

# **Annual Report Permit Year 2 (2015)**

**for**



## **TOWN OF DOUBLE OAK**

**Texas Commission on Environmental Quality**  
Texas Pollutant Discharge Elimination System  
General Permit TXR040000

March 2016

Prepared By



1001 Cross Timbers Road, Suite 2020  
Flower Mound, Texas 75028-8829  
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(972) 956-0801  
bhaynes@halff.com

Texas Commission on Environmental Quality  
Stormwater & Pretreatment Team Leader (MC-148)  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Phase II MS4 Annual Report Transmittal for the Town of Double Oak  
TPDES Permit Authorization: TXR040000

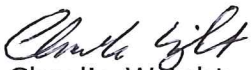
Dear Team Leader:

This letter serves to transmit the Year 2 Annual Report for the Texas Pollutant Discharge Elimination System Small Municipal Separate Storm Sewer System General Permit, Authorization Number TXR040056 for the Town of Double Oak.

A separate Notice of Change has not been submitted based on the fact that changes have not been proposed for the next permit year.

As required by the general permit, a copy of this submittal has also been mailed to the TCEQ's regional office in Fort Worth, Texas.

Sincerely,

  
Charlie Wright  
Town of Double Oak  
Public Works Director

# Phase II (Small) MS4 Annual Report Form

**TPDES General Permit Number TXR040000**

## A. General Information

Authorization Number: TXR040056 Annual Reporting Year: (calendar year) 2015

Last day of fiscal year, if applicable: N/A

MS4 Operator Level: I Name of MS4/Permittee: Town of Double Oak

Contact Name: Charlie Wright Telephone Number: (972) 539-9464

Mailing Address: 320 Waketon Road, Double Oak, TX 75077

E-mail Address: cwright@double-oak.com

## B. Narrative Provisions (Part IV Section B.2.(a))

1. Provide information on the status of complying with permit conditions: (Part V - Standard Permit Conditions):

	<b>Yes</b>	<b>No</b>	<b>Explain</b>
Permittee is currently in compliance with the SWMP as submitted to and approved by the TCEQ.	X		Public Works Director has enforced the new Stormwater, and Erosion Control ordinances during Year 2.
Permittee is currently in compliance with recordkeeping and reporting requirements.	X		All documents are in compliance.
Permittee meets the eligibility requirements of the permit (e.g., TMDL requirements, Edwards Aquifer limitations, compliance history, etc.)	X		Community does not discharge into an impaired water body.

2. Provide a general assessment of the appropriateness of the selected BMPs. Use table below or attach a summary, as appropriate (See Example 1 in instructions):

- The Town continues to enforce their Stormwater Ordinance that addresses the requirements for Erosion and Sediment Control, Post Construction Runoff and Pollution Prevention.
- There are no industrial areas in the town thus the possibility to discharge pollutants to the town’s stormwater systems are low.

<b>MCM(s)</b>	<b>BMP</b>	<b>BMP is appropriate for reducing the discharge of pollutants in stormwater (yes or no). Explain.</b>
1	1.2	The Town has more views regarding stormwater education on their website as opposed to retrieved brochures at Town Hall.
2	2.3	The storm map was updated to include new storm drain culverts. Additional culverts are inspected after every rain event and regularly during the dry season.
3	3.3	Procedures and forms in place for Construction Site Inspection of Runoff Controls
4	4.1	Town to distribute education materials to contractors at pre-construction meetings.

3. Describe progress towards reducing the discharge of pollutants to the maximum extent practicable. Summarize any information used (such as monitoring data) to evaluate reductions in the discharge of pollutants. Use a table or attach a narrative description as appropriate:

- The Public Works Director performs visual checks of stormwater during and post construction to check for pollutants and illicit discharges during dry season. The Town continues to inspect the housing developments with sites larger than 1 acre have a SWPPP for their Construction Activities and erosion protection is provided for disturbed areas less than 1 acre. The Town’s Erosion Control ordinance requires a construction an erosion control plan that needs to be reviewed by the Town Staff or Town Engineer.

- Stormwater sampling, monitoring and analysis was not included in the Town's SWMP for Years 1-5
- The Town website has an easily accessible link that provides both educational materials and contact information to report discharge. The Town has policies and procedures in place for reported incidents.

4. Provide the measurable goals for each of the MCMs, and an evaluation of the success of the implementation of the measurable goals (See Example 2 in instructions):

<b>MCM(s)</b>	<b>Measurable Goal(s)</b>	<b>Success</b>
1	BMP 1.1 – Distribute Stormwater Education Material Targeting Residents, Commercial and Visitors	<p>Met Goal – Town printed stormwater pollution prevention flyers for residents at Town Hall. Literature replaced as needed. The SWMP is also available at Town Hall and on the Town website.</p> <p>Public Education article printed in the Cross Timbers Gazette November 2015 (see attached)</p>
1	BMP 1.2- Maintain Website, Stormwater Message with Links on Town of Double Oak Website; Make SWMP available on webpage; post "Fact Sheets" on webpage	<p>Met goal – Links to public education and outreach on stormwater impacts are available on the Town website.</p> <p>Public education information was posted on the Town's Website. The public education information is available at the following site: <a href="http://double-oak.com/public-works">http://double-oak.com/public-works</a></p> <p>Materials include:</p> <ul style="list-style-type: none"> <li>• TCEQ - Oil-Recycling Guide</li> <li>• TCEQ - Green Guide Yard Care</li> <li>• TCEQ - How to Prepare SWPPP</li> <li>• Construction BMP Poster</li> <li>• TCEQ – Steps to Obtain Construction Permits for Storm Water Discharge Guide (see attached)</li> </ul>
1	BMP 1.3- River/Stormwater System Volunteer Cleanups	<p>Spring Clean-up May 29-31, 2015.</p> <p>The Town had dumpsters delivered for a town clean up after a big storm. There were two 30 yard dumpsters left out for four days, March 9 -14, 2016, available to all residents.</p>

<b>MCM(s)</b>	<b>Measurable Goal(s)</b>	<b>Success</b>
1	BMP 1.4- Display SWMP on Town Website for Public Review and Comments; Monitor Comments	Met goal – Links to the SWMP and prior Annual Report are available on the Town website. No comments regarding SWMP through the Town website email link in 2015.
2	BMP 2.1- Enforcement Procedures to Prohibit and Remove Illicit Discharges - Research Other Municipality Ordinances	Met goal – Reviewed the ordinances for the following municipalities: City of Lake Dallas, City of Lewisville, City of Royce City, Town of Hickory Creek, Town of Copper Canyon, and Town of Flower Mound.
2	BMP 2 .2- Visual Inspection of Selected Stormwater Outfalls During Dry Weather – Review Other Municipality Procedures and Forms	Met goal – Reviewed the procedures and forms for the following municipalities: City of Corinth, Town of Hickory Creek, Town of Copper Canyon, and City of Lake Dallas.  Inspection form attached  Created procedures for addressing reports of possible illicit discharge. See BMP 3.5 (see attached)
2	BMB 2.3- Development of Storm Sewer Map	Exceeded goal- Town Map was updated and provided with annual report. (see attached)
2	BMP 2.4-Educate To Employees, Business, and the General Public – Research Material	Exceeded goal - Researched public education and presented <i>Stormwater Education, Are We Keeping the Water Clean?</i> public education presentation at Town Council on 10/19/2015. The presentation is available on the Town website. (see attached)  See also BMP 1.1
3	BMP 3.1 - Implement/Maintain Ordinance and Enforcement Mechanism to Require Erosion and Sediment Control at	Met goal – Reviewed current ordinances. Town enforces current ordinances requiring SW3P and Erosion Control Plans for sites larger than 1 acre. Construction permits are not issued for sites disturbing more than 1 acre without SWPPP and complying with TCEQ General Permit TXR150000.

<b>MCM(s)</b>	<b>Measurable Goal(s)</b>	<b>Success</b>
	site > 1 Acre – Review Current Ordinances	
3	BMP 3.2 - Require Submittal of Construction Site SWPPP for Review by Town Staff – Review Construction Plan Checklist	Met goal – Reviewed current construction plan checklist.  Town enforces current ordinances requiring SW3P and Erosion Control Plans for sites larger than 1 acre. Construction permits are not issued for sites disturbing more than 1 acre without SWPPP and complying with TCEQ General Permit TXR150000
3	BMP 3.4 – Research educational and training material for Town Inspector in Conducting Proper Site Inspections	Met goal – Researched training seminars and videos for the Public Works Director during Year 3.
3	BMP 3.5 - Continue To Maintain Email Where The Community Can Discuss Stormwater Issues	Met goal - Town has added an email link in the Town website during Year 2 for comments from contractors and public regarding erosion control and runoff control. There is also a link to a code enforcement complaint form on the Public Works/Stormwater page.  New procedures in place for addressing comments. (see attached)
4	BMP 4.1 –Research Educational Materials for Area Developers regarding Post-Construction Stormwater Controls	Exceeded goal – Town to distribute education materials to contractors at pre-construction meetings and when issuing building permits. The Town Standard Operating Procedures were reviewed and updated as necessary. A confirmation sheet was created for contractors to sign when receiving the SOP at pre-construction meetings.
4	BMP 4.2 - Research Educational Materials for Post Construction Stormwater Management in New and Redevelopment	Exceeded goal – Town to distribute education materials to contractors at pre-construction meetings and when issuing building permits. The Town Standard Operating Procedures were reviewed and updated as necessary. A confirmation sheet was created for contractors to sign when receiving the SOP at pre-construction meetings.

MCM(s)	Measurable Goal(s)	Success
5	BMB 5.1- Assess Municipal Properties for Appropriate Stormwater Pollution Prevention Control	Met goal - No illicit discharge or source of pollution was determined from the Year 2 inspection

### C. Stormwater Monitoring Data (Part IV Section B.2.(b))

1. The MS4 has conducted monitoring of stormwater quality and submitted in the annual report (i.e. analytical and visual observations).

Yes  No Yes or No?

### D. Impaired Waterbodies (Part IV Section B.2.(c))

1. If applicable, explain below or attach a summary of any activities taken to address the discharge to impaired waterbodies, including any sampling results and a summary of the small MS4's BMPs used to address the pollutant of concern:
  - Not Applicable
2. Describe the implementation of targeted controls if the small MS4 discharges to an impaired water body with an approved TMDL (*Part II Section D.4.(a)*):
  - Not Applicable
3. Report the benchmark identified by the MS4 and assessment activities (*Part II Section D.4.(a)(6)*):
  - Not Applicable
4. Provide an analysis of how the selected BMPs will be effective in contributing to achieving the benchmark (*Part II Section D.4.(a)(4)*):
  - Not Applicable
5. If applicable, report on focused BMPs to address impairment (*Part II Section D.4.(a)(5)*):



- Not Applicable

6. Describe progress in achieving the benchmark (*Part II.D.4.(a)(6)*):

- Not Applicable

**E. Stormwater Activities (Part IV Section B.2.(d))**

Describe any stormwater activities the MS4 operator has planned for the next reporting year. Use the table or attach a summary, as appropriate:

- Any projects that will include culverts, affect stormwater drainage etc?

