drainage Design
 - i. Perform final storm sewer sizing and alignment design. Prepare final inlet design sheets and hydraulic design sheets for inclusion in the plans
 - ii. Prepare storm sewer plan / profile sheets depicting storm sewer lines, inlets, junction boxes, connections, manholes, utility crossings, and hydraulic grade lines
 - iii. Prepare profiles for the proposed storm drain laterals
 - iv. Determine outfall grading requirements and provide plans and details for channel protection. Design of retaining walls and gabion mattresses (beyond specification of material/method), and channel protection/improvements outside public right-of-way will be provided as Additional Services only upon Town written authorization.
 - v. Provide details to construct storm sewer outfalls
 - vi. Prepare drainage details to clarify intent of design. Compile applicable Town standard details. Modify standard details if needed.
 - vii. Create details for connections to existing system (where applicable)

- viii. Prepare erosion control plan. Incorporate Best Management Practices (BMPs) from NPDES Phase II initiative. Coordinate water quality elements with traffic control during construction stages.
- ix. Compile Storm Water Pollution Prevention Plan (SWPPP) to meet NPDES Phase II requirements
- e. Utility Design
 - i. Minor adjustments to utilities will be specified in the plans
 - ii. Continue to identify potential conflicts with existing franchise utilities. The Town shall perform the coordination with the franchisees if any relocations are required. Consultant shall provide plan sets upon request for franchise utility coordination purposes.
- f. Traffic Design
 - i. Finalize Traffic Control Plans. Traffic Control Plans and TxDOT standard details will be developed and compiled as required by TxDOT for the SH 289 connection permit and included in the Final Design Submittal.
 - ii. Pavement Markers and Marking Plans
 - 1. Prepare pavement markers and marking layouts in accordance with Town design standards and the Texas Manual of Uniform Traffic Control Devices (TMUTCD)
 - 2. Prepare details to clarify intent of design
 - 3. Compile applicable Town standard details. Modify standard details as needed.
 - 4. Signing layout will be provided
- g. Final Design Submittal (60% and 90%)
 - i. Incorporate design review comments
 - ii. Submittal shall include the following (60% and 90%, up to three (3) copies of each, hardcopy and PDF):
 - 1. Design Plans (11"x17")
 - 2. Project Manual (in Town standard format)
 - 3. Opinion of Probable Construction Cost
- h. Final Design Submittal (Final)
 - i. Incorporate design review comments
 - ii. Submittal shall include the following (Final, up to three (3) copies of each, hardcopy and PDF):
 - 1. Design Plans (11"x17")
 - 2. Project Manual (in Town standard format)
 - 3. Opinion of Probable Construction Cost
 - 4. Completed TDLR application (along with one of the plan sets) for RAS review in accordance with to the Elimination of Architectural Barriers Act. Consultant will be responsible for TDLR/RAS coordination, including fees.
 - 5. Formal TxDOT Driveway Permit Set for the Coleman / SH 289 connection. Town will coordinate with TxDOT and submit PDF plans to TxDOT for permitting.
- i. Submit a letter of notification to the Town stating completion of the design of the project

Tasks 4a and 4b – Environmental

It is KHA's understanding that the proposed roadway alignment has the potential to cross waters of the U.S. Task 4a is a general environmental assessment and field reconnaissance to determine the extents of potentially jurisdictional wetlands and other waters of the U.S. If the impacts to waters of the U.S. fit the conditions of Nationwide Permit 14 (Linear Transportation Projects) and do not trigger notification to the Corps, Task 4b is applicable.

If any triggers for notification to the Corps are met, then it will be necessary to proceed with a NWP 14 Pre-Construction Notification task, and would be pursued under a separate agreement. This may be required if:

- *the permit General or Regional Conditions cannot be met;*
- *specific triggers for notification to the Corps are met within the permit;*
- *the impact thresholds for the Nationwide Permit program are exceeded (greater than 0.10-ac and are less than 0.5-ac);*
- *Town, or others request verification from the Corps.*

If impacts exceed 0.5-ac, then an individual permit would be required and would be pursued under a separate agreement.

On June 5, 2007, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers jointly issued guidance interpreting the Supreme Court's June 2006 split decision in the consolidated cases Rapanos v. U.S. and Carabell v. U.S. (known as the Rapanos decision). The Court's split decision in Rapanos has caused uncertainty among EPA/Corps field personnel and the general public regarding the scope of federal jurisdiction. Observations will also address the June 2007 Post-Rapanos joint, EPA and Corps, guidance on Jurisdiction. It is important to note that EPA and the Corps occasionally issue guidance concerning what they intend to exert jurisdiction over. Observations will be made under the applicable guidance at the time of the observations.

Task 4a – Environmental Assessment and Determination

- a. Review of available reports prepared by others, readily available aerial photography and published data for the project, including historical aerials, USGS topographic maps and USDA soils maps.
- b. Field reconnaissance of the proposed alignment to determine the approximate extent of potentially jurisdictional wetlands and other waters of the U.S. (if present) that may be subject to Section 404/401. The locations of ground level photographs and representative aquatic features will be collected with a mapping grade GPS unit. The GPS data will be used in Task 4b for mapping the general locations of the features. KHA does not anticipate the need to flag or survey jurisdictional areas. If this is required, it can be performed as an Additional Service only upon written authorization of the Town. If positive indicators for all three wetland indicators (hydrology, hydric vegetation, and confirmed hydric soils conditions) are observed, KHA will recommend that the areas be delineated in accordance with Corps' approved methodology (commonly referred to as using the '1987 Manual', as modified by the appropriate Regional Supplement to the Corps of Engineers Wetland Delineation Manual.
- c. A letter report will be prepared to describe our findings and to provide an initial permit strategy, if needed, relating to 404 permitting. The report will contain a narrative description and sketches of wetlands, streams, open water, and areas of concern, if observed during the site visit. Mapping will be of the appropriate size and scale to facilitate planning relative to Corps' jurisdiction along the alignment. Mapping will be performed in ArcGIS and converted to CAD if necessary. The report will discuss potential permitting scenarios based on field observations and review of the proposed alignment. Details for specific types of permitting will be provided based on limited field observations. Limited observations

will also be made relative to the quality of the observed aquatic features to facilitate a brief discussion on mitigation requirements. Based upon potential impacts to areas thought to be under Corps' jurisdiction, the report may recommend more detailed studies to support the findings and facilitate coordination with the Corps.

Task 4b – USACE NWP 14 Descriptive Memorandum (if required)

No Notification Scenario. This Task assumes the proposed impacts to waters of the US are less than 0.1-acre at the proposed crossing, the project will not include impacts to 'special aquatic sites' including wetlands, and will not cause stream channelization.

- a. Prepare a memo discussing Corps Section 404 Permitting under a 'no notification' scenario including a description of selected General Conditions as well as a suggested list of BMPs required for compliance with TCEQ water quality certification. This memo can be used to document the thought process for using this permitting scenario and to provide the Contractor with information relating to permit compliance. Though no coordination with the Corps is proposed, the activity will be authorized under a Federal permit. All terms and conditions of the permit must be met.
- b. The memo will include the following information:
 - Brief project description, including site sketches, as it relates to proposed impacts to waters of the US;
 - Site visit photographs to document existing/preconstruction conditions;
 - A copy of the NWP 14 permit language with General Conditions;
 - State Water Quality Certifications and Conditions;
 - NWP Regional Conditions for Texas;
 - Cultural Resources information from readily available databases;
 - Threatened and Endangered Species information from readily available databases.
- c. One site visit by a professional wetland scientist is included in this task to gather information useful for the memo. This task assumes coverage under the 2012-2017 nationwide permits.

Task 5 – Bid and Construction Phase Services

- a. Final bidding documents submittal
 - i. Provide four (4) half-size sets for plan room distribution
 - ii. Provide three (3) half-size sets for Town's use
 - iii. Provide hard copy sets if requested by Contractor. Consultant to charge fee to recover cost of such sets.
 - iv. Provide PDF version on CD
- b. Town will issue bid documents to prospective bidders via electronic site, maintain a list of bidders to whom bidding documents have been issued, and addenda as appropriate to interpret, clarify, or expand the bidding documents. Assist the Town as needed.
- c. Attend a pre-bid meeting with prospective bidders and the bid opening.
- d. Town to tabulate the bids received and evaluate the compliance of the bids received with the bidding documents
- e. Town to prepare a written summary of this tabulation and evaluation together with a letter addressing the award of the construction contract
- f. Final construction plan submittal (conformed sets)

- a. Provide one (1) full-size, three (3) half-size, and CD for Town's use
 - b. Provide four (4) full-size, two (2) half-size, and CD for Contractor's use
 - c. Provide three (3) sets of Project Manual (conformed) for execution following award
- g. Construction Phase Services
- i. *Pre-Construction Conference.* Prepare for and conduct the Pre-Construction Conference prior to commencement of Work at the Site.
 - ii. *Shop Drawings and Samples.* Review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Such review and approvals or other action will not extend to means, methods, techniques, equipment choice and usage, sequences, schedules, or procedures of construction or to related safety precautions and programs.

Task 6 – Record Documents

- a. Consultant shall prepare construction Record Documents based on the information received from the Contractor in accordance with Article 3.

III. DELIVERABLES

- a. At the completion of each Task, the Consultant shall ensure the delivery of each deliverable listed under each Task.

**EXHIBIT B2
COMPENSATION SCHEDULE**

**CONTRACT AMENDMENT #2
BETWEEN THE TOWN OF PROSPER, TEXAS,
AND KIMLEY-HORN AND ASSOCIATES, INC.**

FOR THE COLEMAN STREET (PROSPER TRAIL TO TALON LANE) PROJECT (1405-ST)

I. COMPENSATION SCHEDULE

Task	Completion Schedule	Compensation Schedule
Notice-to-Proceed	December 2014	
Task 1 – Geotechnical Investigation	February 2015	\$3,250.00
Task 2 – Preliminary Design (30%)	February 2015	\$39,500.00
Task 3 – Final Design (60%, 90%, Final)	May 2015	\$89,000.00
Task 4a – Env. Assessment and Determination	May 2015	\$3,000.00
Task 4b – USACE NWP 14 Descriptive Memo	May 2015	\$3,500.00
Task 5 – Bid and Construction Phase Services	December 2015	\$7,600.00
Task 6 – Record Documents	March 2016	\$4,000.00
Total Compensation		\$149,850.00

II. COMPENSATION SUMMARY

Basic Services (Lump Sum)	Amount
Task 1 – Geotechnical Investigation	\$3,250.00
Task 2 – Preliminary Design (30%)	\$39,500.00
Task 3 – Final Design (60%, 90%, Final)	\$89,000.00
Task 4a – Env. Assessment and Determination	\$3,000.00
Task 4b – USACE NWP 14 Descriptive Memo	\$3,500.00
Task 5 – Bid and Construction Phase Services	\$7,600.00
Task 6 – Record Documents	\$4,000.00
Total Basic Services:	\$149,850.00

Special Services (Hourly Not-to-Exceed)	Amount
None	\$0,000.00
Total Special Services:	\$0,000.00

Direct Expenses	Amount
None	\$0,000.00
Total Direct Expenses:	\$0,000.00



PARKS & RECREATION

To: Mayor and Town Council
From: Will Mitchell, Parks and Recreation Manager
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – November 11, 2014

Agenda Item:

Consider and act upon approving the Prosper Youth Sports Commission (PYSC) inaugural bylaws.

Description of Agenda Item:

At the October 22, 2013, Town Council meeting, an ordinance was adopted establishing the Prosper Youth Sports Commission (PYSC). Per the ordinance, the PYSC is required to have the bylaws, as originally adopted and all amendments approved by the Town Council.

Over the last several months, members of the PYSC have worked on the bylaws which were presented to the Town Council for discussion at the October 28, 2014, Town Council meeting. Comments were received and presented to the PYSC for final consideration. Attached to the staff report are redlines of the comments received by the Town Council, blueines showing any additional changes made based on the Town Council comments received, and the proposed PYSC inaugural bylaws to be considered by the Town Council.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has reviewed the bylaws as to form and legality and the following changes were made:

- Rename Article IX as “Duties of Leagues” and delete “Criteria.” Make appropriate changes in the Table of Contents.
- Add subparts of Article IX in the Table of Contents.
- Revise page numbers in the Table of Contents.

Attached Documents:

1. PYSC bylaws redline comments from Town Council
2. PYSC bylaws addressing redline comments with recommended changes
3. PYSC inaugural bylaws

Town Staff Recommendation:

Town staff recommends that the Town Council approve the Prosper Youth Sports Commission (PYSC) inaugural bylaws.

Proposed Motion:

I move to approve the Prosper Youth Sports Commission (PYSC) inaugural bylaws.

**BYLAWS OF THE
PROSPER YOUTH SPORTS COMMISSION
(PYSC)**

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These are the Bylaws of PROSPER YOUR(YOUTH) SPORTS COMMISSION (the "Commission"), duly adopted on _____, 2014, at an organizational meeting of the Board of Directors.

ARTICLE I - MISSION

The Prosper Youth Sports Commission (PYSC) is comprised of four board members, one delegate each from The Town of Prosper's recognized youth sports associations or organizations, one PISD At-Large member, and one town staff member. These volunteer service organizations implement and manage youth athletic leagues, tournaments and programs for Prosper's youth population. These organizations are not managed by the Town of Prosper, however, a partnership between PYSC and The Town of Prosper has been formed to provide and maintain practice and game fields for these organizations.

To provide congruency between all youth leagues and a quality experience to every league and participant.

To govern ~~leagues and~~ facility use to provide safe, equitable, and enjoyable sports opportunities for all participants.

To ensure member leagues are recreational first and teach the basic skills and fundamentals of sports, to play in a safe and nurturing environment, where all children will have the opportunity to play, regardless of skill level.

To ensure that each child has a positive, rewarding experience while participating in youth sports, and that each child will learn the importance of sportsmanship, teamwork, honor, and integrity.

ARTICLE II - OFFICES

The principal address of the Commission in the State of Texas shall be located in the Town of Prosper, County of Collin, Texas. The Commission may have such other addresses, either within or without the State of Texas, as the Board of Directors may determine or as the affairs of the Commission may require from time to time.

Registered Office and Agent Address

President, Prosper Youth Sports Commission
P.O. Box 99, Prosper, Texas 75078

ARTICLE III - MEMBERSHIP OF COMMISSION

~~The Commission shall be comprised of Member Associations (and its subsequent members) by application to and the approval of the Board of Directors and who also shall adhere to the Constitution, Bylaws, and Rules and Regulations of the Commission. An organization may become a member of the Commission upon submission to and approval by the Board of Directors.~~

The Prosper Youth Sports Commission (PYSC) is comprised of four board members, one delegate each from The Town of Prosper's recognized youth sports associations or organizations, one PISD At-Large member, and one town staff member. Subsequent members may be added by application to and the approval of the Commission and who also shall adhere to the Constitution, Bylaws, and Rules and Regulations of the Commission.

Any member of the Commission may be expelled and his or her membership canceled, forfeited or suspended unilaterally by the Commission's ~~Board of Directors with a majority vote of the Commission~~ for a violation of the Commission's Constitution, Bylaws, Rules and Regulations or for conduct prejudicial to the interests of the Commission and its Member Associations. Any member expelled by the Commission may appeal the decision to the Town Council.

The Commission will honor all orders of suspension of players, coaches or referees issued by this Commission, any Member Association or any Member's governing body.

Each Member Association shall be responsible for submitting and keeping current their respective governing body's members' names and contact information.

ARTICLE IV - GOVERNANCE OF COMMISSION

Governance of Commission

The Commission shall be governed by its members, which shall consist of the Board of Directors of the Commission, ~~and~~ the recognized delegate from each registered Member Association in good standing, one PISD At-Large Member, and one town staff

member. Each delegate Member shall be entitled to one vote, and no delegate-Member shall be entitled to more than one vote. Only the designated delegate(s) of Member Associations shall have the right to speak at any Commission meeting. Any member of the Board of Directors or delegate may introduce anyone to speak provided he has the permission of the presiding officer at that meeting of the Commission. If the league or association delegate cannot attend a Board meeting, his/her designee may attend, with written permission from the Member Association.

Territory of the Commission

The territory under the jurisdiction of this Commission is defined as being that part of Texas which includes:

*Town of Prosper
Prosper Independent School District
League Boundaries*

A map reflecting the territory under the jurisdiction of the Commission shall be on file with Prosper Youth Sports Commission.

Jurisdiction

~~The Commission shall have jurisdiction over all Member Associations.~~ Each Member Association shall adhere to these Bylaws and shall be subject to the authority of the Commission. If the Commission is presented sufficient evidence that a Member Association is not adhering to these Bylaws, the Commission may form an *ad hoc* Ethics Committee to investigate the allegations and recommend appropriate action to the Commission. In the event of any dispute regarding the interpretation of these Bylaws, the ~~Board of Directors~~Town Council shall have final authority regarding such interpretation.

Fiscal Year

The fiscal year of the Commission shall be from July 1 to June 30.

Books and Records

Each Member Association shall keep correct and complete books and records of accounts and shall keep minutes of all meetings of the Member Association. The books and records shall be kept by and in the possession of the Member Association and shall be made readily available to the Commission upon request. ~~Each Member Association or Organization must submit to t~~The Commission ~~may request~~ a copy of the 501(c)(3) tax exemption form on file ~~with any Member Association~~ annually and the Commission, at its expense, may request an independent audit of any Member Association ~~upon request of the PYSC Board or Town of Prosper.~~

Resignation

Any PYSC ~~Board~~ member may resign by giving written notice to the President. The resignation shall take effect at the time specified therein, or immediately if no time is specified. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. If within sixty (60) days of a resignation a delegate has not been identified to replace the resigning ~~board-Commission~~ member, the ~~Board-Commission~~ may vote to expel the Member Association from the Commission. The Board Secretary shall be responsible for and give notice to all ~~Member Associations~~Commission members when a ~~Board-Commission~~ member has tendered his or her resignation. No more than 10 business days from the date of receipt of a resignation, the Board Secretary shall notify ~~Board-Commission~~ members of the resignation via e-mail.

Amendments to Bylaws

These Bylaws may be altered, amended or repealed, or new Bylaws may be adopted, at any meeting of the Commission by a two-thirds (2/3) vote of the total present membership; provided, however, that all members shall be given ten (10) days written notice, including a written copy of any proposed changes. Amendments to the Bylaws may be made from the floor at the Annual Meeting in September without advance notice.

ARTICLE V - MEETINGS OF THE COMMISSION

Place of Meetings

All meetings of the Commission shall be held at such place as shall be designated by the President. All meetings of the Commission will be open to the members unless otherwise planned or requested in writing. On a bi-annual basis, a meeting will be designated as Open to the Public (in the months of May & October). Upon written request, a special meeting may be called to address specific issues or needs.

Annual Meeting

An Annual Meeting of the Commission shall be held each year during September, on a day to be selected by the President, at which the Commission shall elect officers in accordance with Article VIII hereof, and transact such other business as may properly be

brought before the meeting. A quorum is not required for this meeting so long as notices of such meetings were properly given. The order of business for such meeting shall be:

Roll Call and Vote Accreditation
 Approval and Minutes of Last Meeting
 Communications
 Unfinished Business
 Reports of Chairman of Standing Committees
 Reports of Officers
 New Business
[Election of Officers](#)
 Adjournment

Special Meetings

Special meetings of the Commission for any purpose or purposes, unless otherwise proscribed by these Bylaws, may be called by the President or by petition of the designated delegate of Member Associations in good standing. Business transacted at all special meetings shall be confined to the purpose stated in the notice of the meeting. A quorum is not required for this meeting so long as notice of such meetings was properly given.

PYSC Meetings

The meetings of PYSC shall be held on the first or second Monday of each month. A quorum of 50% of the Commission is required. If the date or time of the meeting is changed, then notice must be given.

Once a quorum is established, all actions taking place at the meeting shall be recognized as binding, regardless of the number present at the time of a vote, provided the meeting had not been previously legally adjourned. All members of the Commission may attend this meeting.

Emergency Actions

~~Any three (3) Board~~[Commission](#) members of the PYSC ~~(which may include the President)~~ may take emergency action on matters demanding immediate attention when it is impractical or impossible to call a meeting and, may vote via an email vote. The secretary of the Commission ~~and~~ shall report their actions to all PYSC members in writing within three (3) days of such meeting.

Notice of Meetings

Written or printed notice stating the place, day and hour, of a meeting, and the purpose or purposes for which the meeting was called, shall be delivered not less than ten (10) nor more than fifty (50) days before the meetings, either personally or by email or mail, by or at the direction of the President, to each ~~delegate or Board-Commission~~ Member entitled to vote at the meeting unless otherwise provided in these Bylaws. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the ~~delegate or Board-Commission~~ Member at the address as it appears on the records of the Commission, with postage thereon prepaid.

Proxy

There shall be no vote by proxy for any meetings.

ARTICLE VI – NOTICE

Manner of Giving Notice

Whenever, under these Bylaws, notice is required to be given to any ~~delegate or Board-Commission~~ Member of the ~~Commission~~ **PYSC** and no provisions are made as to how such notice shall be given, it shall be construed to mean personal notice, and shall be given in writing, by mail, postage paid, addressed to such ~~delegate or Board-Commission~~ Member at the address appearing on the records of the Commission. Any notice required or permitted to be given by mail shall be deemed given at the time when the same is thus deposited in the United States mail as aforesaid.

Waiver of Notice

Whenever any notice is required to be given to any ~~delegates or Board-Commission~~ Members of the ~~Commission~~ **PYSC** under these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated in such notice, shall be deemed equivalent to the giving of such notice. Attendance at a meeting shall constitute a waiver of notice of such meeting, except where a person attends for the express purpose of objecting to the transaction of any business on the ground that the meeting is not properly called or convened.

ARTICLE VII - BOARD OF DIRECTORS

Board of Directors

The business and affairs of the Commission shall be managed by its Board of Directors, which shall consist of the Directors of this Commission and the Member Association delegate, each of whom will be entitled to one vote (the Past President is not a voting member). The Board of Directors and recognized delegate(s) shall transact all business of the Commission and shall have the power to enforce the Laws of its respective divisions, and the Constitution, Bylaws, and Rules and Regulations of this Commission and Member Associations.

Election of Board of Directors

The Directors, i.e., the members of the Board, are listed below and shall be elected for a term of two (2) years, and may succeed themselves in office. To be eligible, the members of the Board of Directors must reside within the PYSC jurisdiction and/or they are not bound by any other association or governing association, subject to board approval. Should any member of the Board of Directors change residence outside said jurisdiction, the member shall be allowed to serve until the end of the term of such position.

Any Director who desires to seek election to another office must first resign the office he/she is holding, prior to the election. Elections shall be held at the Annual Meeting with one-half of the Board of Directors being elected each year in the following manner:

To qualify for the positions of President and/or Vice-President, a candidate must have previously served at least one (1) year as a PYSC Board member or two (2) years as a delegate within the previous three (3) years of the date of the PYSC Annual Meeting; or a candidate must be appointed by a majority of the Board. In the instance that a qualified Board member is not available, a candidate must be approved by a majority vote of the Board.

President	(Elected even years)
Vice President	(Elected odd years)
Treasurer	(Elected even years)
Secretary	(Elected odd years)
Delegates of Member Associations	(Appointed annually by each association)
One PISD At-Large Member	(Appointed annually from supporting organizations)
One Town At-Large Member	(Appointed annually from supporting organizations)
Immediate Past-President (ex officio member)	(Not elected-former President - non voting member)

All officers not otherwise appointed shall be elected by the [Board-Commission Members](#).

Removal

Any member of the Board of Directors shall be required to resign following vote of no confidence in his ability to remain in office. Twenty percent (20%) of ~~delegates or voting~~[Commission](#) members ~~of the Board of Directors~~ may petition for such a vote. The petition must be submitted in writing to the Board of Directors which, in turn, will review the petition within fifteen (15) days of receipt of such petition. The vote of no confidence must be passed by a two-thirds (2/3) majority of all the ~~Board of Directors~~[Commission Members](#). If a Director receives a vote of no confidence, he is automatically removed from the Board. His/her office shall then be filled by an appointment approved by the majority of the [Board-Commission Members](#) until the next Annual Meeting.

