



**AGENDA**

**TOWN OF FLOWER MOUND  
ENVIRONMENTAL CONSERVATION COMMISSION REGULAR MEETING**

**FEBRUARY 7, 2012**

**FLOWER MOUND TOWN HALL  
2121 CROSS TIMBERS ROAD  
FLOWER MOUND, TEXAS**

**6:30 P.M.**

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AN AGENDA INFORMATION PACKET IS AVAILABLE ONLINE AT  
[WWW.FLOWER-MOUND.COM/AGENDA/AGENDA.PHP](http://WWW.FLOWER-MOUND.COM/AGENDA/AGENDA.PHP)  
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**A. CALL REGULAR MEETING TO ORDER – 6:30 PM**

**B. CITIZENS/VISITORS COMMENTS**

Please fill out an "Appearance Before Environmental Conservation Commission" form in order to address the Environmental Conservation Commission, and turn the form in prior to Citizens and Visitors Comments, or by 6:40 p.m. to the Town staff. Speakers are normally limited to three minutes. Time limits can be adjusted by the Chair as to accommodate more or fewer speakers.

**C. INVOCATION AND PLEDGE OF ALLEGIANCE**

**D. COMMISSION MEMBER ANNOUNCEMENTS**

Announcements and brief discussion regarding recent and upcoming civic and social events, board or commission issues, informational update on Town projects and/or proposed Town projects, reports about contacts with other groups and/or individuals about Town issues, projects, and/or proposed projects, and informational responses to questions and information sharing.

**E. STAFF REPORT**

Update and status report related to environmental issues and events, regulatory activities, and projects.

**Environmental Conservation Commission Meeting Agenda**

**February 7, 2012**

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**F. CONSENT AGENDA - Consent Items**

This agenda consists of non-controversial or "housekeeping" items and may be approved with a single motion. A member of the Environmental Conservation Commission may request an item(s) be withdrawn from the consent agenda and moved to regular agenda for discussion by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on January 3, 2012.

**G. ADJOURNMENT – REGULAR SESSION**

**H. CALL WORK SESSION TO ORDER**

**I. WORK SESSION ITEMS**

2. Receive updates on the progress of the Town's Stormwater Management Program.
3. Receive updates from the sustainability subcommittees and continue to develop the sustainability plan framework.

**J. ADJOURNMENT – WORK SESSION**



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**Matthew Woods**  
Director of Environmental Services

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: February 3, 2012 at 12 p.m., at least 72 hours prior to the schedule time of said meeting.



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**Anna Morgan**  
Administrative Secretary

The Flower Mound Town Hall and Council Chambers are wheelchair accessible. Requests for accommodations or interpretive services must be made at least 48 hours prior to this meeting by contacting Anna Morgan, Administrative Secretary, at (972) 874-6340.



**ENVIRONMENTAL CONSERVATION COMMISSION  
AGENDA ITEM NO: 1  
FEBRUARY 7, 2012**

**CONSENT ITEM**

**REGULAR ITEM**

**WORK SESSION ITEM**

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**FROM:** Anna Morgan, Administrative Secretary  
**THROUGH:** Matthew Woods, Director of Environmental Services  
**PRESENTER:** Matthew Woods, Director of Environmental Services  
**ITEM:** Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on January 3, 2012.

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**Information**

**Recommendation**

**Motion**

**Direction**

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**I. SUMMARY:**

This agenda item is to consider approval of the minutes from the January 3, 2012, regular meeting of the Environmental Conservation Commission.

**II. BACKGROUND INFORMATION:**

N/A

**III. FISCAL IMPACT:**

N/A

**IV. LEGAL REVIEW:**

N/A

**V. ATTACHMENTS:**

A copy of the draft minutes from the January 3, 2012, regular meeting of the Environmental Conservation Commission.

**VI. RECOMMENDED MOTION OR ACTION:**

Move to approve the minutes from the January 3, 2012, regular meeting of the Environmental Conservation Commission.