<b>MCM(s)</b>	<b>BMP</b>	<b>Stormwater Activity</b>	<b>Description/Comments</b>
2	2.1	Illicit discharge detection	Implement newly created procedures for addressing reports of possible illicit discharge violations.
4	4.1	Post Construction Stormwater Management in new development and redevelopment	The Town’s Standard Operating Procedures were reviewed and updated as necessary addressing stormwater management. A confirmation sheet was created for contractors to sign when receiving the SOP at pre-construction meetings.

**F. SWMP Modifications (Part IV Section B.2.(e))**

1. Changes have been made or are proposed to the SWMP since the NOI or the last annual report, including changes in response to TCEQ’s review.

\_\_\_ Yes  No

**G. Additional BMPs (Part IV Section B.2.(f))**

Provide a description and schedule for implementation of additional BMPs that may be necessary, based on monitoring results, to ensure compliance with applicable TMDLs and implementation plans.

- None

**H. Additional Information (Part IV Section B.2.(g))**

1. Is the permittee relying on another entity/ies to satisfy some of its permit obligations?

Yes  No

If 'Yes,' provide the name(s) of other entity/ies and an explanation of their responsibilities (add more spaces or pages if needed):

2.a. Is the named permittee sharing a SWMP with other entities?

Yes  No

2.b. If 'yes,' is this a system-wide annual report including information for all permittees?

Yes  No

**I. Construction Activities (Part IV Section B.2.(h-i))**

1. The number of construction projects in the jurisdiction of the MS4 where the permittee was not the construction site operator (as provided in submittals to the MS4 operator via notices of intent or site notices) 6

2. a. Does the permittee utilize the optional seventh MCM related to construction?

Yes  No

2. b. If 'yes,' then provide the following information for this permit year:

The number of municipal construction activities authorized under this general permit	
The total number of acres disturbed for municipal construction projects	

**Note:** Though the seventh MCM is optional, implementation must be requested on the NOI or on a NOC and approved by the TCEQ.

## J. Certification

*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 gathered and evaluated 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Name (printed): Charlie Wright Title: Public Works Director

Signature: Charlie Wright Date: 03-30-14

Name (printed): \_\_\_\_\_ Title: \_\_\_\_\_

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

Name (printed): \_\_\_\_\_ Title: \_\_\_\_\_

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

Name (printed): \_\_\_\_\_ Title: \_\_\_\_\_

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

Name (printed): \_\_\_\_\_ Title: \_\_\_\_\_

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

**Note:** If this is this a system-wide annual report including information for all permittees, each permittee shall sign and certify the annual report in accordance with 30 TAC §305.128 (relating to Signatories to Reports).



Serving Flower Mound, Highland Village, Lantana, Argyle, Bartonville, Canyon Falls, Copper Canyon, Corral City, Double Oak, Harvest and Robson Ranch.



## News From Double Oak Town Hall – November 2015



[\(http://www.rmdfw.com/\)](http://www.rmdfw.com/)



<http://www.crosstimbersgazette.com/crosstimbersgazette/wp-content/uploads/2015/10/double-oak-mayor-mike-donnelly.jpg>

Double Oak Mayor Mike Donnelly

### Double Oak Volunteer Fire Department Annual Fundraising Drive

Double Oak is a wonderful place to live and raise a family. It has small town charm and values with neighbors looking out for one another and offering a helping hand that tends to get lost in bigger communities. Homes are all on one-acre or larger lots which is very desirable. Double Oak has police, fire and EMS on call 24/7 to serve our residents' needs. We have one of the lowest overall property tax rates in Denton County and very little debt.

We do have a need to address our annual budget deficit and plan to with budget reductions where possible as well as put a sales tax measure on the May 2016 ballot.

Our children attend wonderful schools in the Denton & Lewisville ISDs or nearby private schools. Dining, entertainment and shopping are nearby with more locations coming as towns around us develop. It's a pleasure to drive around the town and see children and families outdoors playing, biking and jogging around our community.

The citizens of Double Oak are responsible and should be PROUD for making our town one of the most desirable and recognized places to live in North Texas.

### Volunteer Fire Department Annual Fundraising Drive

The DOVFD annual fundraising drive is underway. Many of you have probably received your letters from the DOVFD already. For those who have not yet received a letter and wish to make your annual donation, please visit the DOVFD website at [www.dovfd.org](http://www.dovfd.org) (<http://www.dovfd.org/>) to find contact information. The DOVFD is on call 24/7 and the members are 100% unpaid volunteers. Your annual donation goes to purchase firefighter protective clothing, tools and other life-saving equipment. Please send in your annual donations and thank you on behalf of the DOVFD.

### Veterans Day

Veterans Day is Wednesday, November 11<sup>th</sup> and on behalf of the Town of Double Oak, we extend our thanks and our prayers to those who are serving and have served their country. Take a moment on Veterans Day to remember these Great Americans. God Bless the United States of America and our Veterans.

### Double Oak Women's Club News: Annual Auction

Donations of arts and crafts (handmade or purchased), decorator items, gift certificates, tickets to sporting events or theaters, specialty baked goods, etc. are needed to make event successful. Please put this FUN event on your calendars NOW so you don't forget. It's open to the public and all proceeds go directly to the Volunteer Fire Department so they can have the best equipment and training needed to serve our town and neighboring communities. Plan to bring a friend, and don't miss this special evening of fun and fundraising for a wonderful cause!

### Town Christmas Tree Lighting Ceremony

This year's tree lighting will take place on Tuesday, December 1, at 6 p.m. in the JB Wright Park next to town hall. Residents are encouraged to attend and our neighbors from adjoining communities are invited to join us. A "Special Guest" usually shows up to kick off the Christmas season and visit with the children.

Santa rides around town with the Double Oak Volunteer Fire Department on Sunday, December 6. Watch for signs and check the town and DOVFD websites for more information at [www.double-oak.com](http://www.double-oak.com) (<http://www.double-oak.com>) and [www.dovfd.org](http://www.dovfd.org) (<http://www.dovfd.org>).

### TCEQ Ms5 Year 7-Annual Report Public Education Publication

### Yard Maintenance

How do you dispose of your yard waste? Do you bag it, mulch, compost, or blow it into the street? Blowing grass clippings and leaves into the street or ditches are one of the causes of clogged storm drains which leads to flooding. If the flooding gets severe enough, more damage can occur to your yard or adjacent properties. Part of the Town's maintenance duties is to clean the storm drains, which is paid for by your tax dollars. Bagging grass clippings can increase the volume disposed to your local landfills and increase cost for collection. You and your community can help make a difference by mulching your yard waste and leaving it in your yard. Mulching the grass and leaves in your yard, not only helps the Town put your tax dollars to other good uses such as fixing the roads but it also helps your own yard. Mulched grass clippings and leaves are a natural resource that can be beneficial by putting the nutrients back into the soil. Another option is to compost your yard waste back into the yard.

Some good housekeeping ideas are:

- Mulch grass and leaves to keep nutrients on your lawn.
- Compost grass clippings and leaves and use in your landscape.
- Blowing grass clippings back to the yard.
- Keep the storm grates clean adjacent to your property to prevent flooding.

If you use a lawn service, inform them on the proper ways of disposing the yard waste. You can help reduce the Town's maintenance cost and help the environment by taking of your yard waste properly.

#### Swimming Pool Maintenance

Swimming pool maintenance is an important factor in keeping the Town environmentally safe. The primary concern when dealing with swimming pools is proper care of chlorin chloramines which are used as disinfectants. This contaminated water can discharge into the Town's storm drain system and be harmful to the local wildlife. Procedures to follow to ensure proper maintenance are listed below:

- Manage the pH and water hardness to reduce the corrosion of copper pipes.
- Rinse the cartridge filters onto a dirty area, and shovel any residue into the soil.
- Provide a pan or bucket beneath drain pipes to catch any leaks if necessary.
- Conduct regular pool maintenance to control proper chlorine levels and to prevent the growth of algae.
- Algicides like copper or silver can interrupt normal algal and plant growth and should not be used.
- Dechlorinate the water before draining to the roadside ditch or storm system.
- Pool water must sit for at least two days after the addition of chlorine or bromine or until levels of pollutants are below 0.1 mg/l.
- The pH of discharged water must be between 6.5 and 8.5 before being discharged.
- Discharge of swimming pool water should be done over some type of land surface so that some level of filtration by soil particles can occur.

**The Double Oak Police Department is pleased to offer a house watch service program for residents when you are traveling out of town. The House Watch form is located on the Double Oak website Police Department tab on the front page.**

**On behalf of the Double Oak Town Council and all Town Employees,  
Thank you Veterans, Happy Thanksgiving and Safe Travels!**



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# Double Oak

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- No categories

[Home](#) » Public Works

## Public Works

Double Oak Public Works Director Charlie Wright wants to welcome you to Double Oak.



### Forms

- [Code Enforcement Complaint Form](#)
- [Building Permit Application](#)

### Useful Information

- [TCEQ Oil-Recycling](#)
- [TCEQ WaterQuality Brochure](#)
- [TCEQ Green GuideYardCare](#)
- [TCEQ HowtoPrepareSWPPP](#)

- [PosterforConstructionBMP](#)

Please use our [City Staff Contact Form](#) to email Mr. Wright.

## STORMWATER

The Texas Commission on Environmental Quality “TCEQ” issued TPDES General Permit Number TXR040000, requiring small Municipal Separate Storm Sewer System “MS4s” to apply for authorization to discharge stormwater to surface waters in the State of Texas, defined as Waters of the United States. This new General Permit is issued pursuant to Section 26.040 of the Texas Water Code and Section 402 of the Clean Water Act.

Double Oak meets the definition of a small MS4, as defined in the permit document and must therefore make application to the TCEQ for authorization to discharge stormwater to surface waters in the state. Application for coverage under this permit includes the submittal of a Notice of Intent (NOI) form and preparation of a Storm Water Management Program (SWMP). The permit provides coverage for a five-year period, and requires an annual update and status report submittal to TCEQ. A copy of Double Oak’s SWMP is available to view online or you may request at copy from the Town offices.

The SWMP provides a listing and description of Best Management Practices (BMPs) developed to prevent pollution in the stormwater to the Maximum Extent Practicable (MEP). BMPs have been developed for the following six Minimum Control Measures (MCMs):

- Public Education and Outreach on Stormwater Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management in New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

Each MCM contains an appropriate number and type of BMP to satisfy the permit requirements to the MEP. The permit regulations state that existing programs or BMPs may be used to satisfy the requirements of this SWMP. BMPs must include a schedule of implementation during the five-year permit period and a determination of measurable goals to evaluate the effectiveness of the BMP. A description of how each measurable goal will be evaluated must also be provided.

It was the intent of TCEQ to provide a General Permit for small MS4s with enough flexibility to create a stormwater program to meet the unique individual needs of smaller systems. The program is to be developed by Double Oak such that it effectively reduces pollutants to the receiving waters of the United States.

Double Oak welcomes input and/or comments relative to this SWMP. Please forward comments to Charlie Wright or call 972-539-9464.

Below is a link to the Stormwater Management Program and year 1 Annual Report

- [Storm Water Management Program](#)
- [Double Oak\\_MS4 Annual Report\\_Year1](#)

Below are public education materials for Stormwater Quality

- [Storm Water Public Education Presentation-2015](#)

### West Nile Virus (WNV)

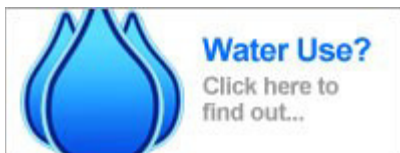


Double Oak is providing 2 free Mosquito Dunks per household.