Attendance at Meetings

A ~~Director-Commission Member~~ not attending ~~two-three~~ (32) consecutive scheduled meetings, including regular meetings, of this Commission or Executive Committee meetings will have his/her office declared vacant unless such absences are excused by the Board of Directors. A vote of no confidence by the ~~Board of Directors~~[Commission Members](#) shall be taken upon the first ~~board-PYSC~~ meeting following the ~~third-Fourth~~ consecutive absence. Should the vote of no confidence be approved, his/her office shall then be filled by an appointment approved by the two-thirds (2/3) of the [Board-Commission Members](#) until the next Annual Meeting. Member Association delegates shall count as in attendance on behalf of their Association when appointed representatives are not present at PYSC meetings.

Vacancies

In the event of a vacancy, the Commission shall find a replacement candidate and present this person to the Board of Directors. A two-thirds (2/3) vote of the [Board-Commission Members](#) is required for approval of the replacement candidate.

Compensation

[Any Commission](#) Members of the [Board-of-DirectorsPYSC](#) shall serve without compensation for their services. ~~Any Commission Membermember of the Board of Directors may be reimbursed for expenses approved by the Board of Directors.~~

Minutes

The Board of Directors shall keep regular minutes of its proceedings. The minutes shall be placed in the minute book of the Commission. Minutes shall be approved at the next Board Meeting.

Grievance Involving Board of Directors Members

In the event of any grievance involving such Member Association, that Member Association's delegate may discuss the issue surrounding the circumstances, but not be entitled to vote on the resolution of the grievance.

Conflicts of Interest

A member of the Board of Directors can be a member or official of a Member Association. It is the policy of the Commission that no member of the Board, a Standing Committee, or any other committee or any officer or any employee of the Commission shall have any association with or interest in any business enterprise which would conflict with the proper performance of his duties or responsibilities as such or which might tend to affect his independence or judgment with respect to transactions between the Commission and any such business enterprise.

It is also the policy of the Commission that no member of the Board, Member Association Delegate or any committee or any officer or employee of the Commission shall have, directly or indirectly, any material personal business or financial interest with, or in any business enterprise with which, the Commission does business, including, without limitation, the member, or any person in the immediate family of the member, holding a position with a supplier of goods and/or services to the Commission and/or Member Association, unless the material facts of the relationship or the interest in the business are disclosed to the [Board-Commission Members](#) and the [Board-Commission Members](#) authorizes the contract.

ARTICLE VIII – OFFICERS: Powers and Duties**President**

The President of the Commission shall preside at all Commission meetings. He/she shall appoint any other Committees as deemed necessary by the Board. He/she is an ex-officio voting member of all Committees. He/she shall not vote, but may cast the deciding vote in the event of a tie, or he/she may waive the right to do so. He/she shall submit an annual report in writing at the Annual Meeting and said report shall become part of the minutes of such meeting. He/she is empowered to take prudent and reasonable action in cases not covered in these Bylaws, and such authority is implicit in the office.

Vice President

The Vice President will fulfill the role of President in the event that office becomes vacant, until a new President is selected by PYSC.

Secretary

He/she shall keep minutes of all [Board-of-DirectorsPYSC](#) meetings. The [Board-of-DirectorsCommission Members](#) shall approve the minutes. The Secretary shall keep all approved minutes in a book and have this book available for review by all [Board-of-Directors](#) ~~and~~ Commission members. He/she shall act as the Public Relations Director for the Commission as may be required.

Treasurer

The Treasurer shall be the primary point of contact and serve as Commission auditor for Member Associations.

Immediate Past President

He/she shall assist the President. The Immediate Past President will be a non-voting Board member.

ARTICLE IX – DUTIES/CRITERIA OF LEAGUES**Non-Profit / League Transparency Status**

Member Associations/[Organizations](#) shall provide access to the most current tax filings, articles of incorporation and annual financials and demographics/residency at any time upon request from the ~~Board, Town, or PISD~~[Commission](#). [Any and all Member Associations/Organizations participant's personal information including but not limited to street address, email address and/or phone number\(s\) shall remain the possession of each Association/Organization submitting such information. The information provided may not be used by any other Member Association, municipality or outside agency for purposes of advertisements, political gain, or any other information which does not pertain to the Association/organization providing such information.](#)

Composition

Member Associations shall ensure eighty percent (80%) or more of current participants per league are Town residents, ~~or~~ PISD students [or fall within each Member Associations league boundaries](#). League or teams participating in Club or Select leagues will also be required to ensure that eighty percent (80%) of participants are Town residents, ~~or~~ PISD students [or fall within each Member Associations league boundaries](#). Facility use and fees will apply to those PYSC endorsed leagues first, and secondarily to Club/~~and~~ Select teams [or those teams choosing not to participate in Member Associations](#) at Town or PISD usage fee rates and availability.

Administrative Functions

Member Associations shall have the following responsibilities:

[a. Maintain 501 \(c\) \(3\) statuses](#)

[b. Follow all league governing bodies' bylaws](#)

~~ca.~~ Organizational meetings;

~~db.~~ League registrations;

~~ee.~~ Collecting and maintaining funds derived from registration fees or fundraising projects;

~~df.~~ Drafting and communicating League schedules;

~~ge.~~ Contacting and scheduling officials for all League games.

Member Associations shall:

a. Assure that all participants and officials conduct themselves in accordance with all Prosper ISD and Town policies, facility use agreements, Town ordinances, and state laws;

b. Maintain communications with the ~~Board~~[Commission](#) pertaining to facility needs;

c. Schedule and use facilities according to applicable Town and PISD policies.

Coach Certifications

Member Associations shall ensure that all ~~head~~ coaches are certified for coaching [per each association governing bodies](#) and shall maintain up-to-date background checks of all coaches.

Code of Conduct

Member Associations shall develop and submit a League Code of Conduct, which shall include an enforcement plan; communicate the League Code of Conduct to coaches, parents, participants, and spectators; and adopt and implement a grievance system whereby complaints and concerns will be heard and addressed by the Member Association.

Non-Discrimination Policy

Member Associations shall adopt a non-discrimination policy that ensures participation for all youth regardless of race, creed, sex, economic status, other legally protected status or athletic ability.

Team Balance

Member Associations shall develop recreational Leagues [as per each league governing bodies](#) encouraging team balance and equal playing time for participants in all recreational sports.

Facility Use

PYSC ~~and Parks and Recreation staff~~ will oversee and designate all Town ~~and PISD~~ facilities and fields to each sport as deemed on a fair usage basis at least sixty (60) days before the commencement of each season. Member Associations shall submit requests for facilities and fields to PYSC, ~~and~~ PYSC shall endeavor that facilities and fields be assigned based on [consultation and recommendations from Parks and recreation staff](#) an equitable need and priority basis.

How do new leagues become members of PYSC?

[Any youth sports league seeking to become a member to PYSC must present to PYSC:](#)

- [Charter or affiliation documentation from that leagues governing body](#)
- [501 \(c\) \(3\) statuses](#)
- [League bylaws and rules](#)
- [Documentation to ensure league is recreational first](#)
- [League Board of Directors](#)
- [League boundaries](#)

- Practice and game field dimensions
- Anticipated field needs and seasonal timelines
- Anticipated number of registrations and growth for the next 3 years
- Agree to adhere to the Constitution, Bylaws, and Rules and Regulations of the Commission.

A two-thirds (2/3) vote of the Commission Members is required for approval of Membership to PYSC

Upon approval, PYSC will make a recommendation to The Town of Prosper Parks and Recreation Board.

If approved by The Town of Prosper Parks and Recreation Board, they will make a recommendation to Prosper's Town Council
Town Council will vote to recognize the league.

**BYLAWS OF THE
PROSPER YOUTH SPORTS COMMISSION
(PYSC)**

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These are the Bylaws of PROSPER YOUR(YOUTH) SPORTS COMMISSION (the "Commission"), duly adopted on _____, 2014, at an organizational meeting of the Board of Directors.

ARTICLE I - MISSION

~~The Prosper Youth Sports Commission (PYSC) is comprised of four board members, one delegate each from The Town of Prosper's recognized youth sports associations or organizations, one PISD At Large member, and one town staff member. These volunteer service organizations implement and manage youth athletic leagues, tournaments and programs for Prosper's youth population. These organizations are not managed by the Town of Prosper, however, a partnership between PYSC and The Town of Prosper has been formed to provide and maintain practice and game fields for these organizations.~~

To provide congruency between all youth leagues and a quality experience to every league and participant.

To govern ~~leagues and~~ facility use to provide safe, equitable, and enjoyable sports opportunities for all participants.

To ensure ~~member~~ leagues ~~are recreational first and~~ teach the basic skills and fundamentals of sports, to play in a safe and nurturing environment, where all children will have the opportunity to play, regardless of skill level.

To ensure that each child has a positive, rewarding experience while participating in youth sports, and that each child will learn the importance of sportsmanship, teamwork, honor, and integrity.

ARTICLE II - OFFICES

The principal address of the Commission in the State of Texas shall be located in the Town of Prosper, County of Collin, Texas. The Commission may have such other addresses, either within or without the State of Texas, as the Board of Directors may determine or as the affairs of the Commission may require from time to time.

Registered Office and Agent Address

President, Prosper Youth Sports Commission
P.O. Box 99, Prosper, Texas 75078

ARTICLE III - MEMBERSHIP OF COMMISSION

~~The Commission shall be comprised of Member Associations (and its subsequent members) by application to and the approval of the Board of Directors and who also shall adhere to the Constitution, Bylaws, and Rules and Regulations of the Commission. An organization may become a member of the Commission upon submission to and approval by the Board of Directors.~~

~~The Prosper Youth Sports Commission (PYSC) is comprised of four board members, one delegate each from The Town of Prosper's recognized youth sports associations or organizations, one PISD At-Large member, and one town staff member. Subsequent members may be added by application to and the approval of the Commission and who also shall adhere to the Constitution, Bylaws, and Rules and Regulations of the Commission.~~

Any member of the Commission may be expelled and his or her membership canceled, forfeited or suspended unilaterally by the Commission's ~~Board of Directors with a majority vote of the Commission~~ for a violation of the Commission's Constitution, Bylaws, Rules and Regulations or for conduct prejudicial to the interests of the Commission and its Member Associations. Any member expelled by the Commission may appeal the decision to the Parks and Recreation BoardTown Council.

The Commission will honor all orders of suspension of players, coaches or referees issued by this Commission, any Member Association or any Member's governing body.

Each Member Association shall be responsible for submitting and keeping current their respective governing body's members' names and contact information.

ARTICLE IV - GOVERNANCE OF COMMISSION

Governance of Commission

The Commission shall be governed by its members, which shall consist of the Board of Directors of the Commission, ~~and the recognized delegate from each registered Member Association in good standing, one PISD At Large Member, and one town staff~~

~~member~~. Each ~~delegate Member~~ shall be entitled to one vote, and no ~~delegate-Member~~ shall be entitled to more than one vote. Only the designated delegate(s) of Member Associations shall have the right to speak at any Commission meeting. Any member of the Board of Directors or delegate may introduce anyone to speak provided he has the permission of the presiding officer at that meeting of the Commission. If the league or association delegate cannot attend a Board meeting, his/her designee may attend, with written permission from the Member Association.

Territory of the Commission

The territory under the jurisdiction of this Commission is defined as being that part of Texas which includes:

*Town of Prosper
Prosper Independent School District
League Boundaries*

A map reflecting the territory under the jurisdiction of the Commission shall be on file with Prosper Youth Sports Commission.

Jurisdiction

~~The Commission shall have jurisdiction over all Member Associations.~~ Each Member Association shall adhere to these Bylaws and shall be subject to the authority of the Commission. If the Commission is presented sufficient evidence that a Member Association is not adhering to these Bylaws, the Commission may form an *ad hoc* Ethics Committee to investigate the allegations and recommend appropriate action to the Commission. In the event of any dispute regarding the interpretation of these Bylaws, the ~~Board of Directors~~ ~~Town Council~~ ~~Parks and Recreation Board~~ shall have final authority regarding such interpretation.

Fiscal Year

The fiscal year of the Commission shall be from July 1 to June 30.

Books and Records

Each Member Association shall keep correct and complete books and records of accounts and shall keep minutes of all meetings of the Member Association. The books and records shall be kept by and in the possession of the Member Association and shall be made readily available to the Commission upon request. ~~Each Member Association or Organization must submit to the Commission may request a copy of their 501(c)(3) tax exemption form and IRS tax return annually. on file annually and the Commission, at its expense, may request an independent audit of any Member Association upon request of the PYSC Board or Town of Prosper.~~

Resignation

Any PYSC ~~Board~~ member may resign by giving written notice to the President. The resignation shall take effect at the time specified therein, or immediately if no time is specified. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. If within sixty (60) days of a resignation a delegate has not been identified to replace the resigning ~~board-Commission~~ member, the ~~Board-Commission~~ may vote to expel the Member Association from the Commission. The Board Secretary shall be responsible for and give notice to all ~~Member Associations~~ ~~Commission members~~ when a ~~Board-Commission~~ member has tendered his or her resignation. No more than 10 business days from the date of receipt of a resignation, the Board Secretary shall notify ~~Board-Commission~~ members of the resignation via e-mail.

Amendments to Bylaws

These Bylaws may be altered, amended or repealed, or new Bylaws may be adopted, at any meeting of the Commission by a two-thirds (2/3) vote of the total present membership; provided, however, that all members shall be given ten (10) days written notice, including a written copy of any proposed changes. Amendments to the Bylaws may be made from the floor at the Annual Meeting in September without advance notice.

ARTICLE V - MEETINGS OF THE COMMISSION

Place of Meetings

All meetings of the Commission shall be held at such place as shall be designated by the President. All meetings of the Commission will be open to the members unless otherwise planned or requested in writing. On a bi-annual basis, a meeting will be designated as Open to the Public (in the months of May & October). Upon written request, a special meeting may be called to address specific issues or needs.

Annual Meeting

An Annual Meeting of the Commission shall be held each year during September, on a day to be selected by the President, at which the Commission shall elect officers in accordance with Article VIII hereof, and transact such other business as may properly be

brought before the meeting. A quorum is not required for this meeting so long as notices of such meetings were properly given. The order of business for such meeting shall be:

Roll Call and Vote Accreditation
 Approval and Minutes of Last Meeting
 Communications
 Unfinished Business
 Reports of Chairman of Standing Committees
 Reports of Officers
 New Business
Election of Officers
 Adjournment

Special Meetings

Special meetings of the Commission for any purpose or purposes, unless otherwise proscribed by these Bylaws, may be called by the President or by petition of the designated delegate of Member Associations in good standing. Business transacted at all special meetings shall be confined to the purpose stated in the notice of the meeting. A quorum is not required for this meeting so long as notice of such meetings was properly given.

PYSC Meetings

The meetings of PYSC shall be held on the first or second Monday of each month. A quorum of 50% of the Commission is required. If the date or time of the meeting is changed, then notice must be given.

Once a quorum is established, all actions taking place at the meeting shall be recognized as binding, regardless of the number present at the time of a vote, provided the meeting had not been previously legally adjourned. All members of the Commission may attend this meeting.

Emergency Actions

~~Any three (3) Board~~ Any four (4) Commission members (quorum) of the PYSC (~~which may include the President~~) may take emergency action on matters demanding immediate attention when it is impractical or impossible to call a meeting and may vote via an email vote. The secretary of the Commission ~~and~~ shall report their actions to all PYSC members in writing within three (3) days of such meeting.

Notice of Meetings

Written or printed notice stating the place, day and hour, of a meeting, and the purpose or purposes for which the meeting was called, shall be delivered not less than ten (10) nor more than fifty (50) days before the meetings, either personally or by email or mail, by or at the direction of the President, to each ~~delegate or Board-Commission~~ Member entitled to vote at the meeting unless otherwise provided in these Bylaws. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the ~~delegate or Board-Commission~~ Member at the address as it appears on the records of the Commission, with postage thereon prepaid.

Proxy

There shall be no vote by proxy for any meetings.

ARTICLE VI – NOTICE

Manner of Giving Notice

Whenever, under these Bylaws, notice is required to be given to any ~~delegate or Board-Commission~~ Member of the Commission PYSC and no provisions are made as to how such notice shall be given, it shall be construed to mean personal notice, and shall be given in writing, by mail, postage paid, addressed to such ~~delegate or Board-Commission~~ Member at the address appearing on the records of the Commission. Any notice required or permitted to be given by mail shall be deemed given at the time when the same is thus deposited in the United States mail as aforesaid.

Waiver of Notice

Whenever any notice is required to be given to any ~~delegates or Board-Commission~~ Members of the Commission-PYSC under these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated in such notice, shall be deemed equivalent to the giving of such notice. Attendance at a meeting shall constitute a waiver of notice of

such meeting, except where a person attends for the express purpose of objecting to the transaction of any business on the ground that the meeting is not properly called or convened.

ARTICLE VII - BOARD OF DIRECTORS

Board of Directors

The business and affairs of the Commission shall be managed by its Board of Directors, which shall consist of the Directors of this Commission and the Member Association delegate, each of whom will be entitled to one vote (the Past President is not a voting member). The Board of Directors and recognized delegate(s) shall transact all business of the Commission and shall have the power to enforce the Laws of its respective divisions, and the Constitution, Bylaws, and Rules and Regulations of this Commission and Member Associations.

Election of Board of Directors

The Directors, i.e., the members of the Board, are listed below and shall be elected for a term of two (2) years, and may succeed themselves in office. To be eligible, the members of the Board of Directors must reside within the PYSC jurisdiction and/or they are not bound by any other association or governing association, subject to board approval. Should any member of the Board of Directors change residence outside said jurisdiction, the member shall be allowed to serve until the end of the term of such position.

Any Director who desires to seek election to another office must first resign the office he/she is holding, prior to the election. Elections shall be held at the Annual Meeting with one-half of the Board of Directors being elected each year in the following manner:

To qualify for the positions of President and/or Vice-President, a candidate must have previously served at least one (1) year as a PYSC Board member or two (2) years as a delegate within the previous three (3) years of the date of the PYSC Annual Meeting; or a candidate must be appointed by a majority of the Board. In the instance that a qualified Board member is not available, a candidate must be approved by a majority vote of the Board.

President	(Elected even years)
Vice President	(Elected odd years)
Treasurer	(Elected even years)
Secretary	(Elected odd years)
Delegates of Member Associations	(Appointed annually by each association)
One PISD At-Large Member	(Appointed annually from supporting organizations)
One Town At-Large Member	(Appointed annually from supporting organizations)
Immediate Past-President (ex officio member)	(Not elected-former President - non voting member)

All officers not otherwise appointed shall be elected by the Board-Commission Members.

Removal

Any member of the Board of Directors shall be required to resign following vote of no confidence in his ability to remain in office. Twenty percent (20%) of ~~delegates or voting~~Commission members ~~of the Board of Directors~~ may petition for such a vote. The petition must be submitted in writing to the Board of Directors which, in turn, will review the petition within fifteen (15) days of receipt of such petition. The vote of no confidence must be passed by a two-thirds (2/3) majority of all the ~~Board of Directors~~Commission Members. If a Director receives a vote of no confidence, he is automatically removed from the Board. His/her office shall then be filled by an appointment approved by the majority of the Board-Commission Members until the next Annual Meeting.

Attendance at Meetings

A ~~Director-Commission Member~~ not attending ~~two-three~~ (32) consecutive scheduled meetings, including regular meetings, of this Commission or Executive Committee meetings will have his/her office declared vacant unless such absences are excused by the Board of Directors. A vote of no confidence by the ~~Board of Directors~~Commission Members shall be taken upon the first ~~board-PYSC~~ meeting following the ~~third-Fourth~~ consecutive absence. Should the vote of no confidence be approved, his/her office shall then be filled by an appointment approved by the two-thirds (2/3) of the Board-Commission Members until the next Annual Meeting. Member Association delegates shall count as in attendance on behalf of their Association when appointed representatives are not present at PYSC meetings.

Vacancies

In the event of a vacancy, the Commission shall find a replacement candidate and present this person to the Board of Directors. A two-thirds (2/3) vote of the ~~Board-Commission Members~~ is required for approval of the replacement candidate.

Compensation

~~Any Commission~~ Members of the ~~Board of Directors~~ PYSC shall serve without compensation for their services. ~~Any Commission Member~~ member of the Board of Directors may be reimbursed for expenses approved by the Board of Directors.

Minutes

The Board of Directors shall keep regular minutes of its proceedings. The minutes shall be placed in the minute book of the Commission. Minutes shall be approved at the next Board Meeting.

Grievance Involving Board of Directors Members

In the event of any grievance involving such Member Association, that Member Association's delegate may discuss the issue surrounding the circumstances, but not be entitled to vote on the resolution of the grievance.

Conflicts of Interest

A member of the Board of Directors can be a member or official of a Member Association. It is the policy of the Commission that no member of the Board, a Standing Committee, or any other committee or any officer or any employee of the Commission shall have any association with or interest in any business enterprise which would conflict with the proper performance of his duties or responsibilities as such or which might tend to affect his independence or judgment with respect to transactions between the Commission and any such business enterprise.

It is also the policy of the Commission that no member of the Board, Member Association Delegate or any committee or any officer or employee of the Commission shall have, directly or indirectly, any material personal business or financial interest with, or in any business enterprise with which, the Commission does business, including, without limitation, the member, or any person in the immediate family of the member, holding a position with a supplier of goods and/or services to the Commission and/or Member Association, unless the material facts of the relationship or the interest in the business are disclosed to the ~~Board-Commission Members~~ and the ~~Board-Commission Members~~ authorizes the contract.

ARTICLE VIII – OFFICERS: Powers and Duties**President**

The President of the Commission shall preside at all Commission meetings. He/she shall appoint any other Committees as deemed necessary by the Board. He/she is an ex-officio voting member of all Committees. He/she shall not vote, but may cast the deciding vote in the event of a tie, or he/she may waive the right to do so. He/she shall submit an annual report in writing at the Annual Meeting and said report shall become part of the minutes of such meeting. He/she is empowered to take prudent and reasonable action in cases not covered in these Bylaws, and such authority is implicit in the office.

Vice President

The Vice President will fulfill the role of President in the event that office becomes vacant, until a new President is selected by PYSC.

Secretary

He/she shall keep minutes of all ~~Board of Directors~~ PYSC meetings. The ~~Board of Directors~~ Commission Members shall approve the minutes. The Secretary shall keep all approved minutes in a book and have this book available for review by all ~~Board of Directors~~ and Commission members. He/she shall act as the Public Relations Director for the Commission as may be required.

Treasurer

The Treasurer shall be the primary point of contact and serve as Commission auditor for Member Associations.

Immediate Past President

He/she shall assist the President. The Immediate Past President will be a non-voting Board member.

ARTICLE IX – DUTIES/CRITERIA OF LEAGUES

Non-Profit / League Transparency Status

Member Associations/~~Organizations~~ shall provide access to the most current tax filings, articles of incorporation and annual financials and demographics/residency at any time upon request from the ~~Board, Town, or PISD~~Commission. Any and all Member Associations/Organizations participant's personal information including but not limited to street address, email address and/or phone number(s) shall remain the possession of each Association/Organization submitting such information. The information provided may not be used by any other Member Association, municipality or outside agency for purposes of advertisements, political gain, or any other information which does not pertain to the Association/organization providing such information.

Composition

Member Associations shall ensure eighty percent (80%) or more of current participants per league are Town residents, ~~or~~ or PISD students ~~or fall within each Member Associations league boundaries.~~ League or teams participating in Club or Select leagues will also be required to ensure that eighty percent (80%) of participants are Town residents, ~~or~~ or PISD students ~~or fall within each Member Associations league boundaries.~~ Facility use and fees will apply to those PYSC endorsed leagues first, and secondarily to Club/~~and~~ Select teams or those teams choosing not to participate in Member Associations at Town or PISD usage fee rates and availability.

Administrative Functions

Member Associations shall have the following responsibilities:

- a. ~~Maintain adherence to PYSC bylaws~~
- ba. Maintain 501 (c) (3) statuses
- cb. Follow all league governing bodies' bylaws
- ~~dea.~~ Organizational meetings;
- edb. League registrations;
- fee. Collecting and maintaining funds derived from registration fees or fundraising projects;
- gdf. Drafting and communicating League schedules;
- hge. Contacting and scheduling officials for all League games.

Member Associations shall:

- a. Assure that all participants and officials conduct themselves in accordance with all Prosper ISD and Town policies, facility use agreements, Town ordinances, and state laws;
- b. Maintain communications with the ~~Board~~Commission pertaining to facility needs;
- c. Schedule and use facilities according to applicable Town and PISD policies.