**THE FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION  
REGULAR MEETING HELD ON THE 3RD DAY OF JANUARY 2012, IN THE  
FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN  
THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:30 P.M.**

The Environmental Conservation Commission met in regular session, with the following members present:

Craig Bromley	Member
Marilyn Lawson	Member
Ellen Stallcup	Member
Russ McNamer	Chair
Alton Bowman	Member
Joe Haver	Vice Chair
Jennifer Romaszewski	Alternate Member
Christopher Baca	Alternate Member

with members absent:

James Dickey	Alternate Member
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constituting a quorum with the following members of Town staff participating:

Matthew Woods	Director of Environmental Services
Jared Martin	Environmental Review Analyst
Anna Morgan	Environmental Services, Administration
Kendra Stephenson	Town Council Liaison

**A. CALL REGULAR MEETING TO ORDER**

Chair McNamer called the regular meeting to order at 6:30 p.m.

**B. CITIZENS/VISITORS COMMENTS**

None.

**C. INVOCATION AND PLEDGE OF ALLEGIANCE**

Chair McNamer led the Invocation and Pledge of Allegiance

**D. COMMISSION MEMBER REPORTS**

Commission Member Bowman reported a wildfire burn had occurred at The Mound this past weekend. No one was hurt and no property damage. The Mound Foundation's position on this is they would like to have controlled burns at The Mound which would benefit the plants and be safer than what occurred this weekend.

Commission Member Romaszewski reported that she attended the last Community Garden subcommittee meeting. The survey was reviewed checked and finalized and should be going out for public input in early January through the end of March. The next meeting will be the end of January.

#### **E. STAFF REPORT**

- **Update and status report related to environmental issues and events, regulatory activities, and projects.**

Matthew Woods informed the Commission that the Stormwater Ordinance was approved by the Town Council on December 19. He reported that a few of the volunteers had dropped out of the Stormwater Stream Team. Brandon can answer any questions you have regarding the team. We are looking for additional volunteers to fill the vacancies. There will be items in news media and on the Town's web pages asking for additional volunteers in the future. If anyone wants to volunteer they can contact us. We will need a minimum of eight to nine people to have a class here.

Jared Martin updated the Commission about the second grade environmental education programs. He plans on scheduling nine schools this spring. There will be approximately two each month from January until May. There will be three second grade classes and one fifth grade class in the fall. We may try to start in October next year because it is difficult to get started at the beginning of the school year and get through them all before the holidays. If anyone would like to volunteer for a booth, have their own booth or just be there for support, please contact him and he will let you know when and where they will be.

Mr. Martin informed the Commission that trees left over from the education programs will be planted in the second row of the tree farm next week.

#### **F. CONSENT AGENDA**

Chair McNamer read the item on the Consent Agenda.

Commission Member Bromley requested the correction of "Baca" to "Bromley" on page 6 in the last paragraph, and on page 7 in paragraph 2 and 4.

Commission Member Haver made a motion to approve consent Item 1 with the approved corrections. Commission Member Bowman seconded the motion. The item, as approved by consent, was re-stated below along with the approved recommendation for the record.

- 1. Consider approval of the minutes from the regular meeting of the Environmental Conservation Commission held on December 6, 2011.**

**RECOMMENDATION:** Move to accept the minutes as written with the approved corrections.

**VOTE ON THE MOTION**

AYES: Commission Members Bromley, Lawson, Stallcup, Bowman and Haver  
NAYS: None  
ABSTAIN: None  
ABSENT: None

**The motion passed with a vote of 5-0-0.**

**G. ADJOURNMENT – REGULAR MEETING**

The regular meeting was adjourned at 6:41 p.m.

**H. CALL WORK SESSION TO ORDER**

Chair McNamer called the work session to order at 6:41p.m.

**I. WORK SESSION ITEM**

2. Receive updates from the sustainability subcommittees and develop the sustainability plan framework for Town Council review.

Mr. Woods informed the Commission that Subcommittee A did not get an opportunity to meet due to scheduling conflicts and Subcommittee B met on December 29. In addition to his presentation there is also one put together by Commission Member Haver.

*(Note: The power point presentations can be obtained from the Environmental Services office.)*

Commission Member Haver went over the slide presentation regarding Subcommittee B's findings that he felt should be included within the sustainability plan for the Town of Flower Mound and would begin with Town facilities before developing initiatives for residents. The initiatives presented for energy conservation and efficiency included an electric car charge station at Town Hall, policies addressing lights, heating and cooling, temperature control, office equipment and supplies, green purchasing, and alternative fuel usage at Town facilities.