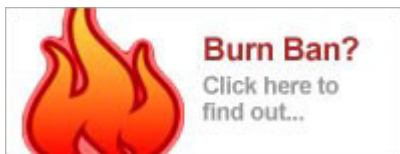
A resident volunteer has offered to advise pond owners within the town on best pond management practices.

If you own a pond in town and are interested in adding Mosquito Fish, please contact town hall and staff will forward your contact information to the resident volunteer.

### Water Use



### Burn Ban



### Event Calendar



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## Illicit Discharge Detailed Report

Report ID:		Date:	
Name:			
Address			
City:		State:	Zip
Phone:		Cell Phone:	Fax:
Community:		Watershed	
Subwatershed:		Receiving Stream:	
Latitude:		Longitude:	
GIS Latitude		GIS Longitude	
X:		Y:	
Resolve Date:			
Discharge Description:			
Corrective Actions:			
Conversation:			
Investigator 1:			
Investigator 2: (if applicable)			
Warning Citation Issued			
Citation Issued			
Citation Number: (if applicable)			
Signature(s)			
Additional Notes:			
Resolved:			
Files:			
Photo Locations:			

## Construction Site inspection Detailed Report

Construction Site ID:		Construction Site:	
Site Address:		Owner:	
Inspection Date:		Inspector	
Site is Active:		Tracking Controls	
Site is Permitted:		Waste Management:	
SWPPP is On-site		Outfall Velocity Controls:	
Records Acceptable:		Maintenance Acceptable:	
Erosion Control Acceptable:		Non-Stormwater Controls:	
Stabilization Controls Acceptable:		Local Controls Acceptable:	
Structure Controls Acceptable:		Return Inspection Needed:	
Conversation:			
Date Resolved:			
Corrective Actions:			
What type of inspection is being conducted today			
Time of Inspection			
SWPPP Inspected			
1. If a construction Site Notice (CSN) is required, is it properly signed and posted?			
2. Are the approved ESCs installed and maintained in accordance with the design specifications?			
3. Are streets and other paved areas as clean as possible?			

**Construction Site inspection Detailed Report**  
**(Continued)**

4. Have all disturbed, but currently inactive, areas been stabilized in accordance with applicable requirements?	
5. Have appropriated pollutions prevention measures been implemented?	
6. Is waste concrete being properly disposed?	
7. Are there any prohibited discharges?	
8. Is the site in compliance with effluent limitations applicable to all construction sites?	
9. Are inspections conducted according to SWPPP schedule?	
10. Have corrective actions been documented in the SWPPP for all identified non-compliances?	
11. Are inspection reports signed by an authorized representative?	
12. Overall assessment of this inspection	

Signature: \_\_\_\_\_

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

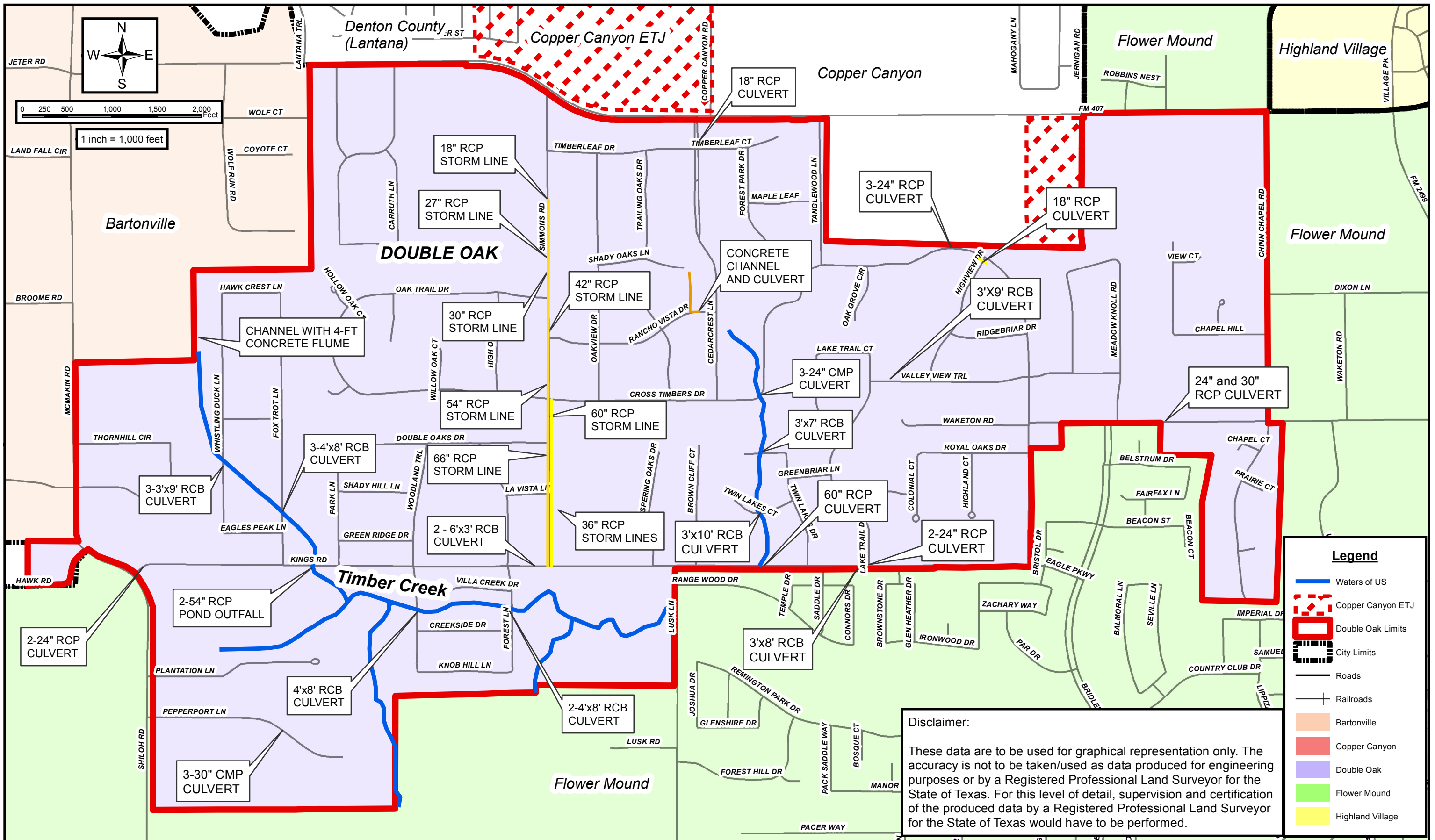
Date: \_\_\_\_\_

Files: \_\_\_\_\_

\_\_\_\_\_

Photo Locations: \_\_\_\_\_

\_\_\_\_\_



1001 Cross Timbers, Ste 2020  
 Flower Mound, Texas 75028  
 Main: 972-956-0801  
 Fax: 972-956-0842

## TOWN OF DOUBLE OAK WATERS OF US

### Year 2 Annual Report



320 Waketon Road  
 Double Oak, TX 75077  
 Phone: (972) 539-9464

## BMP 2.4

STATE OF TEXAS  
COUNTY OF DENTON  
TOWN OF DOUBLE OAK

The Double Oak Town Council met in regular session at 7:00 p.m. October 19, 2015 at the Double Oak Town Hall, located at 320 Waketon Road with the following members present

Mike Donnelly	Mayor
John Dondrea	Deputy Mayor Pro-Tem
Steve Durbin	Council Member
Ara Minassian	Council Member
Ted Gruenloh	Council Member

Anita Nelson, Mayor Pro-Tem was absent. Police Chief Derrick Watson, Director of Public Works Charlie Wright, and Assistant Town Secretary Eileen Kennedy were also present.

Mayor Donnelly called the meeting to order at 7:06 p.m.

Council Member Durbin gave the invocation.

Deputy Mayor Pro-Tem Dondrea led the pledge of allegiance to the American and Texas flags.

### II. CONSENT AGENDA:

1. CONSIDERATION AND ACTION ON THE MINUTES OF SEPTEMBER 8, 2015
2. CONSIDERATION AND ACTION ON AN INTERLOCAL AGREEMENT WITH THE TOWN OF FLOWER MOUND FOR WARRANT SERVICES FOR THE TOWN OF DOUBLE OAK, TEXAS
3. CONSIDERATION AND ACTION ON AN INTERLOCAL AGREEMENT WITH THE TOWN OF FLOWER MOUND FOR HOLDING FACILITY SERVICES FOR THE TOWN OF DOUBLE OAK, TEXAS

Dondrea motion, Durbin second to approve all items of the Consent Agenda.

AYE: Dondrea, Durbin, Minassian, Gruenloh  
NAY: None

MOTION CARRIED UNANIMOUSLY

III. CITIZENS COMMENTS

No citizens came forward.

IV. MAYOR, COUNCIL MEMBERS AND STAFF REPORTS

4. Mayor and Council reports

Steve Durbin reported that he and Assistant Town Secretary, Eileen Kennedy, met with Michelle French, Tax Assessor-Collector regarding how Double Oak's ad valorem taxes and exemptions are calculated. The meeting was very informative and helpful.

Dr. Minassian stated that TxDOT is to mow and pick up trash along 407 by the Estates of Double Oak by October 27<sup>th</sup>.

5. Public Works and Code Enforcement reports

Director of Public Works Charlie Wright reported that 4 ½ roads had crack sealing completed with 4 ½ to go. Highview was done and seal coating on Ridgebriar would be done after next week. Mr. Wright also reported that 30 street signs had been replaced and installed and tree trimming along Kings would start this week.

6. Administration

No reports were given

7. Public Safety

Lt. Ruben Rivas was available to answer any questions regarding the third quarter staff report.

8. Investment Committee Report

The unaudited Investment Inventory Report at fiscal year-end September 30, 2015 was handed out. \* A copy is attached and made a part of these minutes.

IV. NEW BUSINESS AGENDA (CONSIDERATION AND ACTION):

9. DISCUSSION, CONSIDERATION AND ACTION ON PRESENTATION ON MS-5 STORM WATER PROGRAM

James Gaertner, Halff & Associates, discussed "What Not To Do" that was included in the agenda packet. He also stated that they would be sending the narrative to be published on the website under Public Works. The Mayor suggested the information might need to be sent to the HOA's.

10. DISCUSSION, CONSIDERATION AND ACTION ON WASTE MANAGEMENT RATE DECREASE BASED ON CONSUMER PRICE INDEX AND ALL MATTERS RELATED TO CONTRACT AGREEMENT AND SERVICES TO TOWN CUSTOMERS

Doug Sims, Manager-Public Sector Services and Lance Butler, Sr. District Manager with Waste Management announced Double Oak residents will receive a 2.2% rate decrease with the next quarterly billing. This decrease resulted in about a 40 cent savings for each customer.

Councilman Durbin asked if Waste Management had thought about moving to natural gas for their vehicles. Mr. Sims said that every truck they buy now is a CNG truck based on availability.

Gary Garrett, 120 Trailing Oaks Dr., asked that Waste Management be more proactive when their trucks are down with the potential of misses on Friday's. Mr. Butler said they do try to be proactive where possible. He said that all their managers are to communicate with town personnel prior to 5:00 p.m. if there are problems with pickups. He indicated that he was not aware that Town Hall closes at 4:00 p.m. so he would like to have an updated list of contact people. He would inform his supervisor's to contact Town Hall by 3:30 p.m. if there is a potential for problems in trash pickup.