Coach Certifications

Member Associations shall ensure that all ~~head~~coaches are certified for coaching per each association governing bodies and shall maintain up-to-date background checks of all coaches.

Code of Conduct

Member Associations shall develop and submit a League Code of Conduct, which shall include an enforcement plan; communicate the League Code of Conduct to coaches, parents, participants, and spectators; and adopt and implement a grievance system whereby complaints and concerns will be heard and addressed by the Member Association.

Non-Discrimination Policy

Member Associations shall adopt a non-discrimination policy that ensures participation for all youth regardless of race, creed, sex, economic status, other legally protected status or athletic ability.

Team Balance

Member Associations shall develop recreational Leagues as per each league governing bodies encouraging team balance and equal playing time for participants in all recreational sports.

Facility Use

PYSC ~~and Parks and Recreation staff~~ will oversee and designate all Town ~~and PISD~~ facilities and fields to each sport as deemed on a fair usage basis at least sixty (60) days before the commencement of each season. Member Associations shall submit requests for facilities and fields to PYSC, ~~and~~ PYSC shall endeavor that facilities and fields be assigned based on ~~consultation and recommendations from Parks and recreation staff~~ an equitable need and priority basis.

*Note: New league application and membership will be addressed and defined in an Addendum to these bylaws for future publication as a normal course of PYSC business.

How do new leagues become members of PYSC?

Any youth sports league seeking to become a member to PYSC must present to PYSC:

- Charter or affiliation documentation from that leagues governing body

- ~~501(c)(3) statuses~~
- ~~League bylaws and rules~~
- ~~Documentation to ensure league is recreational first~~
- ~~League Board of Directors~~
- ~~League boundaries~~
- ~~Practice and game field dimensions~~
- ~~Anticipated field needs and seasonal timelines~~
- ~~Anticipated number of registrations and growth for the next 3 years~~
- ~~Agree to adhere to the Constitution, Bylaws, and Rules and Regulations of the Commission.~~

~~A two thirds (2/3) vote of the Commission Members is required for approval of Membership to PYSC~~

~~Upon approval, PYSC will make a recommendation to The Town of Prosper Parks and Recreation Board.~~

~~If approved by The Town of Prosper Parks and Recreation Board, they will make a recommendation to Prosper's Town Council~~

~~Town Council will vote to recognize the league.~~

**BYLAWS OF THE
PROSPER YOUTH SPORTS COMMISSION
(PYSC)**

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These are the Bylaws of PROSPER YOUTH SPORTS COMMISSION (the "Commission"), duly adopted on _____, 2014, at an organizational meeting of the Board of Directors.

ARTICLE I - MISSION

To provide congruency between all youth leagues and a quality experience to every league and participant. To govern facility use to provide safe, equitable, and enjoyable sports opportunities for all participants.

To ensure member leagues are recreational first and teach the basic skills and fundamentals of sports, to play in a safe and nurturing environment, where all children will have the opportunity to play, regardless of skill level.

To ensure that each child has a positive, rewarding experience while participating in youth sports, and that each child will learn the importance of sportsmanship, teamwork, honor, and integrity.

ARTICLE II - OFFICES

The principal address of the Commission in the State of Texas shall be located in the Town of Prosper, County of Collin, Texas. The Commission may have such other addresses, either within or without the State of Texas, as the Board of Directors may determine or as the affairs of the Commission may require from time to time.

Registered Office and Agent Address

President, Prosper Youth Sports Commission
P.O. Box 99, Prosper, Texas 75078

ARTICLE III - MEMBERSHIP OF COMMISSION

The Prosper Youth Sports Commission (PYSC) is comprised of four board members, one delegate each from The Town of Prosper's recognized youth sports associations or organizations, one PISD At-Large member, and one town staff member. Subsequent members may be added by application to and the approval of the Commission and who also shall adhere to the Constitution, Bylaws, and Rules and Regulations of the Commission.

Any member of the Commission may be expelled and his or her membership canceled, forfeited or suspended unilaterally by the Commission with a majority vote of the Commission for a violation of the Commission's Constitution, Bylaws, Rules and Regulations or for conduct prejudicial to the interests of the Commission and its Member Associations. Any member expelled by the Commission may appeal the decision to the Parks and Recreation Board.

The Commission will honor all orders of suspension of players, coaches or referees issued by this Commission, any Member Association or any Member's governing body.

Each Member Association shall be responsible for submitting and keeping current their respective governing body's members' names and contact information.

ARTICLE IV - GOVERNANCE OF COMMISSION

Governance of Commission

The Commission shall be governed by its members, which shall consist of the Board of Directors of the Commission, the recognized delegate from each registered Member Association in good standing. Each Member shall be entitled to one vote, and no Member shall be entitled to more than one vote. Only the designated delegate(s) of Member Associations shall have the right to speak at any Commission meeting. Any member of the Board of Directors or delegate may introduce anyone to speak provided he has the permission of the presiding officer at that meeting of the Commission. If the league or association delegate cannot attend a Board meeting, his/her designee may attend, with written permission from the Member Association.

Territory of the Commission

The territory under the jurisdiction of this Commission is defined as being that part of Texas which includes:

*Town of Prosper
Prosper Independent School District
League Boundaries*

A map reflecting the territory under the jurisdiction of the Commission shall be on file with Prosper Youth Sports Commission.

Jurisdiction

Each Member Association shall adhere to these Bylaws and shall be subject to the authority of the Commission. If the Commission is presented sufficient evidence that a Member Association is not adhering to these Bylaws, the Commission may form an *ad hoc* Ethics Committee to investigate the allegations and recommend appropriate action to the Commission. In the event of any dispute regarding the interpretation of these Bylaws, the Parks and Recreation Board shall have final authority regarding such interpretation.

Fiscal Year

The fiscal year of the Commission shall be from July 1 to June 30.

Books and Records

Each Member Association shall keep correct and complete books and records of accounts and shall keep minutes of all meetings of the Member Association. The books and records shall be kept by and in the possession of the Member Association and shall be made readily available to the Commission upon request. Each Member Association or Organization must submit to the Commission a copy of their 501(c)(3) tax exemption form and IRS tax return annually.

Resignation

Any PYSC member may resign by giving written notice to the President. The resignation shall take effect at the time specified therein, or immediately if no time is specified. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. If within sixty (60) days of a resignation a delegate has not been identified to replace the resigning Commission member, the Commission may vote to expel the Member Association from the Commission. The Board Secretary shall be responsible for and give notice to all Commission members when a Commission member has tendered his or her resignation. No more than 10 business days from the date of receipt of a resignation, the Board Secretary shall notify Commission members of the resignation via e-mail.

Amendments to Bylaws

These Bylaws may be altered, amended or repealed, or new Bylaws may be adopted, at any meeting of the Commission by a two-thirds (2/3) vote of the total present membership; provided, however, that all members shall be given ten (10) days written notice, including a written copy of any proposed changes. Amendments to the Bylaws may be made from the floor at the Annual Meeting in September without advance notice.

ARTICLE V - MEETINGS OF THE COMMISSION**Place of Meetings**

All meetings of the Commission shall be held at such place as shall be designated by the President. All meetings of the Commission will be open to the members unless otherwise planned or requested in writing. On a bi-annual basis, a meeting will be designated as Open to the Public (in the months of May & October). Upon written request, a special meeting may be called to address specific issues or needs.

Annual Meeting

An Annual Meeting of the Commission shall be held each year during September, on a day to be selected by the President, at which the Commission shall elect officers in accordance with Article VIII hereof, and transact such other business as may properly be brought before the meeting. A quorum is not required for this meeting so long as notices of such meetings were properly given. The order of business for such meeting shall be:

- Roll Call and Vote Accreditation
- Approval and Minutes of Last Meeting
- Communications
- Unfinished Business
- Reports of Chairman of Standing Committees

Reports of Officers
New Business
Election of Officers
Adjournment

Special Meetings

Special meetings of the Commission for any purpose or purposes, unless otherwise proscribed by these Bylaws, may be called by the President or by petition of the designated delegate of Member Associations in good standing. Business transacted at all special meetings shall be confined to the purpose stated in the notice of the meeting. A quorum is not required for this meeting so long as notice of such meetings was properly given.

PYSC Meetings

The meetings of PYSC shall be held on the first or second Monday of each month. A quorum of 50% of the Commission is required. If the date or time of the meeting is changed, then notice must be given.

Once a quorum is established, all actions taking place at the meeting shall be recognized as binding, regardless of the number present at the time of a vote, provided the meeting had not been previously legally adjourned. All members of the Commission may attend this meeting.

Emergency Actions

Any four (4) Commission members (quorum) of the PYSC may take emergency action on matters demanding immediate attention when it is impractical or impossible to call a meeting and may vote via an email vote. The secretary of the Commission shall report their actions to all PYSC members in writing within three (3) days of such meeting.

Notice of Meetings

Written or printed notice stating the place, day and hour, of a meeting, and the purpose or purposes for which the meeting was called, shall be delivered not less than ten (10) nor more than fifty (50) days before the meetings, either personally or by email or mail, by or at the direction of the President, to each Commission Member entitled to vote at the meeting unless otherwise provided in these Bylaws. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the Commission Member at the address as it appears on the records of the Commission, with postage thereon prepaid.

Proxy

There shall be no vote by proxy for any meetings.

ARTICLE VI – NOTICE

Manner of Giving Notice

Whenever, under these Bylaws, notice is required to be given to any Commission Member of the PYSC and no provisions are made as to how such notice shall be given, it shall be construed to mean personal notice, and shall be given in writing, by mail, postage paid, addressed to such Commission Member at the address appearing on the records of the Commission. Any notice required or permitted to be given by mail shall be deemed given at the time when the same is thus deposited in the United States mail as aforesaid.

Waiver of Notice

Whenever any notice is required to be given to any Commission Members of the PYSC under these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated in such notice, shall be deemed equivalent to the giving of such notice. Attendance at a meeting shall constitute a waiver of notice of such meeting, except where a person attends for the express purpose of objecting to the transaction of any business on the ground that the meeting is not properly called or convened.

ARTICLE VII - BOARD OF DIRECTORS

Board of Directors

The business and affairs of the Commission shall be managed by its Board of Directors, which shall consist of the Directors of this Commission and the Member Association delegate, each of whom will be entitled to one vote (the Past President is not a voting member). The Board of Directors and recognized delegate(s) shall transact all business of the Commission and shall have the power to enforce the Laws of its respective divisions, and the Constitution, Bylaws, and Rules and Regulations of this Commission and Member Associations.

Election of Board of Directors

The Directors, i.e., the members of the Board, are listed below and shall be elected for a term of two (2) years, and may succeed themselves in office. To be eligible, the members of the Board of Directors must reside within the PYSC jurisdiction and/or they are not bound by any other association or governing association, subject to board approval. Should any member of the Board of Directors change residence outside said jurisdiction, the member shall be allowed to serve until the end of the term of such position.

Any Director who desires to seek election to another office must first resign the office he/she is holding, prior to the election. Elections shall be held at the Annual Meeting with one-half of the Board of Directors being elected each year in the following manner:

To qualify for the positions of President and/or Vice-President, a candidate must have previously served at least one (1) year as a PYSC Board member or two (2) years as a delegate within the previous three (3) years of the date of the PYSC Annual Meeting; or a candidate must be appointed by a majority of the Board. In the instance that a qualified Board member is not available, a candidate must be approved by a majority vote of the Board.

President	(Elected even years)
Vice President	(Elected odd years)
Treasurer	(Elected even years)
Secretary	(Elected odd years)
Delegates of Member Associations	(Appointed annually by each association)
One PISD At-Large Member	(Appointed annually from supporting organizations)
One Town At-Large Member	(Appointed annually from supporting organizations)
Immediate Past-President (ex officio member)	(Not elected-former President - non voting member)

All officers not otherwise appointed shall be elected by the Commission Members.

Removal

Any member of the Board of Directors shall be required to resign following vote of no confidence in his ability to remain in office. Twenty percent (20%) of Commission members may petition for such a vote. The petition must be submitted in writing to the Board of Directors which, in turn, will review the petition within fifteen (15) days of receipt of such petition. The vote of no confidence must be passed by a two-thirds (2/3) majority of all the Commission Members. If a Director receives a vote of no confidence, he is automatically removed from the Board. His/her office shall then be filled by an appointment approved by the majority of the Commission Members until the next Annual Meeting.

Attendance at Meetings

A Commission Member not attending three (3) consecutive scheduled meetings, including regular meetings, of this Commission or Executive Committee meetings will have his/her office declared vacant unless such absences are excused by the Board of Directors. A vote of no confidence by the Commission Members shall be taken upon the first PYSC meeting following the Fourth consecutive absence. Should the vote of no confidence be approved, his/her office shall then be filled by an appointment approved by the two-thirds (2/3) of the Commission Members until the next Annual Meeting. Member Association delegates shall count as in attendance on behalf of their Association when appointed representatives are not present at PYSC meetings.

Vacancies

In the event of a vacancy, the Commission shall find a replacement candidate and present this person to the Board of Directors. A two-thirds (2/3) vote of the Commission Members is required for approval of the replacement candidate.

Compensation

Any Commission Members of the PYSC shall serve without compensation for their services.

Minutes

The Board of Directors shall keep regular minutes of its proceedings. The minutes shall be placed in the minute book of the Commission. Minutes shall be approved at the next Board Meeting.

Grievance Involving Board of Directors Members

In the event of any grievance involving such Member Association, that Member Association's delegate may discuss the issue surrounding the circumstances, but not be entitled to vote on the resolution of the grievance.

Conflicts of Interest

A member of the Board of Directors can be a member or official of a Member Association. It is the policy of the Commission that no member of the Board, a Standing Committee, or any other committee or any officer or any employee of the Commission shall have any association with or interest in any business enterprise which would conflict with the proper performance of his duties or responsibilities as such or which might tend to affect his independence or judgment with respect to transactions between the Commission and any such business enterprise.

It is also the policy of the Commission that no member of the Board, Member Association Delegate or any committee or any officer or employee of the Commission shall have, directly or indirectly, any material personal business or financial interest with, or in any business enterprise with which, the Commission does business, including, without limitation, the member, or any person in the immediate family of the member, holding a position with a supplier of goods and/or services to the Commission and/or Member Association, unless the material facts of the relationship or the interest in the business are disclosed to the Commission Members and the Commission Members authorizes the contract.

ARTICLE VIII – OFFICERS: Powers and Duties

President

The President of the Commission shall preside at all Commission meetings. He/she shall appoint any other Committees as deemed necessary by the Board. He/she is an ex-officio voting member of all Committees. He/she shall not vote, but may cast the deciding vote in the event of a tie, or he/she may waive the right to do so. He/she shall submit an annual report in writing at the Annual Meeting and said report shall become part of the minutes of such meeting. He/she is empowered to take prudent and reasonable action in cases not covered in these Bylaws, and such authority is implicit in the office.

Vice President

The Vice President will fulfill the role of President in the event that office becomes vacant, until a new President is selected by PYSC.

Secretary

He/she shall keep minutes of all PYSC meetings. The Commission Members shall approve the minutes. The Secretary shall keep all approved minutes in a book and have this book available for review by all Commission members. He/she shall act as the Public Relations Director for the Commission as may be required.

Treasurer

The Treasurer shall be the primary point of contact and serve as Commission auditor for Member Associations.

Immediate Past President

He/she shall assist the President. The Immediate Past President will be a non-voting Board member.

ARTICLE IX – DUTIES/CRITERIA OF LEAGUES

Non-Profit / League Transparency Status

Member Associations/Organizations shall provide access to the most current tax filings, articles of incorporation and annual financials and demographics/residency at any time upon request from the Commission. Any and all Member Associations/Organizations participant's personal information including but not limited to street address, email address and/or phone number(s) shall remain the possession of each Association/Organization submitting such information. The information provided may not be used by any other Member Association, municipality or outside agency for purposes of advertisements, political gain, or any other information which does not pertain to the Association/organization providing such information.

Composition

Member Associations shall ensure eighty percent (80%) or more of current participants per league are Town residents, or PISD students. League or teams participating in Club or Select leagues will also be required to ensure that eighty percent (80%) of participants are Town residents, or PISD students. Facility use and fees will apply to those PYSC endorsed leagues first and secondarily to Club/Select teams or those teams choosing not to participate in Member Associations at Town or PISD usage fee rates and availability.

Administrative Functions

Member Associations shall have the following responsibilities:

- a. Maintain adherence to PYSC bylaws
- b. Maintain 501 (c) (3) statuses
- c. Follow all league governing bodies' bylaws
- d. Organizational meetings;
- e. League registrations;
- f. Collecting and maintaining funds derived from registration fees or fundraising projects;
- g. Drafting and communicating League schedules;
- h. Contacting and scheduling officials for all League games.

Member Associations shall:

- a. Assure that all participants and officials conduct themselves in accordance with all Prosper ISD and Town policies, facility use agreements, Town ordinances, and state laws;
- b. Maintain communications with the Commission pertaining to facility needs;
- c. Schedule and use facilities according to applicable Town and PISD policies.

Coach Certifications

Member Associations shall ensure that all coaches are certified for coaching per each association governing bodies and shall maintain up-to-date background checks of all coaches.

Code of Conduct

Member Associations shall develop and submit a League Code of Conduct, which shall include an enforcement plan; communicate the League Code of Conduct to coaches, parents, participants, and spectators; and adopt and implement a grievance system whereby complaints and concerns will be heard and addressed by the Member Association.

Non-Discrimination Policy

Member Associations shall adopt a non-discrimination policy that ensures participation for all youth regardless of race, creed, sex, economic status, other legally protected status or athletic ability.

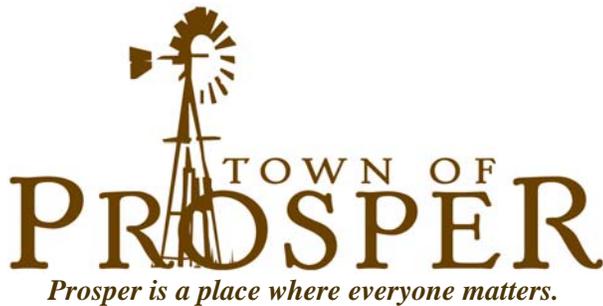
Team Balance

Member Associations shall develop recreational Leagues as per each league governing bodies encouraging team balance and equal playing time for participants in all recreational sports.

Facility Use

PYSC will oversee and designate all Town facilities and fields to each sport as deemed on a fair usage basis at least sixty (60) days before the commencement of each season. Member Associations shall submit requests for facilities and fields to PYSC and PYSC shall endeavor that facilities and fields be assigned based on an equitable need and priority basis.

*Note: New league application and membership will be addressed and defined in an Addendum to these bylaws for future publication as a normal course of PYSC business.



ENGINEERING

To: Mayor and Town Council

From: Daniel L Heischman, P.E., Senior Engineer

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – November 11, 2014

Agenda Item:

Discussion on implementing the Stormwater Management Program requirement to meet conditions of the TCEQ General Permit to discharge under the Texas Pollutant Discharge Elimination System.

Description of Agenda Item:

With the recent growth in the past few years, the Town of Prosper has reached a population which requires it to comply with the Texas Commission of Environmental Quality (TCEQ) General Permit requirements to discharge under the Texas Pollutant Discharge Elimination System. One component of compliance is to develop and implement a Stormwater Management Program (SWMP) meeting the six (6) minimum control measures set forth by TCEQ. The six measures include:

1. Public Education, Outreach, and Involvement
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Sites Stormwater Runoff Control
4. Post-Construction Stormwater Management in New Development and Redevelopment
5. Pollution Prevention and Good Housekeeping Measures for Municipal Operations
6. Industrial Stormwater Sources

Town staff developed a draft SWMP and made application to TCEQ in June of this year. Over the subsequent months, staff addressed TCEQ's comments and was given the notice to proceed with public comment in September 2014. Even though staff is awaiting final direction from TCEQ, the program is now ready for implementation by the Town.

The program includes a variety of measures to comply with the requirements set by TCEQ which include public education, adoption of a Stormwater Management Ordinance, staff training, mapping and reporting, creating "good housekeeping" policies, and implementing construction site controls to name a few. These measures are outlined in the SWMP and have yearly benchmarks to achieving the goals of the program and will need to be complete by the fifth year of the permit term which started back in December 2013. The program shall incorporate current best management practices that the Town already implements, and shall develop new policies and programs to address other requirements.

Budget Impact:

In the FY2014-2015 Adopted Budget, the Public Works Department included a new Stormwater Specialist position, funded by the Town's Drainage Utility Fee, who will be the point person and implementer of the SWMP. Future funding will be based on the costs for the development of the programs required to achieve the goals set forth in the SWMP.

Attached Documents:

1. Stormwater Management Program Draft

Town Staff Recommendation:

Town staff recommends that the Town Council provide feedback regarding the implementation of the policies and procedures outlined in the Stormwater Management Program.

A large, white, cylindrical water tower stands against a clear blue sky. The tower has a metal lattice structure. The word "PROSPER" is faintly visible on the tower's surface. In the foreground, a stylized brown windmill logo is superimposed over the tower. The logo consists of a central vertical post with a horizontal crossbar and a circular fan-like top with multiple blades.

TOWN OF PROSPER

STORMWATER MANAGEMENT PROGRAM

November 2014

Prepared by the Town of Prosper for application to the Texas Commission on
Environmental Quality TPDES General Permit Number TXR04000



TOWN OFFICIALS

Ray Smith	Mayor
Meigs Miller	Council Member - Place 4 / Mayor Pro-Tem
Kenneth Dugger	Council Member - Place 2 / Deputy Mayor Pro-Tem
Michael Korbuly	Council Member - Place 1
Curry Vogelsang, Jr.	Council Member - Place 3
Mike Davis	Council Member - Place 5
Jason Dixon	Council Member - Place 6
Harlan Jefferson	Town Manager
Hulon T. Webb, Jr., P.E.	Executive Director of Development & Community Services
Frank Jaromin, P.E.	Director of Public Works
Dan Heischman, P.E.	Senior Engineer
Matt Richardson, P.E.	Senior Engineer

**REVISION HISTORY**

Revision Number	Effective Date	Description
0	6/10/2014	Complete Revision of Engineering Design Standards
1	8/27/2014	Modifications per TCEQ review

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A. INTRODUCTION

Stormwater runoff is generated when precipitation from rain and snowmelt events flows over land or impervious surfaces and does not percolate into the ground. As the runoff flows over the land or impervious surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the runoff is discharged untreated. Polluted stormwater runoff from "urbanized areas" is a major cause of impairment to our Nation's waterways. Efforts to improve water quality came with the passage of the Clean Water Act (CWA) in 1972. Under the authority of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) developed a stormwater permitting program with the goal of significantly reducing this pollution source.

The EPA passed the permitting authority for the State of Texas on to the Texas Commission on Environmental Quality (TCEQ). The Town of Prosper has been designated as an "urbanized area" (UA) and therefore must make application to TCEQ to discharge stormwater to waters of the United States. In order to become authorized under the new TCEQ permit, the Town has developed a stormwater management program (SWMP) and intends to implement best management practices (BMPs) that are designed to:

- Reduce the discharge of pollutants to the maximum extent practicable;
- protect water quality; and
- satisfy the appropriate water quality requirements of the Clean Water Act.

Town Background

The Town of Prosper is a growing community generally located in northwestern Collin County and partly in eastern Denton County with US 380 as its southern boundary, and is approximately 35 miles north of downtown Dallas. Prosper is a home-rule municipality, governed by a council-manager form of government. In 2010, the U.S. Census Bureau calculated Prosper's population at 9,423, and in 2013, Prosper had an estimated population of 14,986 (per Town of Prosper Economic Development Corporation). The Town of Prosper has a projected build-out population of 70,000 residents.

Prosper has a land area of 27 square miles in the Northern Blackland Prairie ecoregion of North Texas. Stormwater from the Town falls in the Upper Trinity River basin with areas contributing to the Lewisville Lake watershed and the Lake Lavon watershed by means of Doe Branch, Wilson Creek, Rutherford Creek and Parvin Branch.

B. REGULATORY BACKGROUND

The Clean Water Act establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's [National Pollutant Discharge Elimination System \(NPDES\)](#) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches.