Establishing a baseline for energy use by auditing Town facilities is important to understand where we are at in terms of energy consumption so energy reduction goals can be set.

Commission Member Haver's presentation included information on what other municipalities were doing regarding energy initiatives, climate, greenhouse gas emissions, green building codes and adoption of the IGCC codes for new buildings, potable water consumption, and alternative fuels.

Commission Members have presented a draft of the "Guiding Principles for a Sustainable Flower Mound" to use as an overview/framework for information to present to the Town Council. He asked for input from the other ECC members.

Matthew Woods informed the Commission that the goal for tonight is to develop the framework for the sustainability plan for the Town Council to review at their Strategic Planning meetings on January 20 and 21. This includes a summary of the main areas of focus for the ECC's sustainability plan.

Commission Member Haver stated that the presentation includes information that the Commission has discussed and is an overview of the sustainability plan items and their benefits.

The presentation by Matthew Woods included specific areas with a summary of all of the items. Information was included from both subcommittees. The presentation and discussions included water conservation, stormwater management, land use planning, urban forestry, water conservation, recycling for homes, businesses and schools, household hazardous waste, electronic recycling, education and advocacy programs, energy conservation and efficiency, climate and greenhouse emissions, and green building codes.

Mr. Woods said that he will send the information discussed for sustainability to the Town Council for their review at the Strategic Planning Meeting.

The members discussed having additional subcommittee meetings before the Town Council's meeting and before the next ECC meeting.

3. Finalize the Environmental Conservation Commission's goals and objectives list for 2012.

Mr. Woods stated that the intent of this item is to finalize the Commission's list of goals and objectives for 2012 to be provided to the Town Council prior to their work session.

Mr. Woods stated that the Commission's 2011 goals and objectives were to make changes and update the Commission's Powers and Duties ordinance and develop a sustainability plan. The Powers and Duties Ordinance was

amended and they are working on the sustainability plan. An additional goal was to work on the Community Garden subcommittee and Commission members have been assigned and are attending these meetings.

Potential 2012 goals suggestions include ongoing sustainability plan development, enhancing the environmental education programs, and urban forestry initiatives. Subcategory options under these are: Education – outdoor learning area, more on website using multimedia, and informal public meetings relating to environmental topics; Urban Forestry – participate in the Tree North Texas Initiative, the Acorns to Oaks program, and the tree inventory.

Discussion on the items included the Town areas to include in the tree inventory so that we know how to get estimates on the work; how often to have tree surveys done; environmentally sensitive areas where Post oaks grow; the most desirable types of trees to plant.

***(Note: The power point presentations can be obtained from the Environmental Services office.)***

Commission Member Bowman gave a presentation on the post oak “Acorns to Oaks” program. Commission Member Bowman stated the reason behind the program is because we are losing large post oaks. Post oaks are not a tree grown at tree nurseries and unavailable unless we grow them ourselves. He went through the presentation that showed how the acorns were gathered, tested, sprouted and planted. He is raising 75 of the potted trees and he has five volunteers who are willing to raise twelve to fifteen of them each. He will know how successful the project is for viable trees in a few months. Hundreds or even thousands can be raised if there are volunteers to tend them until they are a size large enough to be viable for planting. This would be an excellent science project for a group of students or scout projects.

Commission Member Bowman asked for the Commission’s and staff’s support for this program and permission to take the trees to the tree farm to continue to grow and distribute them when they are ready to be planted. He has thousands of acorns that can be sprouted and will need volunteers to raise them.

Discussion and responses to questions: the post oaks need a lot of room to grow; there should be space at the tree farm and the trees could be part of a giveaway program since there is no use of public funds for them; a good use for them could also be to replace trees around Town that have been removed; it can possibly be part of the Urban Forestry program.

There was discussion on the types of trees to use to improve the canopy in a shorter period of time than a post oak. Post oaks are good trees but will take a long time to replace the tree canopy but will be good trees for long term. A good mix of trees is important due to diseases that strike specific trees. Regeneration of trees does not happen in the understory due to areas of developments keeping the area around and under the trees manicured. It was suggested that an arboretum area in Flower Mound would be a good idea along with the need to preserve existing old forest areas. The drawback to that would be that most old forest areas in Flower Mound are private property. Conservation easements for tax relief are a possible solution for maintaining old growth areas.