Mr. Butler talked about bulk and brush pick-ups on the third Friday of each month and the two extra bags on regular pickup Friday's. He mentioned Waste Management had made some concessions to the contract. Waste Management would pick-up up to 15 bags on normal weeks and up to 30 bags on the third week. He asked that customers call to let them know they have more than the 15 bags so arrangements can be made for the extra trash. He said that realistically you could put out up to 75 bags a month but only 30 on the third Friday. Mr. Butler stated that since this had not been communicated properly a Memo of Understanding needed to be executed stating as such for the future. Mr. Butler said Waste Management has reporting they can provide to the Town quarterly, semi-annually, or annually showing who is participating in what program and how much is being re-cycled.

11. DISCUSSION, CONSIDERATION AND ACTION ON AUTHORIZATION TO PURCHASE OFFICER CAMERAS IN THE AMOUNT OF \$5999

Motion Minassian, Dondrea second to approve the purchase officer cameras in an amount not to exceed \$6,000.

AYE: Durbin, Minassian, Dondrea, Gruenloh  
NAY: None

MOTION CARRIED UNANIMOUSLY



12. DISCUSSION, CONSIDERATION AND ACTION ON CHANGES TO EMPLOYEE INSURANCE EFFECTIVE 12/01/15

Rodney Dryden, Wellsprings Insurance, distributed comparisons of the current ACA plan, the renewal and other similar plans. \*These are attached and made a part of the minutes.

After much discussion regarding renewing the current insurance plan and similar plans, the general consensus was for Mr. Dryden to gather more information and bring back to the council at the November 2<sup>nd</sup> council meeting.

13. DISCUSSION, CONSIDERATION AND ACTION ON THE TOWN OF DOUBLE OAK'S PARTICIPATION IN THE TxDOT GREEN RIBBON FUND GRANT PROGRAM AND/OR LANDSCAPING AND IRRIGATION ALONG FM-407 AT DOUBLE OAK

No action taken

14. DISCUSSION, CONSIDERATION AND ACTION ON HOUSE BILL 157-LOCAL SALES TAX BILL AND OPTIONS FOR CALLING AN ELECTION IN MAY, 2016

No action taken

15. CITIZENS COMMENTS

None

16. COUNCIL – STAFF ANNOUNCEMENTS AND COMMENTS:

The Mayor commented on the upcoming Double Oak Women's Club Halloween Fun Fest, Saturday, October 24<sup>th</sup> from 2:00p until 5:00p at Town Hall Park

17. ADJOURNMENT

Durbin motion, Gruenloh second to adjourn the meeting. All in favor to the adjourn meeting at 8:51 p.m.

*Eileen Kennedy*  
Assistant Town Secretary

*Mike Donnelly*  
Mayor

# Stormwater Education

Are We Keeping the Water Clean?



Presented by James Gaertner, P.E., C.F.M.

## Grass Clippings (What Not to Do)



Grass Clippings should not be blown into the street since it will be drain into the storm system and cause the following issues:

1. Clogs storm lines and inlets

## Grass Clippings (What Not to Do)



Grass Clippings should not be blown into the street since it will be drain into the storm system and cause the following issues:

1. Clogs storm lines and inlets

## Grass Clippings (What Not to Do)



Grass Clippings should not be blown into the street since it will be drain into the storm system and cause the following issues:

1. Clogs storm lines and inlets
2. Increase the nutrients in the creeks and lakes water
3. Nutrients will increase algae in lakes and kill aquatic life



# Inlets



If you see an inlet that has debris or is clogged, don't wait for someone else to clean it

Go Clean that Inlet

Inlets need to flow freely to reduce flooding



# Grass Clippings



Grass Clippings should:

1. Sweep or Blow the grass clippings back over the grass to act as a lawn fertilizer.
2. Mulched in the lawn
3. Composted

# Fertilizing



Fertilizing:

1. Follow the manufacturer's recommendation for fertilizing.
2. Don't Fertilize if there is rain forecasted within 24 hours
3. Over fertilizing and fertilizing just before a rain event will drain into the storm system and creeks causing the algae to grow and killing aquatic life.

Also is just a waste of money



# Swimming Pools



Draining Swimming pools into the storm system is a source of pollutants into the Town's storm system.

In example, Chlorine will kill aquatic life and Backwash will drain debris into the town storm system.

# Swimming Pools



To Reduce Pollutants into the Town's Storm System:

1. Swimming water to be dechlorinated before it discharges into the town's storm system or ditches.
2. Drain the backwash in an area that the debris can be collected and disposed properly.

# Illicit Discharge or Illicit Connections



If you see an illicit discharge contact the Town Hall immediately.

Illicit Discharge includes:

- Discharge of mechanical fluid or chemicals in the storm system, ditches, creeks



# Illicit Discharge or Illicit Connections



If you see an illicit discharge contact the Town Hall immediately.

Illicit Discharge includes:

- Discharge of mechanical fluid or chemicals in the storm system, ditches, creeks
- Swimming Pool backwash and chlorinated water
- Washing Machine effluent
- Sanitary Sewer connection to Storm system
- Private storm connections to Town's storm system

# Illicit Discharge or Illicit Connections



If you see an illicit discharge contact the Town Hall immediately.

Illicit Discharge includes:

- Discharge of mechanical fluid or chemicals in the storm system, ditches, creeks
- Swimming Pool backwash and chlorinated water
- Washing Machine effluent
- Sanitary Sewer connection to Storm system
- Private storm connections to Town's storm system
- Silted Water from Construction Activities

## Illicit Discharge - Call Town Hall



# Questions?



CHAPTER 13 UTILITIES
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**ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM**

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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**Sec. 13.601 Compliance with Other Authority**

(a) Compliance with Federal Authority. The town shall comply with, enforce and adopt all applicable federal regulations pertaining to stormwater discharges from regulated small MS4s. All persons within the jurisdiction of this article shall comply with all applicable federal laws including the Clean Water Act (33 United States Code §1251 et. seq.) and the National Pollutant Discharge Elimination System (NPDES) regulations, as they now exist or as hereafter amended.

(b) Compliance with State Authority. The town shall comply with, enforce and adopt all applicable sections of Chapter 26 of the Texas Water Code as it now exists or as hereafter amended. The town shall comply with all applicable Texas Pollutant Discharge Elimination System (TPDES) permits and requirements or any state permit, issued hereafter, for stormwater discharges from its MS4. All persons within the jurisdiction of this article shall comply with all applicable state laws including the Texas Water Code and the Texas Pollutant Discharge Elimination System (TPDES) regulations as they now exist or as hereafter amended.

(c) Right of Revision. The town reserves the right to revise and to establish, by ordinance, more stringent standards or requirements on pollution prevention and discharges into, or adjacent to, water in the state.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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**Sec. 13.602 Objectives**

The objectives of this article are as follows:

- (1) To maintain and improve the quality of surface water within the town;
- (2) To prevent or reduce the discharge of contaminated stormwater runoff from construction, industrial, and residential sites into the municipal separate storm sewer system (MS4) and surface waters within the town;
- (3) To promote public awareness of the hazards involved on the improper or illegal discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the natural inlets of the town;



- (4) To promote recycling of used motor oil, and safe disposal of other hazardous consumer products or waste byproducts;
- (5) To facilitate compliance with federal and state rules and regulations by owners and operators of construction sites and commercial and industrial facilities within the town;
- (6) To enable the town to comply with all federal and state laws and regulations applicable to stormwater discharges;
- (7) To establish legal authority to carry out all inspections, surveillance monitoring, and enforcement procedures necessary to ensure compliance with applicable permits.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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### **Sec. 13.603 Definitions**

The following definitions shall apply in the interpretation and enforcement of this article:

Administration. The director of public works and the director's authorized representatives are authorized to administer, implement, and enforce the provisions of this article.

Agricultural Stormwater Runoff. Any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR §122.23 or discharges from concentrated aquatic production facilities as defined in 40 CFR §122.24.

Best Management Practice or BMP. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent the pollution of the MS4 and waters in the state. Best management practices also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas.

Cellar Dirt. Construction site waste materials, such as natural rock and soil overburden.

Clean Water Act or CWA. The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972; legislation which provides statutory authority for the National Pollutant Discharge Elimination System program.

Code of Federal Regulations or CFR. A codification of the general and permanent rules published in the federal register by the executive department and agencies of the federal government.

Commencement of Construction. The initial disturbance of soils associated with clearing, grading or excavation activities, as well as other construction-related activities (e.g. stockpiling of fill material, demolition).

Commercial. Pertaining to any business, trade, industry or other activity engaged in for profit.

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. A common plan of development does not necessarily include all construction projects with the jurisdiction of a public entity (e.g., a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate common plans with only the interconnected parts of a project being considered part of a common plan (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale but are located one-quarter (1/4) mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline, or utility project that is part of the same common plan is not included in the area to be disturbed.

Construction Activity. Construction activities including clearing, grading, and excavation that are subject to TPDES general construction permits. It 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 stormwater conveyance. Additionally, it does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities.

Construction Permit. The TPDES construction general permit TXR150000, any successor permit, or any alternative TPDES permit for stormwater discharges associated with construction activity (if the activity does not qualify for coverage under general permit TXR150000) or the NPDES permit for oil and gas exploration activities.

Construction Site Operator or Operator. The person or persons associated with a small or large construction activity that meets either of the following criteria:

- (1) Primary Operator. The person or persons associated with a large or small construction activity that meets either of the following two criteria:
  - (A) The person or persons that have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; 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 (e.g. they have day-to-day responsibility for directing workers at a construction site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).
- (2) Secondary Operator. The person whose operational control is limited to the employment of other operators or to the ability to approve or disapprove changes to plans and specifications. A secondary operator is also defined as a primary operator and shall comply with the permit requirements for primary operators if there are no other operators at the construction site.

Any person(s) contracted by the town to conduct the day-to-day operational activities at a site of municipal construction activity shall be considered a primary operator for the purposes of this article.

Contamination. The presence of or entry into a public water supply system, the MS4 or water in the state, any substance which may be detrimental to the public health and/or the quality of water.

Contractor. For the purposes of this article, the contractor is 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 local pollution prevention requirements, although they do not qualify as an operator under the construction permit.

Control Authority. The director of public works of the town (or other official designated by the town), or his duly authorized agent or representative. For the purposes of this article, control authority shall be synonymous with MS4 operator.

Conveyance. Curbs, gutters, manmade channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport stormwater runoff.

Discharge. Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4), surface water in the state, or into the waters of the United States. This includes but not limited to, household hazardous waste, used motor vehicle fluids, and collected quantities of grass clippings, leaf litter, and animal waste.

Domestic Sewage. Waterborne human waste and waste from domestic activities, including the use of toilet facilities, washing, bathing, and food preparation.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or any duly authorized official of said agency.

Erosion. The process of land being diminished or worn away due to wind, water, or glacial ice. Erosion occurs naturally, but can be intensified by land-disturbing activities such as development, farming, road building, timber harvesting, etc.

Facility. Any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.