Polluted stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (MS4s), from which it is often discharged untreated into local waterbodies. To prevent harmful pollutants from being washed or dumped into an MS4, operators must obtain a NPDES permit and develop a stormwater management program.

- Phase I, issued in 1990, requires *medium* and *large* cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges.
- Phase II, issued in 1999, requires regulated small MS4s in urbanized areas, as well as small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges.

In 1998, the U.S. EPA and the Texas Commission on Environmental Quality (TCEQ) signed a memorandum agreement for the TCEQ to assume the regulatory authority for the NPDES as it applies to the State of Texas. This program has been named the Texas Pollutant Discharge Elimination Program (TPDES). In 2007, TCEQ issued the Phase II TXR040000 General Permit under the TPDES program, and was newly updated in December 2013.

This TPDES General Permit program extends coverage of the Phase II Rule to include small MS4s in the “urbanized areas” as designated by the U.S. Census Bureau.

Regulatory Requirements

The TCEQ TPDES General Permit Number TXR040000 requires small MS4s apply for authorization to discharge stormwater to surface waters in the State of Texas. Application for coverage under this permit includes the submittal of a Notice of Intent (NOI) form and preparation of a Stormwater Management Program (SWMP). The TPDES permit will provide coverage for a five-year period and requires an annual report submittal to TCEQ.

A SWMP must be developed and submitted to TCEQ with the NOI for eligible discharges that will reach waters of the United States (U.S.), including discharges from the regulated small MS4 to other MS4s or privately-owned separate storm sewer systems that subsequently drain to waters of the U.S. according to the requirements of Part III of the TPDES general permit:

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 shall include a time line that demonstrates a schedule for implementation of the program throughout the permit term. The program must be completely implemented within five years of the issuance date of the TPDES general permit, or within five years of being designated for those small MS4s which are designated following permit issuance. Implementation of the SWMP is required immediately following receipt of written authorization from the TCEQ.

The SWMP must identify and apply best management practices (BMPs) developed to prevent stormwater pollution to the maximum extent practicable (MEP). BMPs are required to be developed to satisfy six stormwater quality Minimum Control Measures (MCM):

1. Public Education, Outreach, and Involvement
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Sites Stormwater Runoff Control
4. Post-Construction Stormwater Management in New Development and Redevelopment
5. Pollution Prevention and Good Housekeeping Measures for Municipal Operations
6. Industrial Stormwater Sources

Impaired Water Bodies

Discharges of the pollutant(s) of concern to impaired water bodies for which there is a TCEQ and EPA approved total maximum daily load (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, as not meeting Texas Surface Water Quality Standards.

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 (*only section b provided in SWMP*), and shall assess the progress in controlling those pollutants.

(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. Within the first year following the permit effective date, 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, no later than two years following the permit effective date, 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, no later than three years following the permit effective date, the permittee shall submit an NOC to amend the SWMP to include any additional BMPs to address the pollutant(s) of concern.
- (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.

C. PROGRAM OVERVIEW

The Town of Prosper has developed this SWMP in accordance with TPDES requirements for obtaining authorization for stormwater and certain non-stormwater discharges. The SWMP describes specific actions that will be taken over a five-year period to reduce pollutants and protect the Town's stormwater quality. The SWMP also sets measurable goals and provides a schedule for the implementation of BMPs over the next five years. The permit will be renewed every five years, and permit conditions will reflect progress made in the Town to improve stormwater quality. Various BMPs have been developed for each of six required minimum control measures that are expected to minimize or eliminate stormwater pollutants discharged into the storm sewer system and provide water quality protection for receiving water bodies.

The SWMP was developed by Town staff from multiple departments (Stormwater Stakeholder Committee) and led by the Engineering Department. These "stakeholders" discussed and considered various structural and non-structural BMPs that were used in the selection to meet the six MCMs. Several BMPs were selected and shall be implemented throughout the five-year permit term authorized under the General Permit. The Stakeholder Committee was comprised by department heads and/or their designees from select Town departments including:

- Engineering
- Public Works
- Building Inspections
- Parks & Recreation
- Planning
- Library

Various other departments including the Fire Department, Police, Town Secretary, Utility Billing, Purchasing, Human Resources, and Town Administration were solicited for additional input. Supplementary advice was given through the Collin County MS4 Stormwater Forum.

The Best Management Practices (BMP's) proposed in this SWMP have been selected to address the six minimum control measures. These BMPs were selected based on analyzing existing practices in the Town of Prosper as well as nearby communities. After extensive research, additional BMPs were also chosen from the EPA's *National Menu of Stormwater Best Management Practices*, NCTCOG's *Stormwater BMPs: A Menu of Management Plan Options for Small MS4s in North Central Texas*, and various TCEQ resources.

Impaired Water Bodies: The Town of Prosper contributes stormwater runoff in the Upper Trinity River basin with areas contributing to the Lewisville Lake watershed and the Lake Lavon watershed by means of Doe Branch, Wilson Creek, Rutherford Creek and Parvin Branch. And according to CWA §303(d), Wilson Creek is listed as being an impaired body.

SegID: 0821C	Wilson Creek (unclassified water body) From the confluence with Lake Lavon in Collin County up to West FM 455 (NHD RC 12030106000086), just east of Celina, Collin Co., TX.	
<i>Parameter(s)</i>	<i>Category</i>	<i>Year Segment First Listed</i>
bacteria	5c	2010
0821C_01	Entire water body	

Category 5c - Additional data or information will be collected and/or evaluated for one or more parameters before a management strategy is selected.

The Town discharges in the listed water body segment which is listed as impaired for bacteria. Bacteria is likely to be found in stormwater discharges and may contribute to the impairment of the water body. While additional data or information shall be collected and/or evaluated before a management strategy is selected, this SWMP will include BMPs that will focus on the reduction of discharge of bacteria to the maximum extent practical. Specifically focused BMPs, along with corresponding measurable goals, will target sanitary sewer systems, on-site sewage facilities, illicit discharges and dumping, animal sources and residential education. The annual report will include information on compliance with these BMPs and corresponding measurable goals.

D. MINIMUM CONTROL MEASURES

Operators of small municipal separate storm sewer system (MS4) must develop and submit to the TCEQ, a stormwater management program (SWMP) that includes at least these six control measures:

- public education and outreach
- public involvement or participation
- detection and elimination of illicit discharges
- controls for stormwater runoff from construction sites
- post-construction stormwater management in areas of new development and redevelopment
- pollution prevention and “good housekeeping” measures for municipal operations

These measures must be developed by identifying and applying best management practices (BMPs). The minimum control measures include the regulatory requirements, a description of the selected BMP's along with the implementation schedule and measureable goals for the Town of Prosper's SWMP.

1. PUBLIC EDUCATION, OUTREACH, AND INVOLVEMENT

Regulatory Requirements:

(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:

STORMWATER MANAGEMENT PROGRAM

- 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; and
 - 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) All permittees shall 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.
- (4) 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) If feasible, consider using public input (for example, the opportunity for public comment, or public meetings) in the implementation of the program;
- (2) If feasible, 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; and
- (3) Ensure the public can easily find information about the SWMP.

Program Development

Objective: Through the selected BMPs, the Town of Prosper shall provide educational material to reach a range of audiences to help promote stormwater quality and to reduce pollutants within our waterways. Material shall be provided to reach residents, visitors, businesses, and Town employees in a variety of ways. Educational material shall be provided and updated at a minimum of annual intervals. Opportunities throughout the permit term shall be provided to allow the general public to offer public comment as well as participate in annual events. The goal is to educate residents and others about the importance of stormwater quality, and show what steps can be done to reduce pollutants in stormwater.

Selected BMPs:

BMP 1.1 Utility Bill Inserts

Description: Educational material regarding general stormwater information especially pertaining to TCEQ permit guidelines shall be included in utility bill inserts at least once per year. Material are to include a variety of information from year to year and shall include topics on hazards associated with illegal discharges and improper disposal of waste, as well as the impact that stormwater discharges can have on local waterways. The inserts will also contain

contact information for questions and comments. Inserts should reach all Prosper residents and businesses currently being served by Town utilities.

Measurable Goal: The number of Prosper resident and business addresses with utility inserts.

Schedule of Implementation:

- ~ Year 2: Create and insert material into utility bills.
- ~ Year 3-5: Update material and continue insertion into utility bills.

Responsible Department: Utility Billing

BMP 1.2 Social Media

Description: Informative and educational material will be posted on the Town's Facebook page annually containing general stormwater material pertaining to TCEQ permit guidelines. The Town will research additional forms of social media to provide material to the general public who are "connected" to Prosper. Social media such as Facebook allows users to interact with like minded individuals, and seek or share information on related topics.

Measurable Goal: Listed number of friends to Town Facebook page, and number of "likes" by Facebook users for each related post.

Schedule of Implementation:

- ~ Year 2: Create and post stormwater related material.
- ~ Year 3-5: Update material and continue yearly posts. Look into additional forms of social media to reach additional audiences and to continue to provide informative material.

Responsible Department: Public Works Department

BMP 1.3 Town Website

Description: Provide educational and informative material regarding stormwater related topics through links and the creation of a dedicated webpage. The webpage is to include general TCEQ permit information as well as Town staff contact information for questions or reporting purposes. Related topics will include information on hazards associated with illegal discharges and improper disposal of waste, as well as the impact that stormwater discharges can have on local waterways. Educational information addressing the impacts of bacteria on impaired water bodies and promoting its reduction shall be included. The webpage is typically the most used form of gathering information for a wide variety of users from businesses to consultants/developers to general public.

Measurable Goal: Webpage/related links up and running.

Schedule of Implementation:

- ~ Year 2: Add links to related stormwater educational websites such as Texas Smartscape website as well as related TCEQ webpage on Town Engineering webpage.
- ~ Year 3-5:
 - Continue to provide links to stormwater related websites.
 - Create stormwater webpage and provide links to various related material.
- ~ Year 4-5: Create intranet to allow easier access for Town staff to share information and Town guidelines with each other.

Responsible Department: Public Works Department

BMP 1.4 Reference Material at Town Library

Description: Provide educational material for reference at the Public Library. Reference material to include informative material relating to TCEQ stormwater permit, educational material on various stormwater BMP's including

information on bacteria and promotion of its reduction in stormwater discharge, and information relating to Town of Prosper stormwater management program.

Measurable Goal: Description of material provided.

Schedule of Implementation:

- ~ Year 2: Create and provide reference material at Library.
- ~ Year 3-5: Update material and continue to provide reference material.

Responsible Department: Library

BMP 1.5 Town Staff Education/Training

Description: Provide educational material to Town staff through various formats. Educational material related to stormwater issues as it relates to Town functions shall be sent via staff email as well as be available on the Town's intranet (once implemented). Additional training will be provided for staff directly related to construction activities.

Measurable Goal: Description of material provided.

Schedule of Implementation:

- ~ Year 2:
 - Create and email educational material using Town employee email.
 - Hold training sessions for specific Town staff as job functions relate to construction.
- ~ Year 3-5:
 - Update material and send out via staff email.
 - Continue staff training.
 - Provide educational information via the Town's intranet once implemented.

Responsible Department: Public Works Department

BMP 1.6 Stormwater Hotline

Description: Develop and advertise a dedicated stormwater hotline to solicit information related to illicit discharges and illegal dumping, stormwater complaints, and general comments regarding Prosper's stormwater management program.

Measurable Goal: Establish dedicated phone line for residents questions and complaints.

Schedule of Implementation:

- ~ Year 2: Provide contact info for Town staff to respond to resident questions and complaints on stormwater related issues.
- ~ Year 3-5: Provide dedicated phone hotline to address resident questions and complaints.

Responsible Department: Public Works Department

BMP 1.7 Educational Booth at Community Events

Description: Provide booth and/or table with various educational material and staffed with Town employees to collect input from event's attendees and provide educational material.

Measurable Goal: Number of events educational booth has been provided.

Schedule of Implementation:

- ~ Year 1-5: Provide booth at yearly Community events.

Responsible Department: Public Works Department

BMP 1.8 Household Hazardous Waste Collection and Recycling

Description: Participate in area household hazardous waste collection day and advertise to residents. Continue to enter into interlocal agreement with neighboring municipalities to allow collection of common household hazardous material.

Measurable Goal: Hold annual event to allow residents an opportunity to participate in activities that promote stormwater quality and reduction of pollutants in Town's waterways.

Schedule of Implementation:

~ Year 1-5: Hold and promote yearly event for household hazardous waste collection.

Responsible Department: Public Works Department

2. ILLICIT DISCHARGE DETECTION AND ELIMINATION

Regulatory Requirements:

(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.(g)(1)); and
- g. For Level 4 small MS4s, field screening to detect illicit discharges (See Part III.B.2.(g)(2)).

(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.

(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 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.

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.

Requirements for all Permittees

All permittees shall include the requirements described below in Parts III.B.2(c)(1)-(6)

(1) MS4 mapping

- a. 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:
- b. The location of all small MS4 outfalls that are operated by the permittee and that discharge into waters of the U.S;
- c. The location and name of all surface waters receiving discharges from the small MS4 outfalls; and
- d. 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

To the extent feasible, 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 TCEQ's Field Operation Support Division according to Part III.A.3.b.
- c. Corrective Action to Eliminate Illicit Discharge
 - (i) 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, as determined appropriate, in response to complaints, and shall conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

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 levels 3 and 4 small MS4s shall meet the following requirements:

(1) 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.

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 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, as needed. 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 should include the basis used to determine which outfalls would 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 as determined by the permittee. Screening methodology may be modified based on experience gained during the actual field screening activities. The permittee shall document the method used.

Program Development

Objective: The Town shall develop, implement, and enforce a program to detect, investigate, and eliminate illicit discharges into the small MS4. Town staff shall be trained to detect and investigate potential illicit discharges. Ordinances shall be created and implemented to give Town authority to eliminate illicit discharges. Goal is to give Town employees tools to detect and enforce removal of illicit discharges.

Selected BMPs

BMP 2.1 Storm Sewer Map

Description: Develop a storm sewer map in accordance with TCEQ requirements. Use existing GIS data for current mapped infrastructure, and perform field survey where data is unavailable.

Measurable Goal: Creation of storm sewer map to show locations of existing storm sewer in addition to storm outfalls in relation to names receiving bodies of water/Waters of the U.S. Include locations and names of all surface waters receiving discharge from these outfalls.

Schedule of Implementation:

- ~ Year 2-3: Create Town storm sewer map of existing sewer system with use of existing GIS data. Survey older infrastructure missing from existing GIS mapping and integrate into storm sewer map. Add new data as development occurs.
- ~ Year 4-5: Update map due to continuing development within the Town.

Responsible Department: Engineering Department

BMP 2.2 Stormwater Management Ordinance - Illicit Discharge Elimination

Description: Review and update existing ordinances and create new ordinances as needed to comply with current TCEQ requirements to provide the Town of Prosper the authority to require the elimination of illicit connections or illegal dumping activities within the Town. Ordinance to address the reduction of bacteria in stormwater discharge into Wilson Creek as well as other water bodies.

Measurable Goal: Create Ordinance to give Town of Prosper authority to eliminate illicit discharges and issue fines, as needed.

Schedule of Implementation:

- ~ Year 2-3: Draft and adopt Illicit Discharge Ordinance and get public input.
- ~ Year 3-5: Commence enforcement and track process. Update and modify, as needed.

Responsible Department: Public Works Department

BMP 2.3 Illicit Discharge Investigation and Elimination

Description: Conduct investigations to determine the source of illicit connections and illegal dumping activities. Follow procedures to remove source of the illicit discharge, and issues fines, as needed. Procedures to include prevention and correction of leaking on-site sewage disposal systems.

Measurable Goal: Track number of investigations performed. Track number of detected discharges.

Schedule of Implementation:

- ~ Year 2-3: Draft and adopt Illicit Discharge Ordinance. Train appropriate personnel. Create procedures to remove illicit discharge.
- ~ Year 3-5: Conduct investigations in accordance with established parameters. Issue fines.
- ~ Year 4-5: Continue and update training for appropriate personnel. Update procedures, as needed.

Responsible Department: Public Works Department / Code Compliance Department

BMP 2.4 Household Hazardous Waste Collection and Recycling (also BMP 1.8)

Description: Participate in area household hazardous waste collection day and advertise to residents. Continue to enter into interlocal agreement with neighboring municipalities to allow collection of common household hazardous material.

Measurable Goal: Hold annual event to allow residents opportunity to participate in activities that promote stormwater quality and reduction of pollutants in the Town's waterways.

Schedule of Implementation:

- ~ Year 1-5: Hold and promote yearly event for household hazardous waste collection.

Responsible Department: Public Works Department

BMP 2.5 Stormwater Hotline (also BMP 1.6)

Description: Develop and advertise a dedicated stormwater hotline to solicit information related to illicit discharges and illegal dumping, stormwater complaints, and general comments regarding Prosper's stormwater management program.

Measurable Goal: Establish dedicated phone line for residents questions and complaints.

Schedule of Implementation:

- ~ Year 2: Provide contact info for Town staff to respond to resident questions and complaints on stormwater related issues.
- ~ Year 3-5: Provide dedicated phone hotline to address resident questions and complaints.

Responsible Department: Public Works Department

BMP 2.6 Hazardous Material Spill Response

Description: Continue implementation of existing spill response procedures and training to contain and properly dispose hazardous material spills, and prevent those spills from entering the MS4. Review and update existing procedures and training, as needed.

Measurable Goal: Provide annual Haz-Mat training to Fire Department staff that includes topics covering stormwater quality impacts and preventing spills from entering the storm drain system and waterways. Document annual training provided.

Schedule of Implementation:

- ~ Year 1-5:
 - Continue implementation of existing procedures and training.
 - Track number of responses to spills / Hazmat incidents.
 - Track number of training hours for appropriate employees.

Responsible Department: Fire Department

3. CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

Regulatory Requirements:

(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 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 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 within a period of time determined by the permittee. In arid, semiarid, and drought-stricken areas, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee.
- 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, as determined by the permittee, where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permittee. 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 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 inspections of sites operated by the permittee or its contractors and that are located in the permittee's regulated area.

- a. Inspections must occur at a frequency determined by the permittee, 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, implement, and revise as necessary, 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.
 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 TCEQ's Field Operations Support Division 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 levels 3 and 4 small MS4s shall meet the following requirements:

(1) Construction Site Inventory

Permittees who operate levels 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 should be made by submittal of a copy of an NOI or a small construction site notice. The permittee shall make this inventory available to the TCEQ upon request.

Program Development

Objective: Town shall develop, implement, and enforce a program to address stormwater runoff from construction sites one acre or greater to promote stormwater quality and prevent pollutants from entering waterways. Town staff shall be trained to implement and enforce maintenance of construction stormwater BMPs. Ordinances shall be created to require erosion and sediment control measures for all new and existing construction with the goal being to reduce pollutants from construction sites.

Selected BMPs

BMP 3.1 Stormwater Management Ordinance - Erosion and Sediment Control Requirements

Description: Develop Town ordinance requiring the implementation of appropriate erosion and sediment control BMP's as well as other TCEQ permit requirements.

Measurable Goal: Create Ordinance to give Town of Prosper authority to require implementation of erosion and sediment control BMP's.

Schedule of Implementation:

- ~ Year 2-3: Draft and Adopt Erosion and Sediment Control Ordinance and get public input.
- ~ Year 3-5: Commence enforcement and track process. Update and modify as needed.

Responsible Department: Public Works Department

BMP 3.2 Requirements for Construction Site Contractors

Description: Update and continue to implement requirements for construction site contractors as it relates to construction site runoff.

Measurable Goal:

- A.** Develop construction plan review checklist to use during plan review process. Require consultants to prepare plans in accordance with stormwater ordinance and developed checklist.
- B.** Develop procedures to control waste such as discarded building materials, concrete truck washout water, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

Schedule of Implementation:

- ~ Year 2:
 - Draft and implement construction plan review checklist. Require Consultants to follow checklist guidelines.
 - Develop procedures to control waste from construction site contractors
- ~ Year 3-5: Review and update checklist and procedures, as need. Continue to implement procedures.

Responsible Department: Public Works Department

BMP 3.3 Construction Site Inspections

Description: Develop procedures for construction site inspections and enforcement of erosion and sediment control requirements for regulated construction activities.

Measurable Goal: Develop and implement inspection and enforcement program.

Schedule of Implementation:

- ~ Year 2: Draft procedures for construction site inspections and enforcement of erosion and sediment control requirements. Train appropriate staff.
- ~ Year 3-5: Continue to implement procedures for construction site inspections. Review and update procedures, as necessary.

Responsible Department: Public Works Department

BMP 3.4 Receipt and Consideration of Information from Public

Description: The Town is to develop program to receive and consider information provided by the public in the development of procedures of construction site stormwater runoff. The Town is to use various medium such as stormwater hotline, social media, public input meetings, and other to collect information provided by Town residents and the general public.

Measurable Goal: Development of program to receive input from the public regarding procedures as it relates to construction site runoff. Review and consider public input, and incorporate into procedures, as appropriate.

Schedule of Implementation:

- ~ Year 2: Develop a program using existing mediums to collect public input as it relates to construction site runoff. Periodically review and consider information provided by public and modify the program as appropriate.
- ~ Year 3-5: Continue to develop a program as new forms of information collection methods are established, and additional public input is received.

Responsible Department: Public Works Department

4. POST-CONSTRUCTION STORMWATER MANAGEMENT IN NEW DEVELOPMENT AND REDEVELOPMENT

Regulatory Requirements:

(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, 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 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) above, permittees who operate level 4 small MS4s shall meet the following requirements:

(1) 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.

- a. Inspection Reports - The permittee shall document its inspection findings in an inspection report and make them available for review by the TCEQ.

Program Development

Objective: The Town shall develop, implement, and enforce a program to address stormwater runoff from new development and redeveloped sites to promote stormwater quality and prevent pollutants from entering waterways. Town staff shall create and implement a program to require structural and non-structural BMPs for new development and redeveloped sites. Ordinances shall be created and implement to give Town authority to enforce the program. The goal is to reduce pollutants from new development and redeveloped sites long-term and protects water quality.

Selected BMPs

BMP 4.1 Engineering Design Requirements

Description: Update engineering design manuals to include structural and non-structural BMP's in site development design for post-construction stormwater management.

Measurable Goal: Creation of post-construction stormwater runoff control guidelines within Engineering Design Manuals.

Schedule of Implementation:

- ~ Year 2: Create/update engineering design manuals to include design guidelines to address post-construction stormwater runoff. Implement guidelines with construction plan review process.
- ~ Year 3-5: Continue to implement guidelines. Review and update requirements, as appropriate.

Responsible Department: Engineering Department

BMP 4.2 Stormwater Management Ordinance - Post-Construction Requirements

Description: Develop a Town ordinance requiring permanent post-construction stormwater runoff controls for regulated new development and redevelopment projects to prevent or minimize water quality impacts. Utilize and reference existing ordinances that provide some post-construction controls.

Measurable Goal: Create an ordinance to give the Town of Prosper authority to require post-construction stormwater runoff controls.

Schedule of Implementation:

- ~ Year 2-3: Draft and adopt Post-Construction Requirements Ordinance and get public input.
- ~ Year 4-5: Implement requirements and track process. Update and modify, as needed.

Responsible Department: Engineering Department

BMP 4.3 Structural and Non-Structural BMP Maintenance

Description: The Town shall develop public/private partnerships with Homeowner Associations (HOA), developers, or other private entity to provide long-term maintenance of post-construction BMP's as it relates to development and water quality. The Town to develop Post-Construction BMP Operation and Maintenance documents for distribution to developers and HOAs to aid in long-term maintenance.

Measurable Goal: Development of a program to create public/private partnerships for maintenance of post-construction BMPs. Creation of O&M documents to distribute to developers and HOAs.

Schedule of Implementation:

- ~ Year 2: Develop program. Seek input from public and local developers. Create documents for distribution.
- ~ Year 3-5: Continue to develop public/private partnerships for maintenance of post-construction BMPs. Review and modify program, as appropriate.

Responsible Department: Engineering / Planning Departments

5. POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

Regulatory Requirements:

(a) Program Development

(1) 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. If feasible, the inventory may 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.(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 developed before the end of the permit term and maintained on site and made available for inspection by TCEQ.

(5) Municipal Operation and Maintenance Activities

Assessment of permittee-owned operations

- a. 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 may include such areas as pothole repair, pavement marking, sealing, and re-paving;
 - (ii) Bridge maintenance may include 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 at a frequency determined by the permittee to ensure they are working properly. 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 at a frequency determined by the permittee and consistent with maintaining the effectiveness of the BMP.