Chair McNamer stated that all three of the goals presented by Mr. Woods are worthwhile and doable. The Commission was in consensus that the three goals presented are acceptable.

It was recommended that a tree survey and assessment be done on a regular basis to keep track of the tree canopy with Town Council approval.

**J. ADJOURNMENT – WORK SESSION**

The work session was adjourned at 7:51 p.m.



**ENVIRONMENTAL CONSERVATION COMMISSION**  
**AGENDA ITEM NO: 2**  
**February 7, 2012**

CONSENT ITEM       REGULAR ITEM       WORK SESSION ITEM

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**FROM:** Brandon Bammel, Environmental Review Analyst

**THROUGH:** Matthew Woods, Director of Environmental Services *MW*

**PRESENTERS:** Brandon Bammel, Environmental Review Analyst

**ITEM:** **Receive updates on the progress of the Town's Stormwater Management Program.**

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Information       Recommendation       Motion       Direction

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**I. SUMMARY:**

Flower Mound is currently in its fifth annual reporting year under the Storm Water Management Program (SWMP). The SWMP outlines several Minimum Control Measures (MCM's) which contain Best Management Practices (BMP's) that are designed for year five.

**II. BACKGROUND INFORMATION:**

The SWMP is designed to reduce the discharge of pollutants from the Town's storm sewer to the "maximum extent practicable" using BMPs. The SWMP must include the following six minimum control measures:

- 1) Public Education and Outreach on Storm Water Quality Issues
- 2) Public Involvement/Participation
- 3) Illicit Discharge Detection and Elimination
- 4) Construction Site Storm Water Runoff Control
- 5) Post-Construction Storm Water Management in Areas of New Development and Redevelopment
- 6) Pollution Prevention / Good Housekeeping for Municipal Operations

The Notice of Intent (NOI) for Flower Mound was received by TCEQ on January 29, 2008. The Small Municipal Separate Storm Sewer System (MS4) General Permit was approved for Flower Mound and the Town has been effectively covered since January 1, 2009.

To comply with the SWMP requirements, public education and participation are integral components of a successfully designed program. Additionally, in Section 2-174(7) of Ordinance 46-05, the ECC shall have the power and duty to "Assist with the Town's public education program relative to the importance of storm water pollution prevention and the future character and health of the Town's bodies of water, to include reviewing storm water program activities and prioritizing decision packages." It is understood that ECC's role relative to Town

storm water issues include providing recommendations to staff on storm water program policies and activities, promoting community involvement, and assisting with public education.

Current initiatives underway in the SWMP are:

- Watershed address program updates
- Community Source Water Protection Program
- Stormwater Ordinance adoption and administration
- Progress with the Fleet Services Environmental Management System(EMS)
- Educational initiatives; stormwater newsletter

**III. FISCAL IMPACT:**

N/A

**IV. LEGAL REVIEW:**

There are no known legal issues with this item.

**V. ATTACHMENTS:**

1. Stormwater Management Program
2. Stormwater Ordinance 65-11

**VI. RECOMMENDED MOTION OR ACTION:**

This item is for informational purposes only; therefore, no action is required.



**TOWN OF FLOWER MOUND, TEXAS**

**STORMWATER MANAGEMENT**

**PROGRAM**

AS REQUIRED PURSUANT TO:  
**TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM**  
**GENERAL PERMIT FOR STORMWATER FROM SMALL**  
**MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**  
**[TXR040000]**

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## **PART I PREFACE**

### **STORMWATER MANAGEMENT PLAN OVERVIEW**

#### **Regulatory Requirement**

Phase I of the U.S. Environmental Protection Agency's (EPA) Stormwater program was promulgated in 1990 under the Clean Water Act (CWA). Phase I relies on National Pollutant Discharge Elimination System (NPDES) permit coverage to address Stormwater runoff from: (1) "medium" and "large" municipal separate storm sewer systems (MS4s) generally serving populations of 100,000 or greater, (2) construction activity disturbing 5 acres of land or greater, and (3) ten categories of industrial activity.