Fertilizer. A solid or nonsolid substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

Final Stabilization. A construction site status where any of the following conditions are met:

- (1) All soil disturbing activities at the construction site have been completed and a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as riprap or gabions) have been employed;

(2) For individual lots in a residential construction site, the homebuilder has completed final stabilization on the individual lot(s) as specified in condition (1) above;

(3) For construction activities on land used for agricultural purposes (e.g. pipelines across crop or rangeland), 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 surface water and areas, which are not being returned to their preconstruction agricultural use, shall meet the final stabilization conditions of condition (1) above.

Fire Protection Water. Any water, and any substances or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

Groundwater Infiltration. Groundwater that enters a storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Harmful Quantity. The amount of any substance that will cause pollution of water in the state, or that will cause lethal or sub-lethal adverse affects on representative, sensitive aquatic monitoring organisms belonging to the municipality or state, upon their exposure to samples of any discharge into water in the state or the MS4.

Hazardous Substance. Any substance listed in Table 302.4 of 40 CFR Part 302.

Hazardous Waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Herbicide. A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

Household Hazardous Waste or HHW. Any material generated in a household (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR §261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

Illicit Connection. Any manmade 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 authorized under an NPDES or TPDES permit and discharges resulting from emergency firefighting activities.

Industrial Facility Operator or Operator. The owner or person that is responsible for the management of an industrial facility.

Industrial Permit. The TPDES multi-sector general permit TXR050000, any successor permit, or any alternative TPDES permit for stormwater discharges associated with industrial activity (if the activity does not qualify for coverage under general permit TXR050000).

Industrial Waste. Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade or business.

Large Construction Activity. Construction activities including clearing, grading, and excavating that result in land disturbances of equal to or greater than five acres. Large construction activity also includes the disturbance of less than five 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 the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities).

Maximum Extent Practicable or MEP. The technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by CWA §402(p).

Motor Vehicle Fluid. Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.

MS4 Operator. The public entity, and/or the entity contracted by the public entity, responsible for management and operation of the municipal separate storm sewer system.

Municipal Separate Storm Sewer System or MS4. The system of conveyances (including roads with drainage systems, municipal streets, alleys, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the town and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

Municipal Solid Waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

National Pollutant Discharge Elimination System or NPDES. The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing requirements of certain sections of the federal Clean Water Act.

Nonpoint Source. Any source of any discharge of a pollutant that is not a point source.

Notice of Change or NOC. A written submission to the executive director of the permitting authority, from a permittee, identifying any incorrect information, changes in information, or relevant facts that were not provided in the notice of intent.

Notice of Intent or NOI. A written submission to the executive director of the permitting authority, from an applicant, requesting coverage under a general permit.

Notice of Termination or NOT. A written submission to the executive director of the permitting authority, from a permittee authorized under a general permit, requesting termination of coverage under such permit.

NPDES Permit. A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general basis. In the State of Texas, the EPA retains authority for permitting oil and gas exploration activities and Indian Country land.

*Oil.* Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

*Outfall.* A point source at the point where a municipal separate storm sewer discharges to water in the state 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.

*Owner.* For the purposes of this article, the owner is the person or persons that have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, although they do not qualify as an operator under the construction permit.

*Permit.* Either an NPDES or TPDES permit, whichever is applicable.

*Permittee.* An operator authorized under an NPDES or TPDES permit.

*Permitting Authority.* For the purposes of this article, the permitting authority for stormwater discharges is the state commission on environmental quality, or any successor agency.

*Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

*Pesticide.* A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (as these terms are defined in Section 76.001 of the Texas Agriculture Code).

*Point Source.* (From 40 CFR §122.22) Any discernable, 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.* Dredged spoil, solid waste, incinerator residue, garbage, sewage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term pollutant does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.

*Pollution.* (From Texas Water Code §26.001(14)) The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

*Release.* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or water in the state.

Riparian. Any area relating to or located on the bank of a natural watercourse.

Runoff. Drainage or flood discharge that leaves an area as surface flow or as pipeline flow.

Sanitary Sewer. The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).

Sediment. Soil, sand, and minerals washed from land into water, usually after rain.

Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, outfalls, or storm drains), designed or used for collecting or conveying stormwater; which is not a combined sewer, and which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR §122.2.

Septic tank waste. Any domestic sewage removed from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage (or sanitary sewage). The domestic sewage and industrial waste that is discharged into the town sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

Shall. Wherever used in this article will be interpreted in its mandatory sense; may is permissive.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Small Construction Activity. Construction activities including clearing, grading, and excavating that result in land disturbances of equal to or greater than one acre and less than five acres of land. Small construction activity also includes the disturbance of less than one 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 and less than five 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 the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities).

State. The State of Texas.

Storm Drain. An opening leading to an underground pipe or an open ditch for carrying surface runoff.

Stormwater. Any flow occurring during or after any form of natural precipitation, including rainfall runoff, snowmelt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity. Stormwater runoff from a construction activity where soil disturbing activities (including clearing, grading, and excavating) result in the disturbance of one or more acres of total land area, or are part of a larger common plan of development or sale that will ultimately result in the disturbance of one or more acres of total land area.

*Stormwater Associated with Industrial Activity.* Stormwater runoff that exits any system that is used for collecting and conveying stormwater that originates from manufacturing, processing, material storage, and waste material disposal areas (and similar areas where stormwater can contact industrial pollutants related to the industrial activity) at an industrial facility described by one or more sectors of the TPDES multi-sector general permit.

*Stormwater Pollution Prevention Plan or SWPPP.* A plan required by a permit to discharge stormwater associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

*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, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, sediment traps, check dams, stabilized construction entrances, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

*Temporary Stabilization.* A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, perimeter controls, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place.

*Texas Commission on Environmental Quality or TCEQ.* The state commission on environmental quality, any duly authorized official of said agency, or any successor agency.

*Texas Pollutant Discharge Elimination System or TPDES.* The state program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing requirements of certain sections of the Federal Clean Water Act.

*Town.* The Town of Double Oak, Texas, or any authorized person acting in its behalf.

*TPDES Permit.* A permit issued by the state that authorizes discharges of pollutants to water in the state and waters of the United States, whether the permit is applicable on an individual, group or general basis.

*Uncontaminated.* Not containing a harmful quantity of any pollutant.

*Used Oil (or Used Motor Oil).* Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with state and federal law.

*Water in the State.* Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.



Water Quality Standard. The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses, as specified in Title 30, Chapter 307 of the Texas Administrative Code.

Waters of the United States. 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; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of “waters of the United States” at 40 CFR §122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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### **Sec. 13.604 Discharge Prohibitions**

- (a) No person shall introduce or cause to be introduced, into the MS4, any discharge that is not composed entirely of stormwater, except those discharges listed in allowable nonstormwater discharges below.
- (b) No person shall discharge or cause to be discharged, into the MS4, any harmful quantity of any substance, as determined by the control authority.
- (c) No person shall introduce or cause to be introduced, into the MS4, any harmful quantity of sediment, silt, earth, soil or other material associated with clearing, grading, excavation, or any other construction activities, in excess of what could be retained on-site or captured by employing erosion and sediment control measures to the maximum extent practicable.
- (d) No person shall use, store, or dispose of any harmful quantity of any substance in any manner that introduces that substance into the MS4 or the environment.
- (e) No person shall discharge waste concrete into or adjacent to the MS4 or water in the state.
- (f) No person shall intentionally dispose of yard wastes, such as grass clippings, leaves and tree branches into the MS4 or water in the state.

(g) No person shall introduce or cause to be introduced, into the MS4, any discharge that causes the town to violate its TPDES permit for stormwater discharges associated with small MS4s or any other discharge permit for discharges from its MS4.

(h) No person shall release or cause, allow, or permit to be introduced any of the following substances into the MS4 nor onto or into the ground or air such that the substance may enter the air or groundwater:

- (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
- (2) Any industrial waste;
- (3) Any hazardous waste, including hazardous household waste;
- (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
- (5) Any wastewater from a commercial carwash facility; from any commercial vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility;
- (6) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior where the wastewater contains any harmful cleaning substance;
- (7) Any wastewater from commercial floor, rug, or carpet cleaning;
- (8) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of any cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
- (9) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
- (10) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
- (11) Any filter backwash from a swimming pool, fountain, or spa;
- (12) Any swimming pool or spa water;
- (13) Any discharge from water line disinfection by super-chlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
- (14) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (15) Any contaminated runoff from a vehicle wrecking or storage yard;

- (16) Any substance or material that will damage, block, or clog the MS4;
- (17) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge complies with all state and federal standards and requirements.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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**Sec. 13.605 Allowable Nonstormwater Discharges**

(a) The following nonstormwater discharges are not prohibited and may be discharged to the MS4, provided that subsection (b) below does not apply:

- (1) A discharge authorized by, and in full compliance with, a TPDES or NPDES permit;
- (2) Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (3) Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing uncontaminated sources of potable water, groundwater, or surface water;
- (4) Uncontaminated discharges from a potable water source;
- (5) Uncontaminated diverted stream flows;
- (6) Uncontaminated rising groundwaters and springs;
- (7) Uncontaminated groundwater infiltration;
- (8) Uncontaminated pumped groundwater;
- (9) An uncontaminated discharge from a foundation drain or a footing drain;
- (10) Uncontaminated air-conditioning condensate;
- (11) Uncontaminated water from a crawl space pump;
- (12) A discharge from individual residential vehicle washing;
- (13) Uncontaminated flows from a riparian habitat or wetland;
- (14) Dechlorinated swimming pool discharges;
- (15) A discharge from a temporary carwash sponsored by a civic group, school, religious, or nonprofit organization, where only soap and water are used;

(16) Street wash water that does not contain any detergent, soap, degreaser, or any other harmful cleaning substance;

(17) A discharge or flow from vehicle, exterior building and pavement wash water, from construction sites, where detergents, soaps, degreasers and other harmful cleaning substances are not used and where spills of hazardous substances have not occurred (unless spilled materials have been removed; and if local, state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, and dust;

(18) Uncontaminated water used to control dust at construction sites;

(19) A discharge or flow from emergency firefighting activities.

(b) The town may, on a case-by-case basis, prohibit any of the above listed allowable nonstormwater discharges in subsection (a) provided:

(1) The discharge or flow in question has been determined by the permitting authority or control authority to be a substantial source of a pollutant or pollutants to water in the state or the MS4; and

(2) Written notice of such determination has been provided to the discharger.

#### ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM

##### **Sec. 13.606 Illicit Connections Prohibited**

No person shall make an illicit connection to the MS4, or allow such a connection to continue.

#### ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM

##### **Sec. 13.607 Unpermitted Discharges Prohibited**

No person shall discharge, or cause to be discharged, stormwater associated with regulated commercial, industrial or construction activities, without first having obtained an NPDES or TPDES permit to do so.

#### ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM

##### **Sec. 13.608 Stormwater Discharges Associated with Construction Activities**

(a) General Requirements and Responsibilities.