(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 levels 3 or 4 small MS4s shall meet the following requirements:

(1) Storm Sewer System Operation and Maintenance

- a. Permittees who operate levels 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 levels 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, if feasible and practicable, 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 levels 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 levels 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 levels 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 an 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 available for review by the TCEQ. The SOP must be kept on site when possible and must be updated as necessary.

(6) Stormwater Controls for High Priority Facilities

Permittees who operate levels 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 should be sheltered from exposure to stormwater when feasible.
- 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) which 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 levels 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; and
 - 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.

Program Development

Objective: Develop operation and maintenance program and "good housekeeping" procedures for range of municipal activities in order to reduce or prevent pollutants into our waterways.

Selected BMPs

BMP 5.1 Municipal Best Management Practices

Description: Develop methods and procedures that will include good housekeeping measures and structural/non-structural BMPs to prevent and reduce stormwater pollution from municipal operations. Procedures to focus on, but not be limited to Town facilities and those staff that routinely maintain those facilities. Town facilities and operations include:

- Park and Athletic Field Maintenance
- Street Maintenance
- Storm Sewer Maintenance
- Material Storage
- New Construction
- Vehicle Maintenance

Measurable Goal: Develop procedures for Town staff to implement in routine maintenance of municipal operations.

Schedule of Implementation:

- ~ Year 2-3: Draft procedures to include good housekeeping measures and BMPs to help prevent and reduce stormwater pollution from municipal operations. Begin implementation of procedures.
- ~ Year 4-5: Continue to implement. Review and modify procedures, as appropriate.

Responsible Department: Parks and Recreation / Public Works / Engineering Department

BMP 5.2 Town Staff Training Program

Description: Develop an annual training program to inform and train Town staff about methods to prevent and reduce stormwater pollution from municipal operations. Training to include procedures developed from BMP 6.1 which consists of good housekeeping measures and BMPs that will assist in the reduction of stormwater pollutant runoff.

Measurable Goal: Develop training program and train all employees, who are directly involved in the maintenance of municipal operations.

Schedule of Implementation:

- ~ Year 2-3: Develop training program and provide annual training to directors, managers, and supervisors directly related to the maintenance of municipal operations.
- ~ Year 4-5: Continue to train directors, managers, and supervisors. Adjust program to include all employees related to maintenance of municipal operations. Review and modify training program, as appropriate.

Responsible Department: Engineering Department

BMP 5.3 Audit Municipal Facilities and Equipment for Environmental Management

Description: Municipal facilities can have an impact on stormwater quality. A list of municipal activities with a potential to affect stormwater quality will be created, as well as a list of staff with responsibilities related to those activities. Activities that have a positive effect on stormwater quality will be encouraged, and activities with an adverse effect will be evaluated and modified to ensure all preventative measures are being followed to prevent stormwater pollution.

Measurable Goal: A thorough assessment of current activities will be conducted in order to identify positive and negative water quality activities. The results of the audit will be used in developing the procedures in BMP 6.1 and included in the training for BMP 6.2.

Schedule of Implementation:

- ~ Year 2: Conduct audit of current municipal activities and operations. Group into positive and negative impacting categories. Determine if further preventative measures need to be taken in order to prevent pollutants from entering local waterways.
- ~ Year 3-5: Conduct yearly audits on existing and newly formed activities, and make adjustments, as appropriate.

Responsible Department: Engineering Department

BMP 5.4 Maintenance Contractor Requirements and Oversight

Description: Contractors hired by the Town to perform maintenance activities on Town-owned facilities will be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management operating procedures implemented by the Town. The Town will provide adequate oversight of contractor activities to ensure that contractors are using appropriate control measures and standard operating procedures. Oversight procedures will be developed.

Measurable Goal: Complete development of new standard contract language that includes appropriate reference to standard operating procedures and stormwater plans. Include standard contract language and SOPs in all new contracts.

Schedule of Implementation:

- ~ Year 2-3: Development new standard contract language.
- ~ Year 4-5: Contractually require service providers to comply with all control measures and operational procedures. Provide adequate oversight of contractor activities

Responsible Department: Engineering / Public Works

6. INDUSTRIAL STORMWATER SOURCES

Regulatory Requirements:

- (a) Permittees operating a level 4 small MS4 shall include the requirements described below in Part III. B.6.(1) – this requirement is only applicable to level 4 MS4s

(1) 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. The program must include priorities and procedures for inspections and for implementing control measures for such discharges.

Selected BMPs

MCM requirement is for level 4 small MS4s, and the Town of Prosper is currently a level 1. The Town has elected not to address BMPs for this MCM at this time.

E. RECORDKEEPING AND REPORTING

1. **RECORDKEEPING** - In accordance with the TPDES General Permit, the Town of Prosper shall retain all records, a copy of the TPDES general permit, and records of all data used to complete the application (NOI) for the general permit and satisfy the public participation requirements, for the remainder of the term of this general permit. The SWMP and a copy of the NOI shall be maintained at the Engineering Department:

Engineering Department
407 E. First Street
Prosper, Texas 75078

Copies of the SWMP are available to the public by request in writing to the Town Secretary, and shall be made available within 10 business days. Records shall be submitted to the TCEQ executive director upon request. Other records shall be provided in accordance with the Texas Public Information Act.

2. REPORTING

- a. **General Reporting** - According to 30 TAC ' 305.125(9), any noncompliance which may endanger human health or safety, or the environment, shall be reported to TCEQ. Such information shall be reported orally or by electronic facsimile transmission within 24 hours of becoming aware of the noncompliance. A written report shall be provided by the permittee to the TCEQ regional office and to the TCEQ Enforcement Division within five working days of becoming aware of the noncompliance. The noncompliance notification report shall contain the requirements listed in the TPDES Phase II MS4 general permit rules. The written report shall include:

- A description of the noncompliance and its cause;
- The potential danger to human or safety, or the environment;
- The period of noncompliance, including exact dates and times;
- If the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects

- b. **Annual Report** - The Town shall submit concise annual reports to the executive director of the TCEQ at the end of each **permit year**. Copies of the annual report shall be made available for review upon request. The annual report will address the requirements listed in the TPDES Phase II MS4 general



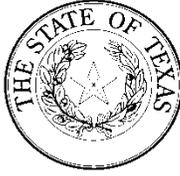
STORMWATER MANAGEMENT PROGRAM

permit rules and shall include a summary of results, assessment of BMP's and proposed changes to the SWMP. Changes and/or modifications to the SWMP may include replacement of previously selected BMPs, alteration of the implementation schedule, or other changes.

APPENDIX A

TPDES GENERAL PERMIT TXR040000

TPDES GENERAL PERMIT
No. TXR040000



pursuant
Water Code
Water Act.

This is a new general permit issued
to Section 26.040 of the Texas
and Section 402 of the Clean

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

GENERAL PERMIT TO DISCHARGE UNDER THE
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

Small Municipal Separate Storm Sewer Systems

located in the state of Texas

may discharge directly to surface water in the state

only according to monitoring requirements and other 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 Commission of 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 storm water and certain non-storm water 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 date of issuance.

ISSUED AND EFFECTIVE DATE:

For the Commission

TPDES General Permit No. TXR040000

**TCEQ GENERAL PERMIT NUMBER TXR040000
RELATING TO STORM WATER DISCHARGES ASSOCIATED WITH
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

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Part I. Definitions and Terminology

A. Definitions

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.

Classified Segment - refers to a water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 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 Site Operator - The person or persons associated with a small or large construction project that meets either of the following two criteria:

- (a) the person or persons 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 person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the Storm Water Pollution Prevention Plan or comply with other permit conditions).

Conveyance - Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

Daily Maximum - For the purposes of compliance with the numeric effluent limitations contained in this permit, this is the maximum concentration measured on a single day, by grab sample, within a period of one calendar year.

Discharge - When used without a qualifier, refers to the discharge of storm water runoff or certain non-storm water discharges as allowed under the authorization of this general permit.

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Final Stabilization - A construction site where either of the following conditions are met:

- (a) All soil disturbing activities at the site have been completed and a uniform (e.g, evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% 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 (e.g. 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.

Ground Water 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.

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 storm water, except discharges pursuant to this general permit or a separate authorization and discharges resulting from emergency fire fighting activities.

Indian Country - Defined in 18 USC Section (') 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States 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 United States 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.

Industrial Activities - manufacturing, processing, material storage, and waste material disposal areas (and similar areas where storm water can contact industrial pollutants related to the industrial activity) at an industrial facility described by the TPDES Multi Sector General Permit, TXR050000, or by another TCEQ or TPDES permit.

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Large Construction Activity - Construction activities including clearing, grading, and excavating that result 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. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

Maximum Extent Practicable (MEP) - The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA ' 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR ' 122.34.

MS4 Operator – For the purpose of this permit, the public entity, and/ 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.

Notice of Change (NOC) - 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 - For the purpose of this permit, a point source at the point where a municipal separate storm sewer discharges to waters of the United States (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.

Permittee - The MS4 operator authorized under this general permit.

Permitting Authority - For the purposes of this general permit, the TCEQ.

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 storm water runoff.

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 an MS4. (Definition from 40 CFR ' 122.32(e)(3)).

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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.

Small Construction Activity - Construction activities including clearing, grading, and excavating that result 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. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Small construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

Small Municipal Separate Storm Sewer System (MS4) – refers to a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by the United States, 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, storm water, 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 § 208 of the CWA; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; and (v) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system, as defined at 40 CFR §§122.26(b)(4) and (b)(7). This term includes systems similar to separate storm sewer systems at military bases, large hospital 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 an MS4 that is also operated by that public entity.

Storm Water and Storm Water Runoff - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Associated with Construction Activity - Storm water runoff from an area where there is either a large construction activity or a small construction activity.

Storm Water 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 storm water runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration basins, storm water 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,

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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.

Urbanized Area (UA) - An area of high population density that may include multiple MS4s as defined and used by the U.S. Census Bureau in the 2000 decennial census.

Waters of the United States - (from 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

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- (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 CWA (other than cooling ponds as defined in 40 CFR ' 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States 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 Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

B. Commonly Used Acronyms

BMP	Best Management Practice
CFR	Code of Federal Regulations
CGP	Construction General Permit, TXR150000
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EPA	Environmental Protection Agency
FR	Federal Register
IP	Implementation Procedures
MCM	Minimum Control Measure
MSGP	Multi-Sector General Permit, TXR050000
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Change
NOD	Notice of Deficiency
NOI	Notice of Intent
NOT	Notice of Termination (to terminate coverage under a general permit)
NPDES	National Pollutant Discharge Elimination System
SWMP	Storm Water Management Program

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SWP3, SWPPP	Storm Water Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
TWC	Texas Water Code

Part II. Permit Applicability and Coverage

This general permit provides authorization for storm water and certain non-storm water 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.

A. Small MS4s Eligible for Authorization by General Permit

1. Small MS4s Located in an Urbanized Area

A small MS4 that is fully or partially located within an urbanized area, as determined by the 2000 Decennial Census by the U.S. Bureau of Census, must obtain authorization for the discharge of storm water runoff and is eligible for coverage under this general permit.

2. Designated Small MS4s

A small MS4 that is outside an urbanized area that is *Adesignated@* 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, Texas Administrative Code (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 storm water permit within 180 days of notification of their designation.

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 urbanized area, as well as any portion of the small MS4 that is designated.

B. Allowable Non-Storm Water Discharges

The following non-storm water 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:

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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;
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;
14. street wash water;
15. 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);
16. other allowable non-storm water discharges listed in 40 CFR ' 122.26(d)(2)(iv)(B)(1);
17. non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General permit (CGP); and
18. other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

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C. 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 Storm Water Mixed with Non-Storm Water

Storm water discharges that combine with sources of non-storm water are not eligible for coverage by this general permit, unless either the non-storm water source is described in Part II.B or Part VI.B. of this general permit or the non-storm water source is authorized under a separate TPDES permit.

3. Compliance with Water Quality Standards

Discharges to surface water in the state that would 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. 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 a violation of water quality standards or is found 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 considering factors described in Part II.E.2.

4. Discharges to Water Quality-Impaired Receiving Waters

New sources or new discharges of the constituent(s) of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standard(s) and are listed on the Clean Water Act ' 303(d) list. Constituents of concern are those for which

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the water body is listed as impaired.

Discharges of the constituent(s) of concern to impaired water bodies for which there is a TMDL implementation plan are not eligible for this general permit unless they are consistent with the approved TMDL and the implementation plan. Permitted MS4 operators must incorporate the limitations, conditions and requirements applicable to their discharges, including monitoring frequency and reporting required by TCEQ rules, into their SWMP in order to be eligible for permit coverage. For discharges not eligible for coverage under this general permit, the discharger must apply for and receive an individual TPDES permit prior to discharging.

5. Discharges to the Edwards Aquifer Recharge Zone

Discharges of storm water from regulated small MS4s, and other non-storm water discharges, can not be authorized by this general permit where those discharges are prohibited by 30 TAC Chapter 213 (relating to Edwards Aquifer). 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 under the Edwards Aquifer Rules are in addition to the requirements of this general permit. BMPs and maintenance schedules for structural storm water 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 storm water runoff are in addition to the effluent limitation requirements found in Part VI.D. of this general permit. A copy of the agency-approved Water Pollution Abatement Plans that are required by the Edwards Aquifer Rule must either be attached as a part of the SWMP or referenced in the SWMP. For discharges located on or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must also submit a copy of the NOI to the appropriate TCEQ regional office.

Counties:

Comal, Bexar, Medina, Uvalde,
and Kinney

Williamson, Travis, and Hays

Contact:

TCEQ
Water Program Manager
San Antonio Regional Office
14250 Judson Road
San Antonio, Texas 78233-4480
(210) 490-3096

TCEQ
Water Program Manager
Austin Regional Office
1921 Cedar Bend Drive, Suite 150
Austin, Texas 78758-5336

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(512) 339-2929

6. Discharges to Specific Watersheds and Water Quality Areas

Discharges of storm water from regulated small MS4s and other non-storm water discharges can not be 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 ' 401.002 of the Texas Local Government Code.

8. Indian Country Lands

Storm water runoff from MS4s or construction activities occurring 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 storm water require authorization under federal NPDES regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. 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).

D. Obtaining Authorization

1. Application for Coverage

When submitting an NOI and Storm Water Management Program (SWMP) as described in Parts II.D.3., II.D.4, and Part III for coverage under this general permit, the applicant must follow the public notice and availability requirements found in Part II.D.12. of this section.

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. Discharge authorization begins when the applicant is notified by TCEQ that the NOI and SWMP have been administratively and technically reviewed and the applicant has followed the public participation provisions in Part II.D.12. Following review of the NOI and SWMP, the executive director may determine that: 1) the submission is complete and confirm coverage by providing a notification and an authorization

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number, 2) the NOI and/or SWMP are incomplete and deny coverage until a complete NOI and/or SWMP are submitted, 3) approve the NOI and/or 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. 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 an Urbanized Area

Operators of small MS4s described in Part II.A.1 must submit an NOI and SWMP within 180 days following the effective date of this general permit.

(b) Designated Small MS4s

Operators of small MS4s described in Part II.A.2 must submit an NOI and SWMP within 180 days of being notified in writing by the TCEQ of the need to obtain permit coverage.

2. Late Submission of the NOI and SWMP

An NOI and SWMP are not prohibited from being submitted late or after the deadlines provided. If a late NOI and SWMP is submitted, authorization is 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. Storm Water Management Program (SWMP)

A SWMP must be developed and submitted with the NOI for eligible discharges that will reach waters of the United States (U.S.), including discharges from the regulated small MS4 to other MS4s or 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 and submitted with the NOI. The SWMP must include a time line that demonstrates a schedule for implementation of the program throughout the permit term. The program must be completely implemented within five years of the issuance date of this general permit, or within five years of being designated for those small MS4s which are designated following permit issuance. Implementation of the SWMP is required immediately following receipt of written authorization from the TCEQ.

Changes may be made to the SWMP during the permit term. 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 following written approval of the changes from the TCEQ, except that written approval is not required for the following changes:

(a) Adding components, controls, or requirements to the SWMP; or replacing a BMP with an

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equivalent BMP, may be made by the permittee at any time upon submittal of a notice of change (NOC) form to the address specified on the form to the TCEQ.

- (b) Replacing a less effective or infeasible BMP specifically identified in the SWMP with an alternate BMP may be requested at any time. Changes must be submitted on an NOC form to the address specified on the form. Unless denied in writing by the TCEQ, the change shall be considered approved and may be implemented by the permittee 60 days from submitting the request. Such requests must include the following:
 - (1) an explanation of why the BMP was eliminated;
 - (2) an explanation of the effectiveness of the replacement BMP; and
 - (3) an explanation of why the replacement BMP is expected to achieve the goals of the replaced BMP.

4. Contents of the NOI

The NOI must contain the following minimum information:

- (a) MS4 Operator Information
 - (1) the name, mailing address, telephone number, and fax number of the MS4 operator; and
 - (2) the legal status of the MS4 operator (e.g., 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) if the applicant develops a seventh minimum control measure to obtain authorization for construction activities, the boundary within which those activities will occur;
 - (5) the name, mailing address, telephone number, and fax number of the designated person(s) responsible for implementing or coordinating implementation of the SWMP;

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- (6) a certification that a SWMP has been developed according to the provisions of this permit;
- (7) a statement that the applicant will comply with the Public Participation requirements described in Part II.D.12.;
- (8) 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 shall be identified;
- (9) the name of any MS4 receiving the discharge prior to discharge into surface water in the state; and
- (10) 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.

5. 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 a 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 Part II.D.3. above. Changes that are made to the SWMP following NOI approval must be made using an NOC form, in accordance with Part II.D.3. above.

6. Change in Operational Control of a Small MS4

If the operational control of the regulated small MS4 changes, the present operator must submit a Notice of Termination (NOT) and the new operator must submit a NOI and SWMP. The NOT and NOI must be submitted concurrently no greater than 10 days after the change occurs.

7. 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. If TCEQ provides for electronic submission of NOTs during the term of this permit, authorization to discharge terminates 24 hours following confirmation of receipt of the electronic NOT form by the TCEQ. An NOT must be submitted within 30 days after the MS4 operator obtains coverage under an individual permit.

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8. 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).

9. Fees

An application fee of \$100 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 under Texas Water Code, ' 26.0291 and 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

10. Permit Expiration

(a) This general permit is effective for five years from the date of issuance. Authorizations for discharge under the provisions of this general permit may 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 commission for an additional term or terms not to exceed five years.

(b) If the Executive Director proposes to reissue this general permit before the expiration date, the general permit shall remain in effect after the expiration date for those existing discharges covered by the general permit in accordance with 30 TAC, Chapter 205. The general permit shall remain in effect for these dischargers until the date on which the commission takes final action on the proposal to reissue this general permit. No new NOIs will be accepted and no new authorizations will be processed under the general permit after the expiration date.

(c) Upon 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.

(d) If the commission 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, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit.

11. 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

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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.

12. Public Participation

An applicant under this general permit must adhere to the following procedures:

- (a) The applicant must submit the NOI and a SWMP to the executive director.
- (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 determination on the NOI and SWMP.
- (c) The notice must include:
 - (1) the legal name of the MS4 operator;
 - (2) identify whether the NOI is for a new small MS4 or is a renewal of an existing operation;
 - (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 the newspaper of largest circulation in the county where the small MS4 is located. If the small MS4 is located in multiple counties, the notice must be published at least once in the newspaper of largest circulation in the county containing the largest resident population. This notice shall provide opportunity for the public to submit comments on the NOI and SWMP. In addition, the notice shall allow the public to request a public meeting. A public meeting will be held if the TCEQ determines

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that there is significant public interest.

- (e) The public comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held, the comment period will end at the closing of the public meeting. 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 must 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 must 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 Office of Chief Clerk.
- (i) The executive director, after considering public comment, shall 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.

E. 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 an urbanized area or if it is 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 urbanized area, 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 must meet the following conditions:

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(a) Participants

The SWMP must clearly list the name and permit number for each MS4 operator that contributes to development or implementation of the SWMP, and provide confirmation that the contributing MS4 operator has agreed to contribute. If a contributing MS4 has submitted an 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 included in the SWMP.

(b) Responsibilities

Each permittee is entirely responsible for meeting SWMP requirements within the boundaries of its MS4. Where a separate MS4 operator is contributing to implementation of the SWMP, the SWMP must clearly define the contribution 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 an 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.

F. Waivers

The TCEQ may waive permitting requirements for small regulated MS4 operators if the criteria are met for Waiver Option 1 or 2. To obtain Waiver Option 1, the MS4 operator must submit the request on a waiver form provided by the executive director. 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 two days after a completed waiver form is postmarked for delivery to the TCEQ. Following review of the waiver form, the executive director may: 1) determine that the waiver form is complete and confirm coverage under 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 either 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.

The TCEQ can, at any time, 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.

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1. Waiver Option 1: The system serves a population of less than 1,000 within an urbanized area and meets the following criteria:
 - (a) the system is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES / TPDES storm water program (40 CFR ' 122.32(d)); and
 - (b) if the system discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutant(s) of concern.

2. Waiver Option 2: The system serves a population under 10,000 and meets the following criteria:
 - (a) the TCEQ has evaluated all waters of the United States, 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 storm water 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.

Part III. Storm Water Management Program (SWMP)

To the extent allowable under state and local law, a SWMP must be developed and implemented according to the requirements of Part III of this general permit, for storm water discharges that reach waters of the United States, regardless of whether the discharge is conveyed through a separately operated storm sewer. The SWMP must be developed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and the Texas Water Code. Existing programs or best management practices (BMPs) may be used to fulfill the requirements of this general permit. The MS4 operator must develop the SWMP to include the six minimum control measures described in Part III.A.1. through 6, and the operator may develop and include the optional seventh minimum control measure in Part III.A.7. Small MS4s have five years from the date of issuance of this general permit to fully implement their SWMP. A discharger's compliance with its approved SWMP will be deemed compliance with Part III of this permit.

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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, and contractors. For discharges from third party actions, the permittee shall perform inspections and exert enforcement authority to the MEP.

If the permittee does not have 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 action in order to meet the goals of the permit:

- 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,
- if the permittee is unable to enter into inter-local agreements, notify the TCEQ=s Field Operations Division as needed to report discharges or incidents that it can not itself enforce against.

The controls and Best Management Practices (BMPs) included in the SWMP constitute effluent limitations for the purposes of compliance with the requirements of 30 TAC Chapter 319, Subchapter B, related to Hazardous Metals.

A. Minimum Control Measures

1. Public Education and Outreach on Storm Water Impacts

- (a) A public education program must be developed and implemented to distribute educational materials to the community or conduct equivalent outreach activities that will be used to inform the public. The MS4 operator may determine the most appropriate sections of the population at which to direct the program. The MS4 operator must consider the following groups and the SWMP shall provide justification for any listed group that is not included in the program:
- (1) residents;
 - (2) visitors;
 - (3) public service employees;
 - (4) businesses;
 - (5) commercial and industrial facilities; and
 - (6) construction site personnel.

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

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storm water runoff.

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

2. Public Involvement/Participation

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

3. Illicit Discharge Detection and Elimination

(a) Illicit Discharges

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

(1) Detection

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

(2) Elimination

The SWMP must include appropriate actions and, to the extent allowable under state and local law, establish enforcement procedures for removing the source of an illicit discharge.

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(b) Allowable Non-Storm Water Discharges

Non-storm water flows listed in Part II.B and Part VI.B. do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-storm water sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-storm water discharges that will not be addressed as illicit discharges requiring elimination. If developed, the listed sources must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3. of the general permit.

(c) Storm Sewer Map

- (1) A map of the storm sewer system must be developed and must include the following:
 - (i) the location of all outfalls;
 - (ii) the names and locations of all waters of the U.S. that receive discharges from the outfalls; and
 - (iii) any additional information needed by the permittee to implement its SWMP.
- (2) The SWMP must include the source of information used to develop the storm sewer map, including how the outfalls are verified and how the map will be regularly updated.

4. Construction Site Storm Water Runoff Control

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

- (a) The program must include the development and implementation of, at a minimum, an

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ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law.