The Stormwater Phase II Final Rule is the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted Stormwater runoff. The Phase II program expands the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted Stormwater runoff.

Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of Stormwater discharges that have the greatest likelihood of causing continued environmental degradation.

On September 14, 1998, EPA authorized Texas to develop and implement the Texas Pollutant Discharge Elimination System (TPDES) permit. Under the terms of this authority, the Texas Commission on Environmental Quality (TCEQ) assumes the role of Stormwater permitting authority for industrial activities, small and large construction activities, and all regulated MS4s.

On August 13, 2007, TCEQ issued TPDES General Permit TXR040000 authorizing the discharge of Stormwater to surface water in the state from small municipal separate storm sewer systems (MS4s). Small MS4 operators that choose to obtain authorization under this general permit must submit a Stormwater management program (SWMP) and a completed notice of intent (NOI) form to the Texas Commission on Environmental Quality (TCEQ) on or before February 11, 2008.

**Minimum Control Measures**

To meet the requirements for the TPDES general permit, the Town’s Stormwater Management Program (SWMP) must provide minimum control measures for the following subject areas:

- 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

After extensive research and review, Town staff has selected the following specific BMPs for implementation during the five (5) year permit period.

1.3.1	Municipal Channel Storm Water Quality Messages
1.3.2	Municipal Website Storm Water Information
1.3.3	Anti-Littering/Dumping Brochure
1.3.4	Watershed Address Program
1.3.5	Storm Drain Labeling
2.3.1	Comply with State and Local Public Notice Requirements
2.3.2	Community Source Water Protection Program
3.3.1	Storm Sewer System Map
3.3.2	Illicit Discharge Ordinance
3.3.3	Program to Detect and Address Illicit Discharges
4.3.1	Ordinance Requiring Erosion & Sediment Controls at Construction Sites
4.3.2	Construction Site Reporting Hotline
5.3.1	Comprehensive Storm Water Ordinance
5.3.2	Evaluate and Update Storm Water Inspection Programs
6.3.1	Municipal Environmental Management System
6.3.2	Develop a MS4 Maintenance and Operations Manual
6.3.3	Develop a MS4 Maintenance and Operations Training Initiative
6.3.4	Develop and Maintain a Storm Water Permits Document

**Storm Water Best Management Practices**

## **Definitions**

**Best Management Practices (BMPs)** - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

**Classified Segment** - refers to a water body that is listed and described in Appendix A or Appendix C of the Texas Surface Water Quality Standards, at 30 TAC § 307.10.

**Clean Water Act (CWA)** - The Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

**Common Plan of Development or Sale** - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development or sale is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

**Construction Site Operator** - The person or persons associated with a small or large construction project that meets either of the following two criteria:

- (a) the person or persons that have operational control over construction plans and specifications (including approval of revisions) to the extent necessary to meet the requirements and conditions of this general permit; or
- (b) the person or persons that have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Stormwater pollution prevention plan for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the Stormwater Pollution Prevention Plan or comply with other permit conditions).

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

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

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

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

- (a) All soil disturbing activities at the site have been completed and a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- (b) For individual lots in a residential construction site by either:
  - (1) the homebuilder completing final stabilization as specified in condition (a) above; or
  - (2) the homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.
- (c) For construction activities on land used for agricultural purposes (e.g. pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

**Ground Water Infiltration** - For the purposes of this permit, groundwater that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

**Illicit Connection** - Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

**Illicit Discharge** - Any discharge to a municipal separate storm sewer that is not entirely composed of Stormwater, except discharges authorized under this general permit or a separate authorization and discharges resulting from fire fighting activities.

**Indian Country** - Defined in 18 USC Section 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.

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

**Large Construction Activity** - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar Stormwater conveyance. Large construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

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

**MS4 Operator** - For the purpose of this permit, the public entity, and/ or the entity contracted by the public entity, responsible for management and operation of the small municipal separate storm sewer system that is subject to the terms of this general permit.

**Notice of Change (NOC)** - Written notification from the permittee to the executive director providing changes to information that was previously provided to the agency in a notice of intent.

**Notice of Intent (NOI)** - A written submission to the executive director from an applicant requesting coverage under this general permit.