- (1) The construction site operator(s) (hereinafter referred to as operator) of large and small construction activities shall comply with all requirements of the construction permit and all other applicable regulations as may be required to ensure compliance with federal, state, and local rules and regulations.
- (2) Any person who is contracted by the town to conduct the day-to-day operational activities at a site of municipal construction activity shall be responsible for providing, completing, submitting, displaying and retaining all documents required by, and in accordance with, the construction permit, and the implementation and maintenance of best management practices required by the construction permit and this article.
- (3) Any owner of a site of construction activity, whether or not that owner is an operator, is jointly and severally responsible for compliance with the requirements in this article.
- (4) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a pollution prevention control measure, including site inspections, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure.
- (5) All operators, owners and contractors of construction activities shall use the North Central Texas Council of Governments (NCTCOG) integrated stormwater management (iSWM) criteria manual for site development and construction as a site development tool to minimize the discharge of pollutants to the MS4.

(b) Stormwater Pollution Prevention Plan.

- (1) Operators of all small and large construction activities shall develop, implement, and maintain (including updates and modifications) a stormwater pollution prevention plan (SWPPP) in accordance with all applicable requirements of the construction permit.
- (2) Any operator who intends to obtain coverage under the construction permit for stormwater discharges from a construction activity shall submit a copy of the completed and signed SWPPP to the control authority in conjunction with any application for a development permit, building permit, or any other town permit or approval necessary to commence or continue construction at the site.
- (3) Upon the control authority review of the SWPPP, the town may withhold approval of any development permit, building permit, or any other town permit or approval necessary to commence or continue construction, if the SWPPP does not comply with the construction permit.
- (4) The SWPPP shall be completed and implemented prior to the commencement of construction activities at the site.
- (5) If the control authority observes upon a construction site inspection that the SWPPP no longer meets the requirements of the construction permit or this article, the operator

will be notified of any deficiencies. The operator shall correct any deficiencies with the SWPPP within seven days of receiving notification.

(6) The SWPPP, with any modifications attached, shall be retained at the construction site from the date of commencement of construction activities until final stabilization has been completed on all disturbed areas or until a new operator assumes control over the construction activity and provides a new SWPPP. For a large construction activity, the SWPPP shall be retained at the construction site until a notice of termination is submitted. If the construction site is inactive or does not have an on-site location to store the SWPPP, the location of the SWPPP shall be described on the construction site notice posted at the site. The SWPPP and any modifications to it shall be made readily available to the control authority, upon request.

(7) The following records shall be maintained and either attached to or referenced in the SWPPP, and made readily available to the control authority upon request:

- (A) The dates when major grading activities occur;
- (B) The dates when construction activities temporarily or permanently cease on a portion of the site;
- (C) The dates when stabilization measures are initiated;
- (D) An up-to-date version of the site map; and
- (E) The dates and descriptions of all pollution prevention deficiencies noted at the site as well as the corrective actions that were taken.

(c) Obtaining Authorization to Discharge Stormwater.

(1) Primary operators of large construction activities, or who are otherwise required by the permitting authority to obtain authorization for stormwater discharges associated with construction activity, shall submit a notice of intent (NOI) to the permitting authority in accordance with the construction permit. A copy of the signed and certified NOI shall be provided to the control authority and any secondary operator in accordance with the construction permit.

Primary and secondary operators shall sign and certify a completed TCEQ construction site notice in accordance with the construction permit. A copy of the construction site notice shall be provided to the control authority in accordance with the construction permit.

All persons meeting the definition of secondary operator are regulated by the construction permit, but are not required to submit an NOI, provided that another operator at the site has submitted an NOI, or is required to submit an NOI and the secondary operator has provided notification to the operator of the need to obtain coverage (with records of notification available upon request).

(2) Primary operators shall post copies of the signed and certified NOI and construction site notice at the construction site in a location where they are safely and readily available for viewing by the general public and the control authority prior to commencement of

construction activities, and shall be maintained at that location until final stabilization has been completed on all disturbed areas, or until a new operator assumes control over the construction activity and applies for permit coverage.

Secondary operators shall post a copy of the signed and certified construction site notice at the construction site in a location where it is safely and readily available for viewing by the general public and the control authority prior to commencement of construction activities, and shall be maintained at that location until final stabilization has been completed on all disturbed areas, or until a new operator assumes control over the construction activity and applies for permit coverage.

(3) If the construction project is of a linear nature (e.g. highway, pipeline, etc.), the notices shall be placed in a publicly accessible location near where construction is actively underway, and shall be relocated, as necessary, along the length of the project. The notice shall be posted in a location where it is safely and readily available for viewing by the general public and the control authority.

(4) Discharges of stormwater runoff from construction support activities, including concrete batch plants, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may not be required to be authorized under a separate construction permit, provided that the activity is conducted in accordance with the construction permit.

(5) If an operator becomes aware that it submitted incorrect information, failed to submit relevant information, or that relevant information submitted in the NOI has changed, the operator shall submit a notice of change (NOC) letter to the permitting authority, and provide a copy of the signed letter to the control authority, within 14 days of discovering such information.

(6) Operators of small construction activities may be automatically authorized under the construction permit, and operators of these construction sites are not required to submit an NOI provided that they:

(A) Develop a stormwater pollution prevention plan in accordance with the provisions of the construction permit;

(B) Sign and certify a completed TCEQ construction site notice;

(C) Post a copy of the signed and certified construction site notice at the construction site in a location where it is safely readily available for viewing by the general public and the control authority, prior to commencement of construction activities, and maintain the notice in that location through the date of final stabilization, or until a new operator assumes control over the construction activity and applies for permit coverage; and

(D) Provide a copy of the signed and certified construction site notice to the control authority in accordance with the requirements of the construction permit.

(7) All notices of intent, notices of termination, notices of change letters, and TCEQ construction site notices shall be signed in accordance with Title 30 §305.44 and §305.128 of the Texas Administrative Code.

(8) Construction activities that do not qualify as a small or large construction activity under the construction permit, shall satisfy all local permitting and approval requirements prior to being authorized to discharge stormwater.

(d) Best Management Practices.

(1) The operator, owner or contractor shall use best management practices to control and reduce the discharge, to the MS4 and water in the state, of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and any other construction activities to the maximum extent practicable. Such best management practices and erosion control measures are detailed in the North Central Texas Council of Governments (NCTCOG) iSWM criteria manual for site development and construction and may include, but are not limited to, the following measures:

(A) Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the construction site are stabilized, in accordance with the requirements of the construction permit, on portions of the construction site where construction activities have temporarily or permanently ceased. Stabilization measures may include, but are not limited to the following:

- (i) Temporary seeding;
- (ii) Permanent seeding;
- (iii) Mulching;
- (iv) Sod stabilization;
- (v) Vegetative buffer strips;
- (vi) Protection of trees; and
- (vii) Preservation of mature vegetation.

Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities temporarily or permanently ceased, and except as provided herein, shall be initiated no more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(B) Where construction activity on a portion of the site is temporarily ceased, and earth-disturbing activities will be resumed within 21 days, temporary stabilization measures are not required.

(C) 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 shall be initiated as soon as practicable.



Where stabilization measures are utilized, erosion and sediment control measures shall remain in place and be maintained until the area of disturbance meets the definition of final stabilization in this article.

- (2) Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the construction site to the extent feasible;
- (3) Minimization of the tracking of sediments off site by vehicles, the generation of dust, and the escape of other wind-blown wastes from the construction site;
- (4) Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or water in the state;
- (5) Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to ensure proper cleanup and disposal of any such spills in compliance with state, federal, and local requirements;
- (6) Implementation of proper waste disposal and waste management techniques, including covering and minimizing ground contact with waste materials;
- (7) Timely maintenance of vegetation, erosion and sediment control measures, and other best management practices in good and effective operating condition; and
- (8) Installation of permanent structural measures during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Such installed structural measures may include, but are not limited to, the following:
  - (A) Stormwater detention structures (including wet ponds);
  - (B) Stormwater retention structures;
  - (C) Flow attenuation by use of open vegetative swales and natural depressions;
  - (D) Other velocity dissipation devices;
  - (E) Infiltration of runoff on site; and
  - (F) Sequential systems, which combine several practices.
- (9) The washing out of concrete trucks at construction sites shall be permitted, provided the following requirements are met:
  - (A) Direct discharge of concrete truck washout water to the MS4 or surface water in the state is prohibited;
  - (B) Concrete truck washout water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to the MS4 or surface water in the state or to areas that have a minimal slope that allow

infiltration and filtering of washout water to prevent direct discharge. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with a slow rate release, or other reasonable measures to prevent runoff from the construction site;

(C) Washout of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck washout water is prohibited at all times and the operator shall ensure that its BMPs are sufficient to prevent the discharge of concrete truck washout water as a result of rain;

(D) The discharge of washout water shall not cause or contribute to groundwater contamination;

(E) If a SWPPP is required to be implemented, the SWPPP shall include concrete washout areas on the associated map.

(10) Vehicular traffic onto and off of the construction site shall be prohibited during rainy conditions or when muddy conditions exist, unless measures are in place that prevent mud from being tracked off site.

(11) All best management practices shall be installed and maintained in accordance with the details and specifications listed in the NCTCOG iSWM criteria manual for site development and construction.

(12) All plans and specifications that are prepared for the construction of site improvements shall illustrate and describe the best management practices that will be implemented at the construction site. The town may withhold any permit or approval necessary to commence or continue construction, if it determines that the best management practices are inadequate or inappropriate for the project. If the town observes upon a construction site inspection that the best management practices described in the plans and specifications are absent or ineffective at controlling or reducing the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, or any other construction activities to the maximum extent practicable, the operator, owner or contractor will be notified, in writing. The operator, owner or contractor shall initiate repairs to deficient best management practices within seven calendar days of receiving notification. If no corrective measures have been initiated within seven calendar days of receiving notification of the deficiencies, the town may escalate enforcement actions including, but not limited to, issuance of a warning citation or citation, revocation or suspension of a development permit or building permit, or withholding issuance of a certificate of occupancy or final acceptance. If existing best management practices require repairs or modifications, or if additional best management practices are necessary, an implementation schedule (including a reasonable completion date) shall be developed and, wherever possible, those changes shall be implemented prior to the next storm event. If implementation before the next anticipated storm event is impracticable, these changes shall be implemented as soon as possible thereafter. If the deficient or absent best management practice is causing or allowing a discharge of a harmful quantity of any substance, as determined by the control authority, the operator, owner or contractor shall implement an interim control measure, or cease the activity associated with the discharge until the corrective action has been completed.

(13) The operator, owner or contractor shall make every reasonable effort to prevent dirt and sediment from accumulating on paved or impervious surfaces and locations where off-site discharge would occur during storm events. If installing structural control measures in these areas is impracticable, alternative measures such as frequent sweeping shall be implemented.

(14) If fuels, oils or other chemicals are used or stored on site, these materials shall be used and stored in such a manner that discharge into the MS4, water in the state or the environment is prevented. In the event of a discharge of these materials, the responsible party shall remove all contamination and restore the area prior to the next storm event or as soon as possible thereafter.

(15) For large and small construction activities, the operator shall be responsible for the design, installation and maintenance of all stormwater pollution prevention practices in accordance with the construction permit. For all other construction activities, the owner or contractor shall be responsible for the design, installation and maintenance of all stormwater pollution prevention practices in accordance with the NCTCOG criteria manual for site development and construction. The operator, owner or contractor shall be responsible for the maintenance of all stormwater pollution prevention practices from the time of commencement of construction activities until final stabilization has been completed on all disturbed areas or until a new operator, owner or contractor has assumed control over the construction activity. For large construction activities, the operator shall retain responsibility until the construction activity qualifies for termination of permit coverage and a notice of termination has been submitted, in addition to any other requirements set forth in this article.