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

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

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

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

6. Pollution Prevention/Good Housekeeping for Municipal Operations

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

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

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

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

(b) Training

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

(c) Structural Control Maintenance

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

- (1) maintenance activities;
- (2) maintenance schedules; and

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- (3) long-term inspection procedures for controls used to reduce floatables and other pollutants.

- (d) Disposal of Waste

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

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

- (e) Municipal Operations and Industrial Activities

The SWMP must include a list of all:

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

7. Authorization for Municipal Construction Activities

The development of a MCM for municipal construction activities is an optional measure and is an alternative to the MS4 operator seeking coverage under TPDES general permit TXR150000. Additionally, contractors working for the permittee are not required to obtain a separate authorization if they do not meet the definition of a construction site operator, as long as the permittee meets the status of construction site operator. Permittees that choose to develop this measure will be authorized to discharge storm water and certain non-storm water from construction activities where the permittee can meet the definition of a construction site operator in Part I of this general permit. The authorization to discharge under this MCM is limited to the regulated area, such as the portion of the MS4 located within an urbanized area or the area designated by TCEQ as requiring coverage. However, an MS4 operator may also utilize this MCM over additional portions of their 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, a 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 Construction General Permit, TXR150000, or under an individual TPDES permit.

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- (a) The MCM must include:
- (1) 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;
 - (2) a description of the area that this MCM will address and where the permittee's 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); and
 - (3) 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 storm water discharges.
 - (4) a general description of how a SWP3 shall be developed, according to Part VI.E. of this general permit, for each construction site.

B. General Requirements

Permittees must provide documentation of the development, implementation, and evaluation of the SWMP. The documentation must be included in the SWMP and may be required to be submitted in the annual report required in Part IV.B.2. of this general permit. 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. a list of all BMPs and measurable goals for each of the MCMs;
3. a schedule for the implementation of all SWMP requirements;
4. a description of how each measurable goal will be evaluated;
5. a rationale statement that addresses the overall program, including how the BMPs and measurable goals were selected; and
6. if applicable, a list of all MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the contribution.

Part IV. Recordkeeping and Reporting**A. Recordkeeping**

1. The permittee must 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 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 must 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 must make the NOI and the SWMP available to the public if requested to do so in writing. Copies of the SWMP must be made available within 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 maybe instituted against the permittee.

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 electronic facsimile transmission (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 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

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(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, it must promptly submit the facts or information to the executive director.

2. Annual Report

The MS4 operator must submit a concise annual report to the executive director within 90 days of the end of each permit year. The annual report must address the previous permit year. The first permit year for annual reporting purposes shall begin on the date of permit issuance, and shall last for one year. Subsequent calendar years will begin on the anniversary date of permit issuance and last for one year. The MS4 operator must 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) Status of any additional control measures implemented by the permittee (if applicable);
- (c) Any MCM activities initiated before permit issuance may be included, under the appropriate headings, as part of the first year's annual report;
- (d) A summary of the results of information (including monitoring data) collected and analyzed, if any, during the reporting period used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- (e) A summary of the storm water activities the MS4 operator plans to undertake during the next reporting cycle;
- (f) Proposed changes to the SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- (g) The number of municipal construction activities authorized under this general permit and the total number of acres disturbed;
- (h) The number of non-municipal construction activities that occurred within the jurisdiction of the permittee (as noticed to the permittee by the construction

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operator); and

- (i) Notice that the MS4 operator is relying on another government entity to satisfy some of its permit obligations (if applicable).

An annual report must be prepared whether or not the NOI and SWMP has 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, all permittees must contribute to a system-wide report (if applicable);

Each permittee must sign and certify the annual report in accordance with 30 TAC 305.128 (relating to Signatories to Reports); and

The annual report must be submitted to the following address:

Texas Commission on Environmental Quality
Storm Water & Pretreatment 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.

If available, electronic submission of annual reports is encouraged. The Federal Waste Reduction Act and the Government Paperwork Elimination Act encourages governmental agencies to use electronic submission. See the TCEQ website at, www.tceq.state.tx.us for additional information and instructions.

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. 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 must 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 revoking, suspending, or terminating authorization under this general permit. Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.

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- C. It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.
- D. Inspection and entry shall be allowed under Texas Water Code Chapters 26-28, Health and Safety Code ' ' 361.032-361.033 and 361.037, and 40 Code of Federal Regulations (CFR) ' 122.41(i). The statement in Texas Water Code ' 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.
- E. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under Texas Water Code, Chapters 26, 27, and 28, and the Texas Health and Safety Code, Chapter 361 for violations including but not limited to the following:
 - a. negligently or knowingly violating CWA, ' ' 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA, ' 402; and
 - b. 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.
- F. All reports and other information requested by the executive director must be signed by the person and in the manner required by 30 TAC ' 305.128 (relating to Signatories to Reports).
- G. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
- H. 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 the original SWMP, whichever is later.

Part VI. Authorization for Municipal Construction Activities

The MS4 operator may obtain authorization under TPDES general permit TXR150000 to discharge storm water runoff from each construction activity performed by the MS4 operator that results in a land disturbance of one (1) or more acres of land. Alternatively, the MS4 operator may develop the SWMP to include this optional seventh (7th) storm water MCM if the eligibility requirements in Part VI.A. are met. If an MS4 operator decides to utilize this MCM, then the MS4 operator must include the 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 small MS4 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

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may utilize this MCM over additional portions of their 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 storm water MCM, the MS4 operator may apply under TPDES general permit 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).

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.A.1. through III.A.6 of this general permit, related to MCMs.

B. Discharges Eligible for Authorization

1. Storm Water Associated with Construction Activity

Discharges of storm water runoff from small and large construction activities may be authorized under this general permit.

2. Discharges of Storm Water Associated with Construction Support Activities

Discharges of storm water 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 1-mile distance from the boundary of the permitted construction site and directly supports the construction activity;
- (b) a storm water pollution prevention plan is developed according to the provisions of this general permit and includes appropriate controls and measures to reduce erosion and discharge of pollutants in storm water runoff from the supporting industrial activity site; and
- (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.

3. Non-storm Water Discharges

The following non-storm water discharges from construction sites authorized under this general permit are also eligible for authorization under this MCM:

- (a) discharges from fire fighting activities (fire fighting activities do not include washing of

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trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

- (b) fire hydrant flushings;
- (c) vehicle, external building, and pavement wash water where detergents and soaps are not used and where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material is removed)
- (d) water used to control dust;
- (e) potable water sources including waterline flushings;
- (f) 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.

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.

D. Numeric Effluent Limitations

All discharges of storm water runoff from concrete batch plants must be monitored at the following monitoring frequency and comply with the following numeric effluent limitations:

<u>Parameter</u>	<u>Limitations</u> <u>Daily Maximum</u>	<u>Monitoring</u> <u>Frequency</u>
Total Suspended Solids	65 mg/l	1/Year
Oil and Grease	15 mg/l	1/Year
pH	between 6 and 9 standard units	1/Year

E. Storm Water Pollution Prevention Plan (SWP3)

Operators of municipal construction activities that qualify for coverage under this general permit and that discharge storm water associated with construction activities that reach waters of the U.S. must:

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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 the notice contained in Attachment 1 of this general permit 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.

F. Effective Date of Coverage

Operators of construction activities eligible for coverage under this general permit are authorized to discharge storm water associated with construction activity from a site 48 hours from the time that the signed notice is posted at the site.

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.

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 storm water management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site.

I. Keeping Plans Current

The permittee must amend the SWP3 whenever:

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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.

J. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section.

1. A site description, or project description, must be developed to 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) areas which will not be disturbed;
 - (4) locations of all major structural controls either planned or in place;
 - (5) locations where stabilization practices are expected to be used;
 - (6) locations of off-site material, waste, borrow or equipment storage areas;
 - (7) surface waters (including wetlands) either adjacent or in close proximity; and

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- (8) locations where storm water discharges from the site directly to a surface water body.
 - (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. The SWP3 must describe the structural and the non-structural controls (best management practices) 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:
- (a) Erosion and Sediment Controls
 - (1) Erosion and sediment controls must be designed to retain sediment on-site to the maximum extent practicable with consideration for local topography and rainfall.
 - (2) 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.
 - (3) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.
 - (4) 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.
 - (5) Controls must be developed to limit offsite transport of litter, construction debris, and construction materials by storm water 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 should ensure that existing vegetation is preserved where it is possible.

- (a) Stabilization practices may include but are not limited to: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles,

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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 as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided in (1) through (3) below, must be initiated no more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased.
 - (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 (areas with an average rainfall of 0 to 10 inches), semiarid areas (areas with an average annual rainfall of 10 to 20 inches), and other areas experiencing droughts.
 - (3) Where construction activity on a portion of the site is temporarily ceased and earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site.

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) Sediment basins are required, where feasible, for common drainage locations that serve an area with ten (10) or more acres that remain disturbed at any one time. Sediment basins may be either temporary or permanent, but must be designed to store either

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the calculated volume of runoff from a 2 year, 24 hour storm from acreage drained, or designed to provide 3,600 cubic feet of storage per 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 offsite areas and flow from onsite 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. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area on site, public safety, and other similar considerations. Where sediment basins are not feasible, equivalent control measures, which may include a series of smaller sediment basins, must be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area.

- (b) Sediment traps and sediment basins may be used to control solids in storm water 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 (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction. Alternatively, a sediment basin providing storage for a calculated volume of runoff from these areas for a 2-year, 24- hour storm or 3,600 cubic feet of storage per acre drained may be provided.

5. Permanent Storm Water Controls

A description of any measures that will be installed during the construction process to control pollutants in storm water 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 storm water 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 storm water 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.

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7. Approved State and Local Plans

- (a) Permittees must ensure the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water 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 storm water management site plans or site permits approved by state or local official for which the permittee receives written notice.

8. 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 storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

9. Inspections of Controls

- (a) Personnel provided by the permittee and familiar with the SWP3 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, all structural control measures for effectiveness and necessary maintenance, and locations where vehicles enter or exit the site for evidence of off-site tracking. Inspections must occur at least once every fourteen (14) calendar days and within twenty four (24) hours of the end of a storm event of 0.5 inches or greater. As an alternative, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days; in which case additional inspections are not required following each qualifying storm event. 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.

Where sites have been finally or temporarily stabilized, where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches), inspections must be conducted at least once every month.

- (b) Personnel provided by the permittee and familiar with the SWP3 must inspect all accessible discharge locations to determine if erosion control measures are effective in preventing visually noticeable changes to receiving waters, including persistent

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cloudy appearance in water color and noticeable accumulation of sediments.

Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. The frequency for these inspections must be established by the permittee in the SWP3 with consideration for local rainfall and soil, but must occur at least once during the construction activity if a discharge occurs.

- (c) 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.
 - (d) A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the dates 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.
 - (e) 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.
10. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-storm water components of the discharge.

K. Additional Retention of Records

The permittee must 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 general permit, including a copy of the site notice.



CONSTRUCTION SITE NOTICE

FOR THE
 Texas Commission on Environmental Quality
 Storm Water Program

TPDES GENERAL PERMIT TXR040000

The following information is posted in compliance with Part VI of the Texas Commission on Environmental Quality's (TCEQ) TPDES General Permit Number TXR040000 for discharges of storm water runoff from construction sites that are operated by small municipal separate storm sewer system operators. Additional information regarding the TCEQ storm water permit program may be found on the internet at: www.tceq.state.tx.us

Permit Number:	TXR04 _____
Contact Name and Phone Number:	
Project Description: (Including estimated start date and either the projected end date, or date that disturbed soils will be finally stabilized)	
Location of Storm Water Pollution Prevention Plan (SWP3):	

I, _____ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part VI of TPDES General Permit TXR040000. A storm water pollution prevention plan has been developed and implemented according to permit requirements. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

CONCRETE BATCH FACILITIES

STW/ TXR04 / CO

PERMITTEE NAME/ADDRESS (Include Facility Name/Location if Different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

NOTE: Enter your permit number in the underlined space in the upper right hand corner of this page. Example: STW/TXR04 00123/ CO

NAME

DISCHARGE MONITORING REPORT (DMR) (17-19)

ADDRESS

Mail to: TCEQ (MC 213)
P.O. Box 13087

FACILITY LOCATION

Austin, TX 78711-3087

PERMIT NUMBER

DISCHARGE NUMBER

MONITORING PERIOD

YEAR		MO		DAY	
(20-21)	(22-23)	(24-25)	(26-27)	(28-29)	(30-31)
01	01	12	31	--	--

PARAMETER (32-37)	(3 Card Only) QUANTITY OR LOADING (54-61)			(4 Card Only) QUALITY OR CONCENTRATION (54-61)			NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
	AVERAGE (46-53)	MAXIMUM (54-61)	UNITS	MINIMUM (38-45)	AVERAGE (46-53)	MAXIMUM (54-61)			
Total Suspended Solids	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****			
	SAMPLE REQUIREMENT	*****	*****	*****	*****	65 Daily_Max	mg/l	1/Year	Grab
Oil & Grease	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****			
	SAMPLE REQUIREMENT	*****	*****	*****	*****	15 Daily_Max	mg/l	1/Year	Grab
pH	SAMPLE MEASUREMENT	*****	*****	*****	*****	*****			
	SAMPLE REQUIREMENT	*****	*****	*****	*****	6.0 - 9.0 Range	S.U.	1/Year	Grab
	SAMPLE MEASUREMENT								
	SAMPLE REQUIREMENT								
NAME/TITLE PRINCIPAL EXECUTIVE OFFICER		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT			TELEPHONE		DATE		
TYPED OR PRINTED		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 REPORT DATA AND THAT THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.			AREA CODE		NUMBER		DAY
COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)									

APPENDIX B TOWN OF PROSPER NOTICE OF INTENT



TCEQ Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

IMPORTANT:

- Use the [INSTRUCTIONS](#) to fill out each question in this form.
- Use the [CHECKLIST](#) to make certain you filled out all required information. Incomplete applications WILL delay approval or result in automatic denial.
- Once processed your authorization can be viewed at: <http://www.tceq.texas.gov/goto/wq-dpa>

APPLICATION FEE:

- You must pay the **\$100** Application Fee to TCEQ for the paper application to be complete.
- Payment and NOI must be mailed to separate addresses.
- Did you know you can pay on line?
 - Go to <https://www3.tceq.texas.gov/epay/index.cfm>
 - Select Fee Type: GENERAL PERMIT MS4 PHASE II STORM WATER DISCHARGE NOI APPLICATION
- **Provide your payment information below, for verification of payment:**

Mailed	<input type="checkbox"/>	Check/Money Order No.: _____	
		Name Printed on Check: _____	
EPAY	<input checked="" type="checkbox"/>	Voucher No.: 210942	
		Is the Payment Voucher copy attached?	<input checked="" type="checkbox"/> Yes

One (1) copy of the NOI and Stormwater Management Program (SWMP) with the completed SWMP Cover Sheet MUST be submitted with the original NOI and SWMP.

Is the copy attached? Yes

RENEWAL: Is this NOI a Renewal of an existing Phase II MS4 General Permit Authorization?

(Note: An authorization cannot be renewed after June 11, 2014.)

- Yes The existing authorization number is: TXR04_____
- (If an authorization number is not provided, a new number will be assigned.)**
- No

1) OPERATOR (Applicant)

- a)** If the applicant is currently a customer with TCEQ, what is the Customer Number (CN) issued to this entity? You may search for your CN at:

<http://www.tceq.texas.gov/goto/cr-customer>

CN 600652499

- b)** What is the Legal Name of the entity (applicant) applying for this permit?

Town of Prosper

(The exact legal name must be provided.)

- c)** What is the contact information for the Operator (Applicant)? The mailing address must be recognized by the US Postal Service. You may verify the address at:

<https://tools.usps.com/go/ZipLookupAction!input.action>

Prefix (Mr. Ms. Miss): Mr.

First/Last Name: Hulon T. Webb Suffix: Jr, P.E.

Title: Executive Director of Community and Development Services Credential: _____

Phone Number: (972) 569-1065 Ext: _____ Fax Number: (972) 347-9006

E-mail: hulon_webb@prospertx.gov

Mailing Address: PO Box 307

Internal Routing (Mail Code, Etc.): _____

City: Prosper State: TX ZIP Code: 75078

If outside USA: Territory: _____ Country Code: _____ Postal Code: _____

- d)** Indicate the type of Customer (The instructions will help determine your customer type):

Federal Government

State Government

County Government

City Government

Other Government

- e)** Number of Employees:

0-20;

21-100;

101-250;

251-500; or

501 or higher

2) ANNUAL BILLING CONTACT

The Operator is responsible for paying the annual fee. The annual fee will be assessed to authorizations 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.

Is the billing contact and contact information the same as the Operator identified in Section 1) above?

Yes, go to Section 3).

No, complete section below

Prefix (Mr. Ms. Miss): Mr.

First/Last Name: Daniel Heischman Suffix: P.E.

Title: Senior Engineer Credential: _____

Organization Name: Town of Prosper

Phone Number: (972) 569-1096 Ext: _____ Fax Number: (972) 347-9006

E-mail: dan_heischman@prospertx.gov

Mailing Address: PO Box 307

Internal Routing (Mail Code, Etc.): _____

City: Prosper State: TX ZIP Code: 75078

3) APPLICATION CONTACT

If TCEQ needs additional information regarding this application, who should be contacted?

Is the application contact and contact information the same as the Operator identified in Section 1) above?

Yes, go to Section 4).

No, complete section below

Prefix (Mr. Ms. Miss): Mr.
 First/Last Name: Daniel Heischman Suffix: P.E.
 Title: Senior Engineer Credential: _____
 Organization Name: Town of Prosper
 Phone Number: (972) 569-1096 Ext: _____ Fax Number: (972) 347-9006
 E-mail: dan_heischman@prospertx.gov
 Mailing Address: PO Box 307
 Internal Routing (Mail Code, Etc.): _____
 City: Prosper State: TX ZIP Code: 75078
 Mailing Information if outside USA:
 Territory: _____ Country Code: _____ Postal Code: _____

4) REGULATED ENTITY (RE) INFORMATION

If the site of your business is part of a larger business site or if other businesses were located at this site before yours, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:

<http://www.tceq.texas.gov/goto/cr-searchrn>

If the site is found, provide the assigned Regulated Entity Reference Number and provide the information for the site to be authorized through this application below. The site information for this authorization may vary from the larger site information.

- a)** TCEQ issued RE Reference Number (RN): RN101208932
- b)** Name that is used to identify the small MS4 (Example: City of XXX MS4)
Town of Prosper
- c)** Provide a brief description of the regulated MS4 boundaries: (Example: Area within the City of XXXX limits that is located within the xxx (e.g. Dallas) urbanized area):

Area within the Town of Prosper limits that is located within the McKinney urbanized area as well the Dallas urbanized area per the 2010 Census
- d)** City where the largest residential population exists within the regulated MS4 boundaries:
Prosper
- e)** ZIP code where the largest residential population exists within the regulated MS4 boundaries:
75078

f) County where the largest residential population exists within the regulated MS4 boundaries:
Collin

Is the MS4 located within additional counties?

Yes – If Yes, what county (or counties)?

Denton

No

g) Latitude: 33.23668 Longitude: -95.797447

5) GENERAL CHARACTERISTICS

a) Is the project/site located on Indian Country Lands?

Yes – If Yes, you must obtain authorization through EPA, Region 6.

No

b) What is applicant's Standard Industrial Classification (SIC) code?

SIC Code: 9111

c) What is the category or level of the MS4 based on the population served?

Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within an urbanized area (UA).

Level 2: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an UA.

This category also includes all non-traditional small MS4s such as counties, drainage districts, transpiration 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.

Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an UA.

Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within an UA.

d) Has TCEQ "designated" the small MS4 as needing coverage under this general permit?

N/A

Yes

No - If No and no portion of the small MS4 is located within an UA as determined by the 2000 or 2010 Decennial Census by the U.S Bureau of Census requiring a NOI be submitted, the operator is not eligible for coverage under this general permit through the NOI.

e) What is your annual reporting year?

- Calendar year
- MS4 general permit year
- Fiscal year – If Fiscal year, what is the last day of the fiscal year? _____

f) Stormwater Management Program (SWMP)

1. I certify that the SWMP submitted with this Notice of Intent has been developed according to the provisions of this general permit TXR040000.
- Yes
- No – If No, the application is considered incomplete and may be returned.
2. I certify that the SWMP Cover Sheet is completed and attached to the front of the SWMP.
- Yes
- No – If No, the application is considered incomplete and may be returned.
3. Who is the person responsible for implementing or coordinating implementation of the SWMP? (Note: All contact information requested below is required.)
- First/Last Name: Daniel Heischman
- Title: Senior Engineer
- Company: Town of Prosper
- Phone Number: (972) 569-1096 Ext: _____ Fax Number: (972) 347-9006
- E-mail: dan_heischman@prospertx.gov
- Mailing Address: PO Box 307
- Internal Routing (Mail Code, Etc.): _____
- City: Prosper State: TX ZIP Code: 75078

g) 7th Minimum Control Measure (MCM) for Municipal Construction Activities

1. Is the MCM for authorization to discharge stormwater from municipal construction activities included with the attached SWMP?
- Yes – If Yes, what are the boundaries within which those activities will occur? (Note: If the boundaries are located outside of the urbanized area, then the entire SWMP must also incorporate the additional areas.)
-
- No
2. Is the discharge or potential discharge from regulated construction activities within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?
- Yes – If Yes, please note that a copy of the agency approved Water Pollution Abatement Plan (WPAP) required by the Edward Aquifer Rule (30 TAC Chapter 213) must be either included or referenced in the construction stormwater pollution prevention plan(s).
- No

h) Discharge Information

1. What is the name of the water body (ies) receiving stormwater from the MS4?
 Lewisville Lake and Lake Lavon

2. What is the classified segment number(s) that receives discharges, directly or indirectly, from the small MS4?
 0821, 0823

Do you discharge directly or indirectly?
 indirectly

3. Are any of the surface water body (ies) receiving discharges from the small MS4 on the latest EPA-approved Clean Water Act (CWA) §303(d) list of impaired waters or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d)?

Yes – If Yes:

What is the name of the impaired water body (ies) receiving the discharge from the small MS4?

Wilson Creek

What is/are the pollutant(s) of concern?

bacteria 082ID_01

No

4. Is the discharge into any other MS4 prior to discharge into surface water in the state?
 Yes – If Yes, what is the name of the MS4 Operator?

No

i) Edwards Aquifer

Is the discharge or potential discharge from the MS4 within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer?

Yes - If Yes, complete certification below by checking "Yes".

No

I certify that a copy of the TCEQ approved WPAP required by the Edwards Aquifer Rule (30 TAC Chapter 213) is either included or referenced in the SWMP.

Yes

j) Public Participation Process

The Office of Chief Clerk will send the operator or person responsible for publishing, the notice of the executive director's preliminary determination of the NOI and SWMP, in a newspaper of general circulation in the county where the small MS4 is located. If multiple counties, notice must be published at least once in the newspaper of general circulation in the county containing the largest resident population.

The applicant must file with the Chief Clerk a copy of an affidavit of the publication within 60 days of receiving the written instructions from the Office of Chief Clerk.

1. I will comply with the Public Participation requirements described in Part II.E.12 of the general permit.

Yes

No – If No, coverage under this general permit is not obtainable.

2. Who is the person responsible for publishing notice of the executive director's preliminary determination on the NOI and SWMP? (Note: All contact information requested below is required.)

First/Last Name: Daniel Heischman

Title: Senior Engineer

Company: Town of Prosper

Phone Number: (972) 569-1096 Ext: _____ Fax Number: (972) 347-9006

E-mail: dan_heischman@prospertx.gov

Mailing Address: PO Box 307

Internal Routing (Mail Code, Etc.): _____

City: Prosper State: TX ZIP Code: 75078

3. What is the name and location of 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?

Name of Public Place:

Development Services Building

Address of Public Place:

407 E. First Street

Prosper, TX 75078

County of Public Place:

Collin

6) CERTIFICATION

Check Yes to the certifications below. Failure to indicate Yes to **ALL** items may result in denial of coverage under the general permit.