(e) Site inspection and Monitoring Requirements.

(1) Personnel (provided by the operator) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the MS4 or water in the state. Personnel conducting these inspections shall be knowledgeable of the construction permit, familiar with the construction site, and knowledgeable of the SWPPP for the site. Erosion and sediment control measures identified in the SWPPP shall be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking. Inspections shall be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. As an alternative to the above-described inspection schedule, the SWPPP may be developed to require that these inspections will occur at least once every seven calendar days. If this alternative schedule is developed, the inspection shall occur on a specifically defined day (e.g. an inspection occurs every Tuesday), regardless of whether or not there has been a rainfall event since the previous inspection. The specifically defined day, on which the inspections will occur, shall be documented in the SWPPP. The SWPPP shall clearly identify which inspection schedule will be implemented. The inspection may occur on either schedule provided that the SWPPP reflects the current schedule and that any changes in the schedule are conducted in accordance with the requirements of the construction permit. Where construction sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. construction site is covered with snow, ice or frozen ground exists), inspections shall be conducted at least once every

month. In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections shall be conducted as soon as access is practicable.

(2) The SWPPP shall be modified based on the results of inspections, as necessary, to better control pollutants in stormwater runoff. Revisions to the SWPPP shall be completed within seven calendar days following the inspection, or receiving written notification from the control authority. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule shall be described in the SWPPP and, wherever possible, those changes shall be implemented prior to the next storm event. If implementation before the next anticipated storm event is impracticable, these changes shall be implemented as soon as practicable. Any claims that implementation is not practicable before the next storm shall be verified and approved by the control authority.

(3) 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 SWPPP shall be made and retained as part of the SWPPP. Major observations should include:

- (A) The locations of discharges of sediment or other pollutants from the construction site;
- (B) Locations of BMPs that need to be maintained;
- (C) Locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and
- (D) Locations where additional BMPs are needed.

Actions taken as a result of inspections shall be described within, and retained as part of the SWPPP. Reports shall identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the construction site is in compliance with the SWPPP and the construction permit. The operator shall store the inspection reports with the SWPPP and make those reports available for on-site review within seven days from the date that the inspection was conducted. All inspection reports which are not included in the SWPPP, and which are greater than seven days old, shall be made available on site within 24 hours of request by the control authority.

(4) All discharges of stormwater runoff from concrete batch plants that qualify for coverage, and that are authorized to discharge stormwater under the provisions of the construction permit, shall be monitored for compliance with benchmark values in accordance with such permit. Results of monitoring for determining compliance with benchmark values shall be recorded and, where applicable, reported to the permitting authority in accordance with the construction permit. The operator shall make records of discharge monitoring readily available to the control authority, upon request.

(5) It shall be the responsibility of the operator, owner or contractor to clean any spills or discharges of fuel, oil or any other chemicals used or stored at the construction site. If any harmful quantity of fuels, oils or other chemicals is spilled or discharged, the operator,

owner or contractor shall provide documentation indicating that the area has been cleaned and restored in accordance with state and federal rules and regulations.

(f) Terminating Authorization to Discharge Stormwater. Operators who have submitted an NOI shall terminate authorization for discharges associated with construction activity by submitting a notice of termination (NOT) in accordance with the requirements of the construction permit. The NOT shall be submitted to the permitting authority, and a copy of the signed and certified NOT provided to the control authority within 30 days after:

(1) Final stabilization has been achieved on all portions of the construction site that are the responsibility of the operator; or

(2) Another permitted operator has assumed control over all areas of the construction site that have not been finally stabilized; and

(3) All silt fences and other temporary erosion controls have been removed, scheduled for removal as defined in the SWPPP, or transferred to a new operator, if the new operator has sought permit coverage. Operators are not required to remove, or schedule the removal of, erosion controls, which are designed to remain in place for an indefinite period, such as mulches and erosion mats. Operators of small construction activities shall also meet the requirements listed in subsections (1)–(3), above in order to consider their automatic permit coverage to be terminated. Notification of the termination of automatic permit coverage shall be made to the control authority in accordance with the requirements of the construction permit.

Operators of large and small construction activities shall remove the NOI and/or construction site notice immediately following termination of permit coverage.

(g) Final Acceptance and Certificate of Occupancy. The public works department shall not recommend that small or large construction activities be approved for final acceptance unless those construction activities are in compliance with this article. If the operator seeking final acceptance will not be associated with any further construction activity after final acceptance is granted, the construction activity shall also meet the requirements necessary to qualify for termination of permit coverage. A final certificate of occupancy shall not be recommended until final stabilization has been achieved on all disturbed areas, all potential pollutants associated with the construction activity have been removed, and the construction activity meets any additional requirements necessary to qualify for termination of permit coverage. A final certificate of occupancy may be granted prior to meeting the above conditions, on a case-by-case basis, provided that the signatory authority certifies in writing that the construction activity will maintain compliance with the construction permit and/or this article until the construction activity has been completed. Recommendation for final acceptance or a final certificate of occupancy for all other construction activities shall not be made until final stabilization has been achieved on all disturbed areas. Final acceptance may be recommended, where final stabilization has not yet occurred, provided that either the disturbed soils have been temporarily stabilized or a new operator, owner or contractor has assumed control over the construction activity and the construction site will not remain inactive for more than 21 days. Final acceptance and a final certificate of occupancy may also be withheld in the event of outstanding violations or enforcement actions. A final certificate of occupancy may be granted prior to meeting the above conditions, on a case-by-case basis, provided that the signatory authority provides written documentation to the control authority certifying that the construction activity will maintain compliance with the construction permit and/or this article until the construction activity has been completed.

(h) Signatory Authority. All applications, notices, reports, and all other applicable documents required under the construction permit shall be signed in accordance with the signatory requirements set forth in Title 30 §305.44 of the Texas Administrative Code as it now exists or as hereafter amended. The authority to sign documents other than the NOI, NOT, NOC letter and construction site notice may be delegated to other qualified personnel provided that the requirements set forth in Title 30 §305.128 of the Texas Administrative Code, as it now exists or as hereafter amended, are met. All operators, owners and contractors shall designate an authorized representative on a form provided by the control authority. The authorized representative will be the point of contact for all pollution prevention matters for the site. If no authorized representative is designated for a small or large construction activity, the signatory authority for the NOI or construction site notice shall be the default authorized representative. For all other construction activities, the default authorized representative shall be the property owner. All communications and enforcement actions shall be addressed to the authorized representative.

(i) Recordkeeping Requirements. The operator shall retain a copy of the SWPPP, all reports, notices, applications, monitoring and inspection records and other documents required by the construction permit or this article, for the construction site, and records of all data used to complete the NOI, for a period of at least three years from the date that an NOT is submitted. For activities that are not required to submit an NOT (e.g. small construction activities that are not required to submit an NOI), records shall be retained for a period of at least three years from the date that either: final stabilization has been achieved on all portions of the construction site that are the responsibility of the operator; or another permitted operator has assumed control over all areas of the construction site that have not been finally stabilized. The operator shall make all documents and data, required by the construction permit or this article, readily available to the control authority, upon request.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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### **Sec. 13.609 Stormwater Discharges Associated with Industrial Activity**

(a) General Requirements and Responsibilities.

(1) The industrial facility operator (hereinafter referred to as operator) shall comply with all requirements of the industrial permit and all other applicable documents as may be required to ensure compliance with federal, state, and local rules and regulations.

(2) Any owner of a facility with a stormwater discharge associated with industrial activity, whether or not he or she is an operator of the facility, is jointly and severally responsible for compliance with the requirements of the industrial permit and any additional requirements of this article.

(3) Any contractor or subcontractor on a site of industrial activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing a best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement or maintain that control measure.

(b) Specific Requirements and Responsibilities.

- (1) Any operator at a facility that intends to discharge stormwater associated with an industrial activity described in the industrial permit shall submit a notice of intent (NOI) in accordance with the industrial permit. The NOI shall be made readily available to the control authority, upon request.
- (2) Facilities with industrial activities described in the industrial permit, where there is no exposure of industrial materials or activities to precipitation or runoff, may qualify for a conditional no exposure exclusion from permit requirements. Qualification for the exclusion shall be determined and certified in accordance with the industrial permit. All documentation for the conditional no exposure exclusion from permit requirements shall be made readily available to the control authority, upon request.
- (3) A stormwater pollution prevention plan (SWPPP) shall be prepared and implemented in accordance with the requirements of the industrial permit, and with any additional requirements of this article.
- (4) The operator shall complete the SWPPP prior to the submittal of the NOI and, for a new industrial operation, prior to the commencement of the industrial activity at the facility. The operator shall update and modify the SWPPP as required by the industrial permit and this article.
- (5) The SWPPP, and any modifications to it, shall be made readily available to the control authority upon request.
- (6) The control authority may notify the operator at any time that the SWPPP does not meet the requirements of the industrial permit, or any additional requirements of this article. The notification shall identify those provisions of the permit or this article, which are not being met by the SWPPP. The operator shall respond, in writing, within 15 days of receiving notification from the control authority (or as otherwise provided by the control authority), describing the changes that are to be made and the timeframe in which those changes will be completed.
- (7) If the industrial facility is required by the industrial permit to conduct compliance monitoring, the operator shall retain records of the monitoring results at the facility and make them readily available to the control authority, upon request.
- (8) Where all stormwater discharges associated with industrial activity that are authorized by the industrial permit and this article are eliminated, or where the operator of a facility with stormwater discharges associated with industrial activity changes, the operator of the facility shall submit a notice of termination (NOT) in accordance with the industrial permit. The NOT shall be made readily available to the control authority, upon request.
- (9) The operator shall retain all notices, plans, reports, monitoring and inspection records and all other required documents in accordance with the industrial permit, and shall make them readily available to the control authority, upon request.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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### Sec. 13.610 Responsibility of Other Entities

The control authority may require any person, whether or not they are required by federal or state rules and regulations, to develop and maintain a SWPPP and/or implement best management practices, approved by the control authority, that prevent or minimize the discharge of pollutants into, or adjacent to, water in the state. The SWPPP shall be made readily available to the control authority, upon request.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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### Sec. 13.611 Submission of Documents

All persons required by federal or state regulations or this article to submit documents, pertaining to discharges of stormwater or accidental discharges into the local MS4, shall submit all applicable documents to the following mailing address:

Town of Double Oak

Public Works Director

320 Waketon Road

Double Oak, Texas 75077

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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### Sec. 13.612 Accidental Discharges

(a) Spill Containment. The control authority may require any person to implement spill containment measures for storage and use of any substance it deems a potential threat to the MS4 or the environment should such substance be accidentally discharged. Such spill containment measures shall be provided and maintained at the person's own expense. Upon notification from the control authority that containment measures are required, the person shall develop and submit detailed plans, showing facilities and operating procedures to provide this protection, to the control authority for review. The control authority shall approve all required spill containment measures, prior to installation or implementation. Review and approval of such plans shall not relieve the person from the responsibility to modify the facility as necessary to meet the requirements of this article.

(b) Notification of Potential Problem. In the event of any accidental or unavoidable discharge into the MS4 or water in the state, it is the responsibility of the responsible party to notify the control authority within 24 hours of the incident, in addition to the appropriate federal and state agencies. The notification shall include location of the discharge, type of material discharged, concentration and volume, and corrective action. Within five days following an accidental discharge, the person shall submit to the control authority a detailed written report describing the cause of the discharge and



measures to be taken to prevent similar future occurrences. Such notification shall not relieve the person of any expense, loss, damage or other liability which may be incurred as a result of damage to the MS4, fish kills, or any other damage to persons or property, nor shall such notification relieve the person of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. The initial notification shall be made using the following contact information:

- (1) Public works (during normal business hours): (972) 539-9464.
- (2) Double Oak volunteer fire department (after normal business hours): (972) 539-7683.

(c) Notice to Employees. A notice shall be permanently posted on the person's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

<b>ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM</b>
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**Sec. 13.613 Sampling, Inspections and Investigations**

(a) The control authority may randomly sample and analyze the stormwater runoff from any facility within the town and conduct surveillance activities in order to identify, independent of information supplied by the person or persons, occasional and continuing noncompliance with stormwater requirements of the state or this article.

(b) The control authority shall investigate instances of noncompliance with stormwater requirements, as indicated in required reports, analytical results, and surveillance activities. Noncompliance investigations may require that the control authority conduct an inspection of the person or facility in noncompliance.

(c) Collection of information by the control authority shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions.

(d) All sampling and analysis shall be performed in accordance with procedures established by the EPA administrator pursuant to Section 304(h) of the Clean Water Act and 40 CFR, Part 136 and amendments thereto.

(e) The control authority may select an independent firm or laboratory to determine stormwater or nonstormwater constituents. Chain of custody procedures shall be followed.

<b>ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM</b>
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**Sec. 13.614 Noncompliance Notification Procedure**

- (a) Each noncompliance with federal, state or local regulations may result in the person receiving a verbal notice and/or written notice of violation. A written notice of violation shall require that the person respond, in writing, to the control authority within 15 working days from the date of the notice of violation.
- (b) In addition to the notice set forth in subsection (a) of this section, noncompliance may result in enforcement actions by the control authority, including, but not limited to:
- (1) Issuance of a warning citation;
  - (2) Issuance of a citation;
  - (3) Recommendation for the denial, suspension, or revocation of a development permit, building permit or any other town permit or approval necessary to commence or continue construction or to assume occupancy.

The control authority shall determine the level of enforcement needed to promote compliance.

(c) The control authority may, by use of all legal means available, stop an actual or threatened discharge by verbal order to cease discharge if, in the opinion of the control authority, the discharge presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment or which may be in violation of federal, state or local regulations. If the person does not voluntarily comply with the order to cease discharge, the control authority shall take such steps as deemed necessary to prevent or minimize damage to the MS4 or environment or endangerment to the public. Prior to resuming activity, the person shall demonstrate to the control authority that permanent corrective measures have been taken to prevent reoccurrences of the offense. Any cost incurred by the control authority for sampling, analysis, assessment or remediation may be recovered from the person, or its authorized representative.

(d) Certification Statements. All applications, notices, reports, and all other documents requiring certification as specified in the TPDES permit or this article shall include this statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervised 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 that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violation.”

(e) Discharge of Hazardous Waste. Hazardous waste as defined by the Resource Conservation and Recovery Act is prohibited from entering the MS4. A person shall notify the control authority, the EPA Regional Waste Management Division Director, and the state hazardous waste authorities, in writing, of any discharge into the MS4 of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with 40 CFR 403.12(p).

(f) Fraud and False Statements. The reports and other documents required to be submitted or maintained, under this section, shall be subject to:

- (1) The provisions of U.S.C. Section 1001 relating to fraud and false statements;

- (2) The provisions of Section 309(c)(4) of the Clean Water Act, as amended, governing false statements, representation, or certification;
- (3) The provisions of Section 309(c)(6) of the Clean Water Act regarding responsible corporate officials; and
- (4) [Section 13.617](#) of this article.

<b>ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM</b>
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**Sec. 13.615 Charges and Fees**

- (a) The town may adopt charges and fees, by separate resolution of the town council, which may include:
  - (1) Fees for reimbursement of costs of implementing the town's stormwater management program;
  - (2) Fees for inspection, investigation, sampling and surveillance procedures;
  - (3) Fees for reviewing accidental discharge procedures, SWPPPs, and construction plans; and
  - (4) Other fees as the town may deem necessary to carry out the requirements contained herein.
- (b) These fees relate solely to the matters covered by this article and are separate from all other applicable fees chargeable by the town.

<b>ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM</b>
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**Sec. 13.616 Access to Records**

- (a) The control authority shall have access to, and the right to inspect and copy, any and all person's records which pertain to that person's discharge to the MS4, disposal and/or generation of hazardous waste and discharges into the environment. The person shall be required to retain records of all information resulting from any monitoring or reporting activity required by these regulations for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding the person or MS4 or when requested by the permitting authority or control authority.
- (b) The constituents and characteristics of stormwater discharged by a facility shall not be considered confidential and shall be available to the public without restriction. Other information obtained from reports, questionnaires, permits, monitoring programs and inspections shall be

available to the public without restriction unless the person specifically requests, in writing, at the time the information is known to be obtained by the control authority, that the information is to be considered confidential. Information submitted to the control authority by the person shall be stamped "Confidential Information" on each page containing such information that the person wishes to be held confidential. If a claim of confidentiality is asserted, the control authority shall determine if such information may be held confidential in accordance with 40 CFR Part 2 (Public Information). If the person does not claim the information as confidential at the time the control authority obtains the information, it will be available to the public without further notice.

**ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM**

**Sec. 13.617 Falsifying Information**

Any person who knowingly makes any false statements, representation or certification in any application, notice, record, report, plan or other document filed or required to be maintained pursuant to this article, or any TPDES or NPDES permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article, shall be punished by a fine of no more than \$10,000.00 and may be subject to prosecution.

**ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM**

**Sec. 13.618 Protection from Damage**

No unauthorized person shall intentionally, knowingly, recklessly or by criminal negligence, cause damage to, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment, which is part of the MS4. Any person violating this provision shall be subject to prosecution.

**ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM**

**Sec. 13.619 Power to Enter Property**

(a) The control authority and other duly authorized employees of the town bearing proper credentials and identification are entitled to:

- (1) Enter any public or private property at any reasonable time for the purpose of enforcing this article; and
- (2) Enter all private property through which the town holds an easement for the purpose of inspection, observation, measurement, sampling, maintenance or repair.

- (b) All activities conducted under this authority shall be in full accordance with all applicable terms, rules and regulations pertaining to safety and security.
- (c) If the control authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, or welfare of the community, the control authority may seek issuance of a search warrant from the appropriate judicial authority.
- (d) Except when caused by negligence or failure of the person to maintain safe conditions, the town shall indemnify the person against loss or damage to its property by town employees through the course of their activities when representing the town, and against liability claims and demands for personal injury or property damage asserted against the person.
- (e) No person acting under authority of this provision may inquire into any area not having direct or potential impact on the kind and source of a discharge to the MS4, disposal and/or generation of hazardous waste and discharges into the environment, except as provided in [Section 13.617](#) of this article.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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#### **Sec. 13.620 Legal Action**

If any person discharges, permits or causes to be discharged industrial waste, hazardous waste or other wastes in violation of Article 26 of the Texas Water Code or into the MS4 contrary to the provisions of this article, state requirements, federal regulations, or any order of the town, the town attorney may commence an action for appropriate legal and/or equitable relief, including injunctive relief, in a court of competent jurisdiction.

ARTICLE 13.600 DISCHARGE REGULATIONS OF (MS4) STORM SEWER SYSTEM
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#### **Sec. 13.621 Penalties**

- (a) A person commits an offense if the person intentionally, knowingly, recklessly or by criminal negligence violates any provision of this article or any order or permit issued hereunder, and upon conviction, shall be deemed guilty of a Class C misdemeanor, punishable by a fine of not less than two hundred and fifty dollars (\$250.00) and not more than two thousand dollars (\$2,000.00), and each day that such violation continues shall constitute a separate offense.
- (b) Any person violating any of the provisions of this article shall become liable to the town for any expense, loss or damage occasioned by the town by reason of such violation. In addition to the penalties provided herein, the town may recover reasonable attorney's fees, court costs, court

reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this article or the orders, rules and regulations issued hereunder.

(c) The control authority is further authorized to prosecute and seek all criminal and civil remedies in the various courts as set forth by the Texas Water Code.

(Ordinance 11-03 adopted 4/4/11)

## Procedures

**Illicit Discharge Violations**

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*Procedures to address reports of Illicit Discharge Violations:*

- I. Document means by which violation was reported (i.e. website, phone call, in person), reporters name and contact information, location of possible violation, and description of possible violation.
- II. Conduct investigation to identify and locate the source of possible illicit discharge.
- III. If violation is determined, discuss corrective action with responsible party.
- IV. Report to TCEQ if necessary.
- V. Document the steps taken.
- VI. Conduct follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.



## ILLICIT DISCHARGE/CONSTRUCTION STORMWATER INVESTIGATION FORM

<i>Date/time report rec'd:</i>	<i>Form completed by:</i>
<i>Reported by (name/address/telephone/email):</i>	
<input type="checkbox"/> <i>Phone call</i> <input type="checkbox"/> <i>Website</i> <input type="checkbox"/> <i>Email</i> <input type="checkbox"/> <i>In person</i> <input type="checkbox"/> <i>Other (_____)</i>	
<i>Reporters description of situation:</i>	
<i>Reported address/area:</i>	
<i>Site visit conducted?</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>No (if No list reason _____)</i>	
<i>Inspected by: _____</i>	
<i>Date/Time _____</i>	
<i>Description of Incident:</i>	
<i>Name of Responsible Party:</i>	<i>Phone Number:</i>
<i>Address:</i>	
<i>Confirmed Illicit Discharge:</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>No</i>	
<i>Follow up with reporting party:</i>	
<i>Additional description, details, notifications, etc. :</i>	
<i>Form completed by:</i>	<i>Date:</i>



**DRAFT**  
**STANDARD OPERATING PROCEDURES**

**Town of Double Oak**

Parks and Recreation  
Public Works

November 2015

## INTRODUCTION

The following Town of Double Oak Standard Operating Procedures (SOPs) are standards governing the protection of our storm water within the Town of Double Oak, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, water systems and landscaping applicable to employees and contractors which contract with the Town, and those who perform such work by contract with others.

These SOPs are in compliance with the Clean Water Act of 1972, which authorized the Environmental Protection Agency (EPA) to protect the water quality throughout the United States (US). In 1987, Congress passed the Water Quality Act, which established a phased approach for storm water discharges to the Waters of the US. The State of Texas currently administers the Texas Pollutant Discharge Elimination Systems (TPDES) program, which requires each municipality, large industrial user, and certain other entities that discharge substantial quantities of storm water to the Waters of the US, to have a permit to discharge and to have an organized and authorized management plan to address the issues that arise from implementing the TPDES. The Town of Double Oak has adopted a Storm Water Management Plan (SWMP) and part of this plan includes developing and maintaining these SOPs. The SWMP is available for review upon request at Town Hall, located at 320 Waketon Rd., Double Oak, Texas 75077. For questions or concerns, please call (972) 539-9464.

By signing below I confirm I have received the Double Oak STANDARD OPERATING PROCURES.

\_\_\_\_\_  
NAME (PRINTED)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
COMPANY