- a) I certify that I have obtained a copy and understand the terms and conditions of the Phase II (Small) MS4 General Permit TXR040000. Yes
- b) I certify that the small MS4 qualifies for coverage under the general permit TXR040000. Yes
- c) I understand that a Notice of Termination (NOT) must be submitted when this authorization is no longer needed. Yes
- d) I understand that authorization active on September 1st of each year will be accessed an Annual Water Quality Fee. Yes

Operator Certification:

I, Hulon T. Webb, Jr Exec. Dir. of Dev. & Com. Services
Typed or printed name *Title*

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: _____ Date: _____
(Use blue ink)

NOTICE OF INTENT CHECKLIST (TXR040000)

- Did you complete everything? Use this checklist to be sure!
- Are you ready to mail your form to TCEQ? Go to the General Information Section of the Instructions for mailing addresses.

This checklist is for use by the operator to ensure a complete application. Missing information may result in denial of coverage under the general permit. (See NOI process description in the Instructions)

Application Fee:

If paying by Check:

- Check was mailed **separately** to the TCEQs Cashier's Office. (See Instructions for Cashier's address and Application address.)
- Check number and name on check is provided in this application.

If using ePay:

- The voucher number is provided in this application or a copy of the voucher is attached.

AUTHORIZATION NUMBER:

- Authorization number provided – if this application is for renewal of an existing authorization.

OPERATOR INFORMATION - Confirm each item is complete:

- Customer Number (CN) issued by TCEQ Central Registry
- Legal name as filed to do business in Texas (Call TX SOS 512/463-5555)
- Name and title of responsible authority signing the application
- Mailing address is complete & verifiable with USPS. www.usps.com
- Phone numbers/e-mail address
- Type of operator (entity type)
- Number of employees
- Billing address is complete & verifiable with USPS. <http://www.usps.com>

REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE - Confirm each item is complete:

- MS4/Regulated Entity Name
- Site description
- Latitude and longitude <http://www.tceq.texas.gov/gis/sqmaview.html>
- County
- Site/project physical address. Do not use a rural route or post office box.
- Business description

GENERAL CHARACTERISTICS - Confirm each item is complete:

- Indian Country Lands –the facility is not on Indian Country Lands
- Standard Industrial Classification (SIC) Code www.osha.gov/oshstats/sicser.html
- Level of MS4
- Qualifying TCEQ "Designated" small MS4
- Annual Reporting Year
- 7th Minimum Control Measurement (MCM) for Municipal Construction Activities
- Discharge information
- Edwards Aquifer rule
- Public participation information

CERTIFICATION

- Certification statements have been checked indicating "Yes"
- Signature meets 30 Texas Administrative Code (TAC) 305.44 and is original.
- Stormwater Management Program (SWMP), and completed SWMP Cover Sheet are attached to the NOI.

STORMWATER MANAGEMENT PROGRAM (SWMP) COVER SHEET
Confirm Each Minimum Control Measure (MCM) Below is Included in the SWMP

This cover sheet MUST be completed by indicating the page number where the requested item will be found in the SWMP. Provide the page number to the left of each item.

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

Operator:

Operator name on NOI: Town of Prosper

Assessment of program elements:

Program elements that were described in the previous permit have been assessed and modified as necessary. New elements have been developed and implemented as necessary.

N/A, If newly regulated MS4.

MCM 1: Public Education, Outreach, and Involvement

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

3-7

1. 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.

4-7

2. Defines the goals and objectives of the program based on high-priority community-wide issues.

4

3. Identifies the target audiences.

4-7

4. Appropriate educational material is developed or used.

4-7

5. Education material is distributed.

4-7

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:

- Classroom Education
- Use of media
- Education/Outreach for Commercial Activities
- Lawn and garden activities
- Promotional giveaways
- Water conservation practices for homeowners
- Outreach programs tailored to specific communities and children
- Stormwater educational materials
- Educational displays, pamphlets, booklets, and utility stuffers
- Webpage
- Storm drain stenciling
- Speakers to community groups
- Encouragement of proper lawn and garden care
- Encouragement of low impact development
- Support of pollution prevention for businesses

4-7

- Encouragement of water conservation practices
- Encouragement of pet waste management
- Stormwater hotlines

4-7

6. SWMP includes a program that complies with state and local public notice requirements.

6-7

7. May include using public input in the implementation of the program.

6-7

8. May include opportunities for citizen to participate in implementation of control measures.

5-6, 24

9. Ensure the public easily can find information about the SWMP.

6-7

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs include, but are not limited to, the following:

- Stakeholder meetings
- Community hotline
- Coordination with school groups/scouting
- Listserver
- Stream cleanup and monitoring
- Adopt-A-Stream programs
- Incentives for businesses to participate, such as web links
- Volunteer monitoring
- Watershed Organization
- Storm drain stenciling programs
- Advisory/partner committees
- Mailing list development and use
- Reforestation programs
- Wetland plantings
- Coordinate volunteer programs.

4-7

SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality

4-7

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 2: Illicit Discharge Detection and Elimination

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

7-9

1. Description of program that will be used to detect, investigate and eliminate illicit discharges

10

2. MS4 map:
- a. Location of all small MS4 outfalls operated by the MS4 and that discharge into waters of the U.S.
 - b. Location and name of all surface waters receiving discharge from the MS4s outfalls.
 - c. Priority areas, if applicable.

10-11

3. Methods for informing and training MS4 field staff.

10-11

4. Procedures for tracing the source of an illicit discharge.

10

5. Procedures for removing the source of the illicit discharge.

11

6. Facilitate public reporting of illicit discharges of water quality impacts associated with discharges into or from the small MS4.

10-11

7. Procedures for responding to illicit discharges and spills.

10-11

8. Inspections in response to complaints.

10-11

Additional Requirements for Level 2, 3, and 4 small MS4s:

For Level 2, 3, and 4 small MS4, procedures to prevent and correct leaking on-site sewage disposal systems.

n/a

Additional Requirements for Level 3 and 4 small MS4s:

Follow-up investigation after the illicit discharge has been eliminated.

n/a

Additional Requirements for Level 4 small MS4s:

1. Procedures for identifying and creating a list of priority areas within the small MS4s likely to have illicit discharges.
2. Implement a dry weather field screening program to assist in detecting and eliminating illicit discharges to the small MS4.

9-11

SWMP Lists Best Management Practices (BMPs) used to fulfill this MCM. Examples of possible BMPs may include the following:

- List of non-stormwater discharges that will not be considered illicit
- Procedures to address illegal dumping
- Hazardous materials disposal opportunities
- Industrial/Business connections
- Addressing wastewater connections to MS4
- Addressing recreational sewage (boats/camping/etc.)
- System inspections
- Dye testing
- Recycling programs
- Informing public/employees/businesses of hazards associated with illicit discharges
- Identification of illicit discharges
- Used oil collection centers
- Public outreach and education programs regarding illicit discharges
- Publicize and facilitate public reporting

9-11

SWMP includes measureable goals, and the method of measurement, for addressing stormwater quality.

9-11

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 3: Construction Site Stormwater Runoff Control

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

11-14

1. Description of program that will be developed, implemented and enforced, to address stormwater runoff from construction once acre and greater (including larger common plan).

14

2. 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.

14-15

3. Program requires construction site operators to implement erosion and sediment control – BMPs to minimize the discharge of pollutants.

a. Program requires soil stabilization measures, and implementation of BMPs to control pollutants from equipment and vehicle washing and other wash waters.

b. Program requires operators to minimize exposure to stormwater of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials.

c. Minimize the discharge of pollutants from spills and leaks. As an alternative, ensure that the construction site has developed a stormwater pollution prevention plan in accordance with the TPDES Construction General Permit TXR150000.

14-15

4. Program prohibits illicit discharges such as wash out wastewater, fuels, oils, soaps, solvents, and dewatering activities.

14-15

5. Procedures for construction site plan review to consider water quality impacts.

15

6. Procedures for construction site inspections and enforcement of control measures, to the extent allowable under state and local law.

15

7. Procedures for receipt and consideration of information submitted by the public.

15

8. Procedures for MS4 staff training.

Additional Requirements for Level 3, and 4 small MS4s:

n/a

Includes an inventory of all permitted active construction sites greater than one acre or less than one acre if part of a larger common plan of development.

14-15

SWMP lists BMPs used to fulfill this MCM. Examples may include:

- Requirement to comply with TPDES CGP
- 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
- Require overall construction site waste management
- Perform site inspections and enforcement
- Provide education and training for construction site operators
- Notify dischargers of requirement to obtain TPDES permit coverage
- Mechanism to prohibit discharges into MS4 where necessary

11-15

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

14-15

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 4: Post-Construction Stormwater Management in New Development and Redevelopment
 Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

- | | |
|--------|---|
| 15-17 | 1. Description of program that will be developed, implemented and enforced, to address stormwater runoff 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. |
| 17 | 2. Ordinance or other regulatory mechanism is in place or planned which will regulate discharges from new development and redevelopment projects. |
| 17 | 3. 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. |
| 17, 24 | 4. Document and maintain records of enforcement actions. |
| 17 | 5. Long-term operation and maintenance of post construction stormwater control measures is addressed. |
| 17 | 6. Operation and maintenance is documented. |

Additional Requirements for Level 4 small MS4s:

- | | |
|-----|---|
| n/a | <ol style="list-style-type: none"> 1. Develop and implement an inspection program to ensure that all post construction stormwater control measures are operating correctly and are being maintained. 2. Inspections are documented. |
|-----|---|

- | | |
|----|---|
| 17 | <p>SWMP lists BMPs used to fulfill this MCM. Examples may include:</p> <ul style="list-style-type: none"> • Local ordinance in place or planned • Guidance document for developers to utilize • Specific BMPs established for particular watersheds • List of appropriate BMPs provided to operators • Elimination of curbs and gutters is encouraged • Zoning takes into account stormwater issues • Incentives for use of permeable choices, such as porous pavement • Requirements for wet ponds or other BMPs for certain size sites • Xeriscaping |
|----|---|

17	SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.
----	---

17	SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.
----	---

MCM 5: Pollution Prevention and Good Housekeeping for Municipal Operations

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for all MS4s:

18-23	1. An operation and maintenance (O&M) program, including an employee training component, in place or scheduled, 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.
22-23	2. Develop and maintain an inventory of the MS4's facilities and stormwater controls.
22-23	3. Inform or train staff involved in good housekeeping practices.
23	4. Waste from the MS4 is removed and properly disposed.
22	5. Contractors hired by the MS4 must be required to comply with operating procedures. <ul style="list-style-type: none"> a. MS4 develop contractor oversight procedures.
22-23	6. MS4 evaluates O&M activities for their potential to discharge pollutants in stormwater for road and parking lot maintenance, bridge maintenance, cold weather operations, and right-of-way maintenance etc. <ul style="list-style-type: none"> a. MS4 identifies pollutants of concern that could be discharged from the O&M activities. b. MS4s develop and implement pollution prevention measures that will reduce discharge of pollutants from O&M activities. c. MS4s inspects pollution prevention measures at MS4 facilities.
22-23	7. MS4 maintains structural controls.

Additional requirements for Level 3 and 4 small MS4s:

n/a	1. Storm sewer system O&M. <ul style="list-style-type: none"> a. MS4 develops and implements an O&M program to reduce the collection of pollutants in catch basins and other surface structures. b. MS4 develops a list of potential problem areas for increased inspection (for example, areas with recurrent illegal dumping).
n/a	2. Implement an O&M program to reduce discharge of pollutants from roads that might include a street sweeping and cleaning program, or inlet protection. The program includes an implementation schedule and a waste disposal procedure.
n/a	3. MS4 map identify MS4 facilities and stormwater controls.
n/a	4. MS4 assess its facilities for their potential to discharge pollutants into stormwater. <ul style="list-style-type: none"> a. The MS4 identifies 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 discharge in stormwater. b. The MS4 documents the result of the assessments.
n/a	5. The MS4 develops stormwater management Standard Operation Procedures for high priority facilities.
n/a	6. The MS4 implements stormwater controls at high priority facilities that address: <ul style="list-style-type: none"> a. Good housekeeping

n/a

- b. De-icing and anti-icing storage
- c. Fueling operations and vehicle maintenance
- d. Equipment and vehicle washing

n/a

7. The MS4 develops and implements an inspection program that includes high priority facilities.

n/a

Additional requirements for Level 4 small MS4s:

MS4 has an application and management program for pesticides, herbicides, and fertilizers that address:

- a. Evaluating materials and activities used at public open spaces.
- b. Implementing the following practices to minimize generating pollutants related to landscaping.
 - i. Education for applicators and distributors
 - ii. Encouragement of non-chemical solutions for pest management
- c. Development of schedules that minimizes discharge of pollutants.
- d. Ensuring collection and proper disposal of unused pesticides, herbicides, and fertilizers.

22-23

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
- Park maintenance (e.g., providing trash bags)

22-23

SWMP includes measurable goals, and the method of measurement, for addressing stormwater quality.

22-23

SWMP has been fully implemented, or includes a schedule of implementation not to exceed five (5) years from permit issuance date.

MCM 6: Industrial Stormwater Sources

Page # (s) – Provide the page number (s) to the left of each item.

The SWMP includes the following required elements:

Requirements for Level 4 MS4 only:

n/a

Program to identify and control industrial stormwater sources that at least includes:

- a. MS4 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).
- b. Priorities and procedures for inspections and for implementing control measures for such discharges.

Optional 7th MCM: Municipal Construction Activities (only available within the regulated area where the MS4 operator meets the definition of construction site operator)

Page # (s) – Provide the page number (s) to the left of each item.

If this MCM is applicable, the SWMP includes the following information:

- | | |
|-----|---|
| n/a | 1. Description of how construction activities will generally be conducted so as to take into consideration local conditions of weather, soils, and other site specific considerations. |
| n/a | 2. Description of the area that this MCM will address and where the MS4 operator's 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). |
| n/a | 3. If the area included in this MCM includes areas outside of the UA, then all MCMs will be implemented over those additional areas as well. |
| n/a | 4. Description provided for one of the following: <ol style="list-style-type: none"> 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. |
| n/a | 5. General description of how a construction SWP3 will be developed for each construction site. |
| n/a | 6. Records of municipal construction activities authorized under this optional MCM. |

Notice of Intent (NOI) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) under the TPDES Phase II MS4 General Permit (TXR040000)

General Information and Instructions

GENERAL INFORMATION

Where to Send the Notice of Intent (NOI):

BY REGULAR U.S. MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
P.O. Box 13087
Austin, Texas 78711-3087

BY OVERNIGHT/EXPRESS MAIL:

Texas Commission on Environmental Quality
Applications Review and Processing Team
(MC-148)
12100 Park 35 Circle
Austin, TX 78753

TCEQ Contact List:

Small Business and Local Government Assistance	800/447-2827
Application – status and form questions:	512/239-4671
Technical questions:	512/239-4671
Environmental Law Division:	512/239-0600
Records Management - obtain copies of forms:	512/239-0900
Reports from databases (as available):	512/239-DATA (3282)
Cashier's office:	512/239-0357 or 512/239-0187

Notice of Intent Process:

When your NOI and SWMP is received by the program, the form will be processed as follows:

- 1) **Administrative Review:** Each item on the form will be reviewed for a complete response. In addition, the operator's legal name must be verified with Texas Secretary of State as valid and active (if applicable). The address(s) on the form must be verified with the US Postal service as receiving regular mail delivery. Never give an overnight/express mailing address.

An application will not be declared administratively complete or approved if delinquent fees and/or penalties of \$25 or more are owed to the TCEQ. All such fees must be paid prior to approval of the NOI.

- 2) **Notice of Deficiency:** If an item is incomplete or not verifiable as indicated above, a notice of deficiency (NOD) will be mailed to the operator. The operator will have 30 days to respond to the NOD. The response will be reviewed for completeness.
- 3) **Technical Review of SWMP:** More information may be requested by phone or technical NOD letter mailed to the SWMP contact. The executive director's preliminary determination on the NOI and SWMP will be prepared and filed with the TCEQ Chief Clerk.
- 4) **Public Participation Process:** The TCEQ Chief Clerk will mail written instructions for publishing the executive director's preliminary determination on the NOI and SWMP at least once in the newspaper of general circulation in the county where the small MS4 is located. If applicable, a public meeting may be held.

- 5) **Acknowledgment of Coverage:** An Acknowledgment Certificate will be mailed to the operator. This certificate acknowledges coverage under the general permit.

-or-

Denial of Coverage: Coverage may be denied if the operator fails to respond to the NOD, the response is inadequate, or find the NOI and SWMP do not meet the requirements of this general permit. If coverage is denied, the operator will be notified.

General Permit

Coverage under the general permit begins upon approval of the NOI and the SWMP by TCEQ and after the public notice process has been completed. You should have a copy of the general permit when submitting your application. You may view and print the permit for which you are seeking coverage, on the TCEQ web site <http://www.tceq.texas.gov>. Search using key word TXR040000.

General Permit Forms

The Notice of Intent (NOI), Notice of Termination (NOT), and Notice of Change (NOC) (including instructions) are available in Adobe Acrobat PDF format on the TCEQ web site <http://www.tceq.texas.gov>.

Change in Operator

An authorization under the general permit is not transferable. If the operator of the regulated entity changes, the present permittee must submit a Notice of Termination and the new operator must submit a Notice of Intent. The NOT and NOI must be submitted concurrently not more than ten (10) calendar days after the change occurs.

TCEQ Central Registry Core Data Form

The Core Data Form has been incorporated into this form. Do not send a Core Data Form to TCEQ. After final acknowledgment of coverage under the general permit, the program will assign a Customer Number and Regulated Entity Number.

You can find the information on the Central Registry web site at <http://www15.tceq.texas.gov/crpub/>. You can search by the Regulated Entity (RN), Customer Number (CN) or Name (Permittee), or by your authorization number under the search field labeled *Additional ID*. Capitalize all letters in the authorization number.

The Customer (Permittee) is responsible for providing consistent information to the TCEQ, and for updating all CN and RN data for all authorizations as changes occur. For General Permits, a Notice of Change form must be submitted to the program area.

Fees associated with a General Permit

Payment of the fee may be made by check or money order, payable to TCEQ, or through EPAY (electronic payment through the web).

Application Fee: This fee is required to be paid at the time the NOI is submitted. Failure to submit payment at the time the application is filed will cause delays in acknowledgment or denial of coverage under the general permit.

Mailed Payments:

Payment must be mailed under separate cover at one of the addresses below using the attached Application Fee submittal form. (DO NOT SEND A COPY OF THE NOI WITH THE APPLICATION FEE SUBMITTAL FORM)

BY REGULAR U.S. MAIL
 Texas Commission on Environmental Quality
 Financial Administration Division
 Cashier's Office, MC-214
 P.O. Box 13088
 Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL
 Texas Commission on Environmental Quality
 Financial Administration Division
 Cashier's Office, MC-214
 12100 Park 35 Circles
 Austin, TX 78753

ePAY Electronic Payment: <http://www.tceq.texas.gov/epay>

When making the payment you must select Water Quality, and then select the fee category "General Permit MS4 Phase II Stormwater Discharge NOI Application". You must include a copy of the payment voucher with your NOI. Your NOI will not be considered complete without the payment voucher.

Annual Water Quality Fee: This fee is assessed to permittees with an active authorization under the general permit on September 1 of each year. The designated billing contact will receive an invoice for payment of the annual fee in December of each year. The payment will be due 30 days from the invoice date. A 5% penalty will be assessed if the payment is received by TCEQ after the due date. Annual fee assessments cannot be waived as long as the authorization under the general permit is active on September 1.

It's important for the permittees to submit a Notice of Termination (NOT) when coverage under the general permit is no longer required. A NOT is effective on the postmarked date of mailing the form to TCEQ. It is recommended that the NOT be mailed using a method that documents the date mailed and received by TCEQ.

Mailed Payments:

You must return your payment with the billing coupon provided with the billing statement.

ePAY Electronic Payment: <http://www.tceq.texas.gov/epay>

You must enter your account number provided at the top portion of your billing statement.

Payment methods include American Express, MasterCard, Visa, and electronic check payment (ACH).

INSTRUCTIONS FOR FILLING OUT THE NOI FORM

Renewal of General Permit: Dischargers holding active authorizations under the expired General Permit are required to submit a NOI to continue coverage. The existing authorization number is required. If the authorization number is not provided or has been terminated, expired, or denied a new permit number will be issued.

1) OPERATOR (Applicant)

a) Enter assigned Customer Number (CN)

TCEQ's Central Registry will assign each customer a number that begins with CN, followed by nine digits. **This is not an authorization number, registration number, or license number.**

If this customer has not been assigned a CN, leave the space for the CN blank. If this customer has already been assigned this number, enter the permittee's CN.

b) Legal Name

Provide the current legal name of the permittee.

c) Operator Contact Information

Provide the first and last name, and the title of the Operator (Applicant) Contact.

Provide a complete mailing address for receiving mail from the TCEQ. The address must be verifiable with the US Postal Service at <http://www.usps.com> for regular mail delivery (not overnight express mail). If you find that the address is not verifiable using the USPS web search, please indicate the address is used by the USPS for regular mail delivery.

The area code and phone number should provide contact to the operator. Leave Extension blank if not applicable.

The fax number and e-mail address are optional and should correspond to the operator.

d) Type of Customer (Entity Type)

Check only one box that identifies the type of entity. Use the descriptions below to identify the appropriate entity type. Note that the selected entity type also indicates the name that must be provided as an applicant for a permit, registration or authorization.

Government

Federal, state, county, or city government (as appropriate)

The customer is either an agency of one of these levels of government or the governmental body itself. The government agency's 'legal name' must be provided as the applicant. A department name or other description of the organization should not be included as a part of the 'legal name' as applicant.

Other Government

A utility district, water district, tribal government, college district, council of governments, or river authority. Write in the specific type of government.

e) Number of Employees

Check one box to show the number of employees for this customer's entire company, at all locations. This is not necessarily the number of employees at the site named in the application.

2) ANNUAL BILLING CONTACT

An annual fee is assessed to each operator holding an active authorization under the general permit on September 1 of each year. Provide the complete mailing address where the annual fee invoice should be mailed. Verify the address with the USPS. It must be an address for delivery of regular mail, not overnight express mail. Also, provide a phone number of the operator's representative responsible for payment of the invoice.

3) APPLICATION CONTACT

Provide the name, title, and contact information of the person that TCEQ can contact for additional information regarding this application. This contact may be a consultant or entity other than the applicant.

4) REGULATED ENTITY (RE) INFORMATION ON PROJECT OR SITE**a) Regulated Entity Reference Number (RN)**

A number issued by TCEQ's Central Registry to sites (a location where a regulated activity occurs) regulated by TCEQ. This is not an authorization number, registration number, or license number. If this regulated entity has not been assigned an RN, leave this space blank.

If the site of your business is part of a larger business site, a Regulated Entity Number (RN) may already be assigned for the larger site. Use the RN assigned for the larger site. Search TCEQ's Central Registry to see if the larger site may already be registered as a regulated site at:

<http://www.tceq.texas.gov/goto/cr-searchrn>

If the site is found, provide the assigned Regulated Entity Reference Number (RN) and provide the information for the site to be authorized through this application. The site information for this authorization may vary from the larger site information.

An example is a chemical plant where a unit is owned or operated by a separate corporation that is accessible by the same physical address of your unit or facility. Other examples include industrial parks identified by one common address but different corporations have control of defined areas within the site. In both cases, an RN would be assigned for the physical address location and the permitted sites would be identified separately under the same RN.

b) Site/Project Name/Regulated Entity

Provide the name of the site as known by the public in the area where the site is located. The name you provide on this application will be used in the TCEQ Central Registry as the Regulated Entity name.

c) Describe the boundaries of the regulated portion of the small MS4.

In your own words, briefly describe the boundaries of the regulated portion of the small MS4. Do not repeat the SIC Code description.

d) Provide the city where the largest residential population exists within the regulated MS4 boundaries. If there is no city within the boundaries of the MS4, provide the name of the nearest city.

e) Provide the ZIP code where the largest residential population exists within the regulated MS4 boundaries.

f) County

Identify the county or counties in which the regulated entity is located.

g) Latitude and Longitude

Enter the latitude and longitude of the site in degrees, minutes, and seconds or decimal form. For help obtaining the latitude and longitude, go to:

<http://www.tceq.texas.gov/gis/sqmapview.html> or <http://nationalmap.gov/ustopo>

5) GENERAL CHARACTERISTICS

a) Indian Country Lands

If your site is located on Indian Country Lands, the TCEQ does not have authority to process your application. You must obtain authorization through EPA, Region 6, Dallas. Do not submit this form to TCEQ.

Indian Country means (1) all land within the limits of any American Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation; (2) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or outside the limits of a State; and (3) all Indian allotments, the Indian titles which have not been extinguished, including rights-of-way running through the same.

Indian Tribe means any Indian Tribe, band, nation, or community recognized by the Secretary of the Interior and exercising substantial governmental duties and powers.

b) Standard Industrial Classification (SIC) code

Provide the SIC code that best describes the operator's primary business. Common SIC Codes are provided below. For help with SIC codes, go to: www.osha.gov/oshstats/sicser.html

- 9111 - Executive offices (such as for a city, county, ect.)
- 8221 - Colleges, Universities, and Professional Schools
- 8222 - Junior Colleges and Technical Institutes
- 9621 - Regulation and Administration of Transportation Programs
- 4111 - Local and Suburban Transit
- 4952 - Sewerage Systems
- 4971 - Irrigation Systems
- 9223 - Correctional Institutions
- 9511 - Air and Water Resource and Solid Waste Management (including flood control, drainage development, etc.)

c) Category or level of the MS4

The general permit defines MS4s by four different categories or levels, based on the population served within the 2010 UA. "Population served" means the residential population within the regulated portion of the small MS4 based on the 2010 Census, except for non-traditional small MS4s.

A reference map identifying the 2010 Census UAs can be found at

www.epa.gov/npdes/stormwater/urbanmaps

d) TCEQ "Designated" small MS4

A small MS4 that is outside of urbanized area that is "designated" by TCEQ is eligible for coverage under this general permit. The small MS4 Operator 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.

Information about urbanized areas (UAs) and a link to the UA maps are found on the EPAs website at: <http://cfpub1.epa.gov/npdes/stormwater/urbanmaps.cfm>

e) Annual Reporting Year

The annual report must address the previous reporting year. The selected reporting year cannot be changed during the permit year.

1. The first reporting year begins on the permit effective date (December 13, 2013) and lasts for a period of one (1) year.
2. If the MS4 selects the fiscal year, the first reporting year will last until the end of the fiscal year following the end of the first permit year.
3. If the MS4 selects the calendar year then the first reporting year will last until December 31, 2014.

f) SWMP

1. The NOI must include the SWMP when submitted to TCEQ for processing, and the Operator is required to certify the SWMP has been developed according to the general permit. Also, the SWMP Cover Sheet must be completed and placed to the front of the

SWMP. When completing the SWMP Cover Sheet, be sure to enter the page number and/or page range for each item under an MCM.

2. The general permit requires the name, address, phone number and fax number of the designated person responsible for implementing and coordinating implementation of the SWMP. All information is required with an exception of email, however, this information is desired.

Changes to the SWMP may require TCEQ approval. Changes must be submitted by Notice of Change to the same address as the NOI. Notice of Change will either be automatically approved or additional information may be request before approval.

g) 7th Minimum Control Measure (MCM)

1. Indicate if the municipality is seeking coverage under this general permit for municipal construction activities where the municipality meets the definition of "construction site operator".
2. If authorization for municipal construction activities is proposed in this NOI the developed MCM must be included with the SWMP and the NOI must include a description of the boundaries covered in the MCM. The area included for this MCM must include only the regulated MS4 area; or it may include additional areas of the MS4 if all other MCMs are implemented over the additional area as well.

This coverage may be obtained after the original NOI is approved. This may be accomplished by submitting a Notice of Change that includes the developed MCM and a description of the proposed municipal construction activity boundaries addressed in the MCM. If the MS4 operator proposes to include additional areas outside of the regulated MS4, then the Notice of Change must also indicate that the MS4 operator will implement the entire SWMP over the additional areas.

3. If the discharge or potential discharge from regulated construction activities is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For construction activities that will be regulated under TXR040000, the approved Contributing Zone Plan or Water Pollution Abatement Plan must be included or referenced as part of the construction site stormwater pollution prevention plan. For other activities regulated under 30 TAC Chapter 213, information must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

h) Discharge Information

1. The stormwater may be discharged directly to a receiving stream or through another **MS4*** from your MS4. It eventually reaches a receiving water body such as a local stream or lake, possibly via a drainage ditch. You must provide the name of the surface water body that receives the discharge from the site (a local stream or lake). Please note that this general permit does not grant permission to use another MS4 as a conveyance of stormwater and certain non-storm water discharges along the discharge route.
2. Identify the classified segment number(s) receiving a discharge directly or indirectly. Go to the link below to find the segment number of the classified water body where wastewater would flow: www.tceq.texas.gov/publications/qi/qi-316

3. Identify any surface water bodies receiving discharges from the small MS4 that are on the latest EPA-approved CWA § 303(d) list of impaired waters or the Texas Integrated Report of Surface Water Quality for CWA Sections 305(b) and 303(d).

The EPA approved CWA 303(d) list of impaired waters and Texas Integrated Report of Surface Water Quality for CWA Section 305(b) and 303(d) can be found at:
http://www.tceq.texas.gov/waterquality/assessment/305_303.html

4. Identify the **MS4*** Operator name if the stormwater discharge is into an MS4.

***MS4 is an acronym for Municipal separate storm sewer system. MS4 is defined as** a separate storm sewer system owned or operated by a state, city, town, 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 or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to water in the state.

For assistance, you may call the technical staff of the Water Quality Assessment & Standards Section at 512/239-4671.

i) Edwards Aquifer Rule

See maps on the TCEQ website to determine if the site is located within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer at <http://www.tceq.texas.gov/field/eapp/viewer.html>

If the discharge or potential discharge is within the Recharge Zone, Contributing Zone, or Contributing Zone within the Transition Zone of the Edwards Aquifer, then additional requirements may exist under the Edwards Aquifer Protection Program (30 TAC Chapter 213). For activities regulated under 30 TAC Chapter 213, any required plans must be included in the SWMP. Compliance with any Edwards Aquifer requirements is required in addition to the requirements of this general permit.

j) Public Participation

The applicant must indicate on the NOI that it will comply with the public participation requirements described in Part II.D.12 of the general permit. The person responsible for receiving the information from the TCEQ Chief Clerk for publishing in the newspaper must be identified and all contact information must be provided.

After review of the NOI and SWMP is completed, the Office of Chief Clerk will mail the Executive Director's preliminary determination to the contact provided in the NOI for publishing in the newspaper of largest circulation in the county of the small MS4.

The comment period begins on the first date the notice is published and ends 30 days later, unless a public meeting is held. If a public meeting is held it will end at the closing of the public meeting.

The applicant must 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 Office of Chief Clerk.

If significant public interest exists, the executive director will direct the applicant to publish notice of the meeting and to hold the public meeting. The applicant must publish the notice of

public meeting at least 30 days prior to the public meeting and hold the meeting in the county where the MS4 is located.

6) CERTIFICATIONS

Failure to indicate **Yes** to ALL of the certification items may result in denial of coverage under the general permit.

Operator Certification:

The certification must bear an original signature of a person meeting the signatory requirements specified under 30 Texas Administrative Code (TAC) §305.44.

IF YOU ARE A CORPORATION:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(1) (see below). According to this code provision, any corporate representative may sign an NOI or similar form so long as the authority to sign such a document has been delegated to that person in accordance with corporate procedures. By signing the NOI or similar form, you are certifying that such authority has been delegated to you. The TCEQ may request documentation evidencing such authority.

IF YOU ARE A MUNICIPALITY OR OTHER GOVERNMENT ENTITY:

The regulation that controls who may sign an NOI or similar form is 30 Texas Administrative Code §305.44(a)(3) (see below). According to this code provision, only a ranking elected official or principal executive officer may sign an NOI or similar form. Persons such as the City Mayor or County Commissioner will be considered ranking elected officials. In order to identify the principal executive officer of your government entity, it may be beneficial to consult your city charter, county or city ordinances, or the Texas statute(s) under which your government entity was formed. An NOI or similar document that is signed by a government official who is not a ranking elected official or principal executive officer does not conform to §305.44(a)(3). The signatory requirement may not be delegated to a government representative other than those identified in the regulation. By signing the NOI or similar form, you are certifying that you are either a ranking elected official or principal executive officer as required by the administrative code. Documentation demonstrating your position as a ranking elected official or principal executive officer may be requested by the TCEQ.

If you have any questions or need additional information concerning the signatory requirements discussed above, please contact the Texas Commission on Environmental Quality's Environmental Law Division at (512)239-0600.

30 Texas Administrative Code

§305.44. Signatories to Applications

(a) All applications shall be signed as follows.

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., regional administrator of the EPA).

Texas Commission on Environmental Quality General Permit Payment Submittal Form

Use this form to submit your Application Fee only if you are mailing your payment.

- Complete items 1 through 5 below:
- Staple your check in the space provided at the bottom of this document.
- Do not mail this form with your NOI form.
- Do not mail this form to the same address as your NOI.

Mail this form and your check to:

BY REGULAR U.S. MAIL

Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
P.O. Box 13088
Austin, TX 78711-3088

BY OVERNIGHT/EXPRESS MAIL

Texas Commission on Environmental
Quality
Financial Administration Division
Cashier's Office, MC-214
12100 Park 35 Circle
Austin, TX 78753

Fee Code: GPA	General Permit:	TXR040000
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1. Check / Money Order No: _____
2. Amount of Check/Money Order: _____
3. Date of Check or Money Order: _____
4. Name on Check or Money Order: _____
5. NOI INFORMATION

If the check is for more than one NOI, list each Project/Site (RE) Name and Physical Address exactly as provided on the NOI. DO NOT SUBMIT A COPY OF THE NOI WITH THIS FORM AS IT COULD CAUSE DUPLICATE PERMIT ENTRIES.

See Attached List of Sites (If more space is needed, you may attach a list.)

Project/Site (RE) Name: _____

Project/Site (RE) Physical Address:

Staple Check in This Space

APPENDIX C ANNUAL REPORT FORMS

To be developed after public input using TCEQ Template

APPENDIX D**COMMON USED ACRONYMS**

BMP	Best Management Practice
CFR	Code of Federal Regulations
CGP	Construction General Permit, TXR150000
CWA	Clean Water Act
EPA	Environmental Protection Agency
FR	Federal Register
MCM	Minimum Control Measure
MSGP	Multi-Sector General Permit, TXR050000
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Change
NOI	Notice of Intent
NOT	Notice of Termination (to terminate coverage under a general permit)
NPDES	National Pollutant Discharge Elimination System
SWMP	Stormwater Management Program
SWP3, SWPPP	Stormwater Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
TWC	Texas Water Code

APPENDIX E GLOSSARY

Arid Areas - Areas with an average annual rainfall of less than ten (10) inches.

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 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, and excavating; 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 person or persons associated with a small or large construction project that meet(s) either of the following two criteria:

- (a) The person or persons 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 person or persons 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 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 Stormwater Pollution Prevention Plan or comply with other permit conditions).

Control Measure - Any BMP or other method (including effluent limitations) 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.

Final Stabilization - A construction site where either 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 per cent 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.

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 §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.

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 on the latest approved Clean Water Act §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

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 CFR §122.26(b)(14)(i)-(ix) and (xi).

Major Outfall - means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive stormwater from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

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 United States, 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 MS4 - A MS4 that often cannot pass ordinances nor have the enforcement authority like a typical MS4 to enforce the stormwater management program. Examples of non-traditional MS4s include counties, Department of Transportation (DOT), municipal utility districts, military bases, prisons or 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 United States (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, openswales 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.

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) - refers to 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 United States, 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 ' 208 of the CWA;

(b) Designed or used for collecting or conveying stormwater;

(c) Which is not a combined sewer;

(d) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR ' 122.2; and

(e) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system, as defined at 40 CFR §§122.26(b)(4) and (b)(7).

This term includes systems similar to separate storm sewer systems at military bases, large hospital 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 an MS4 that is also operated by that public entity. 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 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 activity 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. Examples of traditional MS4s include cities.

Urbanized Area (UA) - An area of high population density that may include multiple MS4s as defined and used by the U.S. Census Bureau in the 2000 and the 2010 Decennial census.

The Bureau of Census defines urbanized areas 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".

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.



STORMWATER MANAGEMENT PROGRAM

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States 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 Clean Water Act, the final authority regarding the CWA jurisdiction remains with the EPA.

APPENDIX F 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 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) TXR 050000 or the TPDES Construction General permit (CGP) TXR150000;
18. discharges that are authorized by TPDES or NPDES permit or that are not required to be permitted; and
19. other similar occasional incidental non-stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.



ENGINEERING

To: Mayor and Town Council

From: Matt Richardson, P.E., Senior Engineer

Through: Harlan Jefferson, Town Manager

Re: Town Council Meeting – November 11, 2014

Agenda Item:

Discussion on the design of the Downtown Enhancements project.

Description of Agenda Item:

On May 13, 2014, Town Council provided direction to staff to proceed with the design of the Downtown Enhancements project to include sidewalk and landscaping improvements, in addition to the originally planned street lighting improvements. On June 24, 2014, Town Council approved an engineering services agreement with Wier & Associates, with the condition that the design be brought back before Town Council for further discussion. On October 14, 2014, Town Council received a presentation from staff and provided feedback on the proposed design elements of the Downtown Enhancements project. Three major areas of concern were identified and are discussed in more detail in the following paragraphs.

Scope of the Project. The original scope of the Downtown Enhancements project included street lighting on Broadway between Coleman Street and McKinley Street and on Main Street between Broadway and First Street. Excess funds, if any, were to be used for limited sidewalk improvements in the downtown area. The project budget of \$475,000 was approved as part of the FY 2013-2014 Budget, of which \$400,000 was anticipated to be necessary for the street lighting alone. With discussions ongoing regarding the future use of the Main Street Park for other municipal purposes, staff determined that lighting on Main Street should be deferred to a future date. With the western segment of Broadway currently undeveloped, staff determined that lighting on that segment should also be deferred to a future date. Those removals left approximately \$175,000 in street lighting improvements on Broadway between Coleman Street and Crockett Street.

Staff began by looking only at installation of the street lighting as proposed in the original scope and quickly determined that any street lighting installed would be removed and relocated in the future when the street and sidewalk pavement on Broadway was reconstructed. The Old Town Inset of the 2012 Comprehensive Plan recommends future alterations to Broadway, including compression of the vehicular areas and expansion of the pedestrian areas. These alterations would result in street lighting constructed today near the existing curb edge being located in the middle of the future sidewalk. Instead of this, staff began looking at options for added sidewalk work that would result in the permanent construction of sidewalks in conformance with the Comprehensive Plan. After scoping this work, staff estimated that it could be constructed for a relatively modest increase in budget over the original scope. The \$75,000 increase was discussed on May 13, 2014, with the Town Council and was approved as part of the FY 2014-2015 Budget.

Future Removal of Improvements. The current phased approach proposed for this project recommends construction of widened sidewalks and street lighting today, with street pavement and underground drainage being constructed in the future when funds are available. Staff is sensitive to concerns regarding the future removal of recently constructed improvements if this phased approach to construction is taken. This concern is evidenced by the initial scope modification that was based in part on future removal and relocation of street lighting if it were constructed by itself today. Staff believes that the sidewalk and landscaping improvements proposed are viable as a permanent improvement based on the nature of the work being performed.

In an urban street environment with building frontages adjacent to the street right-of-way, the elevations of the two sidewalks and the streets will all function separately from each other. The sidewalk elevation is a function of the doorway elevations and the building pads, which will be separate for each side of the street, and the street elevation is a function of drainage characteristics and providing a smooth ride for vehicles. This results in sidewalks that are constantly varying in slope while the street is relatively constant. To accommodate these conditions, staff is proposing that the gutter for conveying storm water be moved away from the curb in the future to the dividing line between the driving lane and the parking lane. This allows the driving lanes to have a constant slope while the parking lanes warp at a varying rate to match the sidewalk pavement at the curb. Thus the sidewalk pavement can function independent of the street pavement and can remain in use when the street is reconstructed. Sections of this layout are attached to the staff report for reference.

Plant Selection. Upon reviewing the Town Council's comments regarding the plantings proposed in the previous discussion, staff has made some modifications and is providing additional description for consideration. Approximately 5-foot wide by 10-foot long semi-circular tree wells will be located throughout the project limits. They will be centered on the proposed shade trees which are a mix of Cedar Elm, Live Oak, and Chinese Pistachio trees. Each tree will be surrounded by a ground level planting bed that features a small grouping of shrubs and groundcover. Raised planter containers will also be located throughout the project limits, primarily near street lights and intersections. They will feature a larger plant in the center with a low or draping plant around the outside. The draping plant would be allowed to grow over the edges of the container to create a spilling effect.

Other than the shade trees, the plant material in the planting beds and raised planters will be regularly refreshed over time. For the raised planters specifically, the container will limit the growth of some plants which may lead to a decline in health over time. Plant materials selected during each refresh cycle will be impacted by season and availability and will vary over time. The following plant materials are proposed as an initial palette to guide the planting process:

Ground Level Planting Beds

Compact Texas Sage
 Dwarf Crape Myrtle (Red)
 Dwarf Yaupon Holly
 Hamlin Grass
 Indian Hawthorn (Snow White)
 Liriope
 Lorapetalum
 Mexican Feather Grass
 Nana Nandina
 Ophiopogon

Raised Planters

Agave
 Aspidistra
 Blue Rug Juniper
 Gardenia
 Hamlin Grass
 Purple Fountain Grass
 Red Lantana
 Red Yucca
 Salvia
 Sweet Potato Vine

Seasonal Color

Spring: Alyssum, Daffodil, Daylily, Petunia

Summer: Begonia, Caladium, Geranium, Pentas, Purple Coneflower

Fall: Aster, Chrysanthemum, Salvia

Winter: Calendula, Kale, Pansy, Snapdragon

Budget Impact:

The Capital Improvement Program includes \$550,000 for the Downtown Enhancements project. Of this amount, \$60,000 is currently reserved for design services and \$490,000 is reserved for construction services.

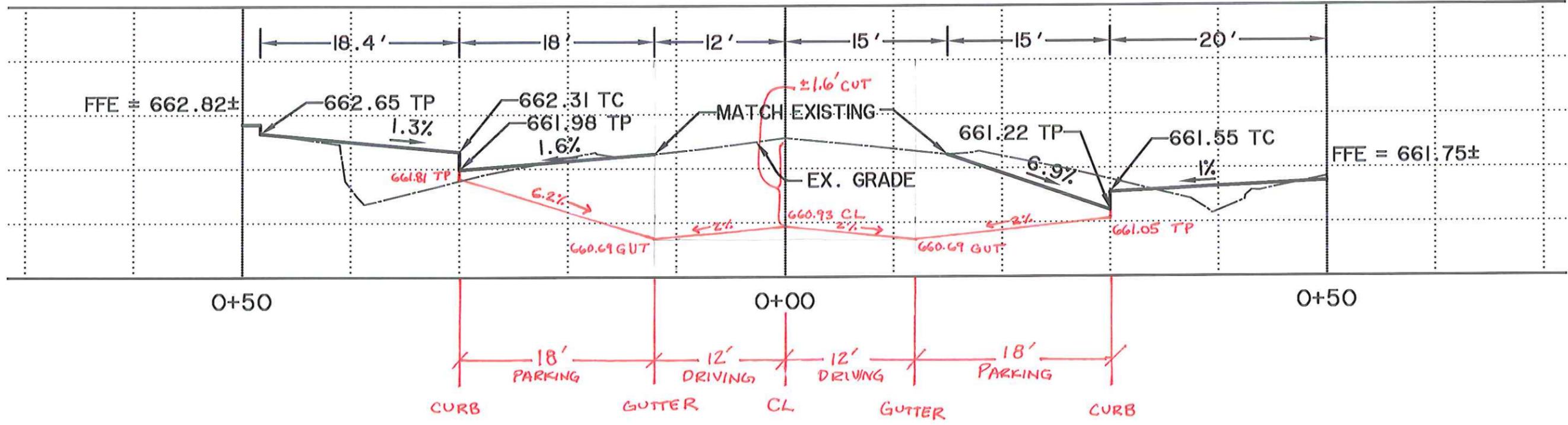
Attached Documents:

1. Cross Section Exhibits

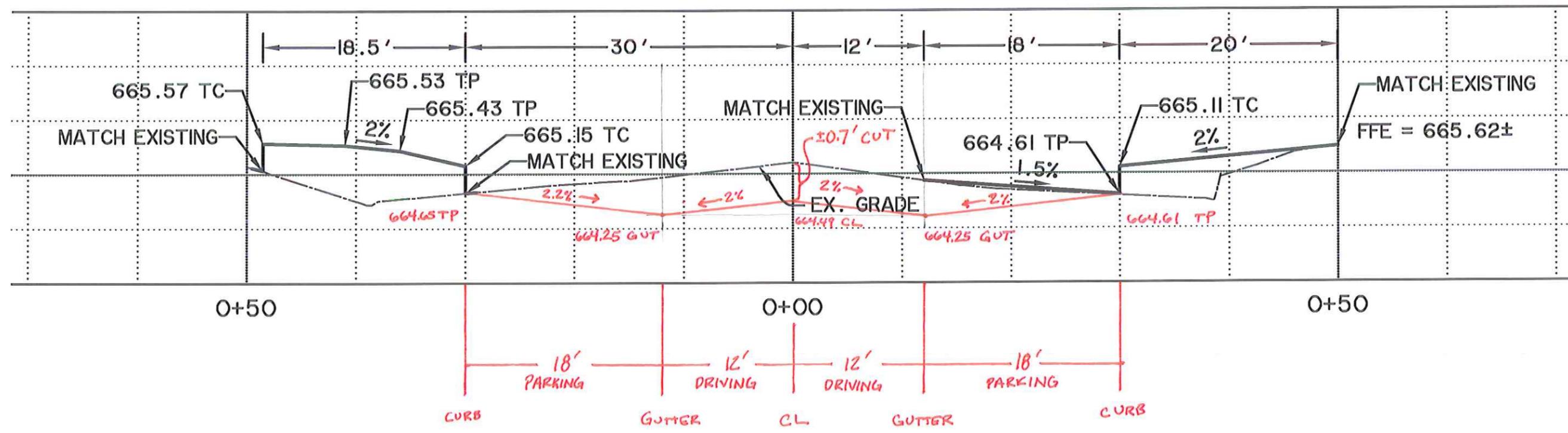
Town Staff Recommendation:

Town staff requests feedback from the Town Council on the design of the Downtown Enhancements project.

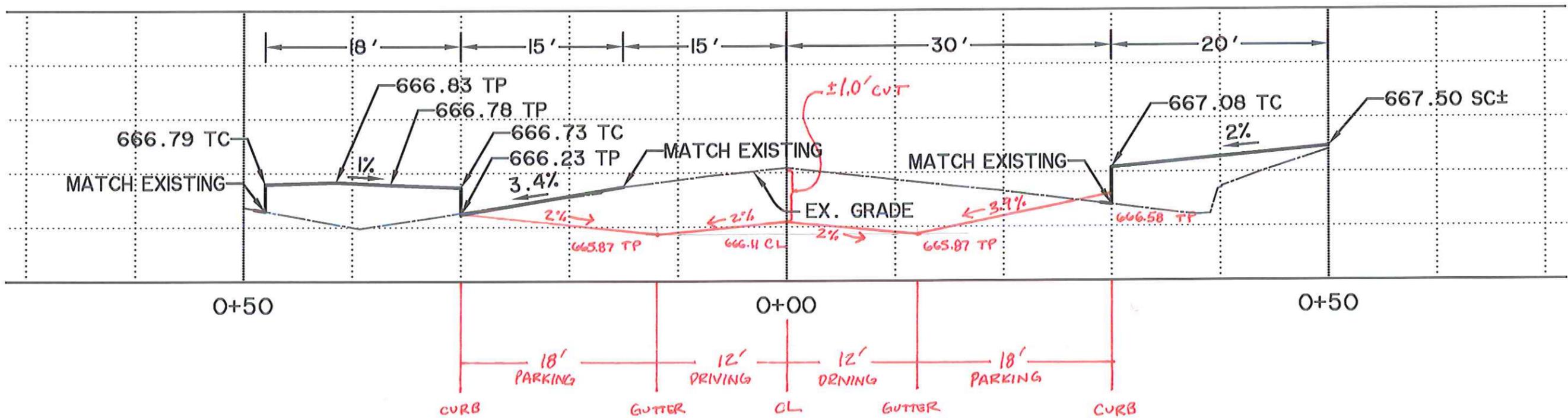
SECTION "A"



SECTION "B"



SECTION "C"



MCR
11-3-2014