**Notice of Termination (NOT)** - A written submission to the executive director from a permittee authorized under a general permit requesting termination of coverage under this general permit.

**Outfall** - For the purpose of this permit, a point source at the point where a municipal separate storm sewer discharges to waters of the United States (U.S.) and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other waters of the U.S. and are used to convey waters of the U.S.

**Permittee** - The MS4 operator authorized under this general permit.

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

**Point Source** - (from 40 CFR § 122.22) Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural Stormwater runoff.

**Pollutant(s) of Concern** - Include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that will

receive a discharge from an MS4. (Definition from 40 CFR Section 122.32(e)(3)).

**Redevelopment** - alterations of a property that changes the “footprint” of a site or building in such a way that there is a disturbance of equal to or greater than 1 acre of land. This term does not include such activities as exterior remodeling.

**Small Construction Activity** - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar Stormwater conveyance. Small construction activity does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.

**Small Municipal Separate Storm Sewer System (MS4)** - refers to a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by the United States, a state, city, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, Stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA; (ii) Designed or used for collecting or conveying Stormwater; (iii) Which is not a combined sewer; (iv) Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR § 122.2; and (v) Which was not previously authorized under a NPDES or TPDES individual permit as a medium or large municipal separate storm sewer system, as defined at 40 CFR §122.26(b)(4) and (b)(7). This term includes systems similar to separate storm sewer systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. For the purpose of this permit, a very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to an MS4 that is also operated by that public entity.

**Stormwater and Stormwater Runoff** - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

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

**Stormwater Management Program (SWMP)** - a comprehensive program to manage the quality of Stormwater discharged from the municipal separate storm sewer system.

**Structural Control (or Practice)** - A pollution prevention practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in Stormwater runoff. Structural controls and practices may include but are not limited to: wet ponds, bioretention, infiltration basins, Stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

**Surface Water in the State** - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

**Total Maximum Daily Load (TMDL)** - The total amount of a substance that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

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

**Waters of the United States** - (from 40 CFR Section 122.2) Waters of the United States or waters of the U.S. means:

- (a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce,

including all waters which are subject to the ebb and flow of the tide;

- (b) all interstate waters, including interstate wetlands;
- (c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
  - (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;
  - (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (3) which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) all impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) the territorial sea; and
- (g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.
- (h) waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the

purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

### **Commonly Used Acronyms**

BMP	Best Management Practice
CFR	Code of Federal Regulations
CGP	Construction General Permit, TXR150000
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EPA	Environmental Protection Agency
FR	Federal Register
IP	Implementation Procedures
MCM	Minimum Control Measure
MSGP	Multi-Sector General Permit, TXR050000
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Change
NOD	Notice of Deficiency
NOI	Notice of Intent
NOT	Notice of Termination (to terminate coverage under a general permit)
NPDES	National Pollutant Discharge Elimination System
SWMP	Stormwater Management Program
SWP3, SWPPP	Stormwater Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TPDES	Texas Pollutant Discharge Elimination System
TWC	Texas Water Code

### **Allowable Non-Stormwater Discharges**

The following non-Stormwater sources may be discharged from the small MS4 and are not required to be addressed in the small MS4's Illicit Discharge and Detection or other minimum control measures, unless they are determined by the permittee or the TCEQ to be significant contributors of pollutants to the small MS4:

- a) water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);

- b) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
- c) discharges from potable water sources;
- d) diverted stream flows;
- e) rising ground waters and springs;
- f) uncontaminated ground water infiltration;
- g) uncontaminated pumped ground water;
- h) foundation and footing drains;
- i) air conditioning condensation;
- j) water from crawl space pumps;
- k) individual residential vehicle washing;
- l) flows from wetlands and riparian habitats;
- m) dechlorinated swimming pool discharges;
- n) street wash water;
- o) discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- p) other allowable non-Stormwater discharges listed in 40 CFR § 122.26(d)(2)(iv)(B)(1);
- q) non-Stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General permit (CGP); and
- r) other similar occasional incidental non-Stormwater discharges, unless the TCEQ develops permits or regulations addressing these discharges.

## **Document Organization**

The Town of Flower Mound's Stormwater Management Program is organized to aid development and implementation of the programs required by the TPDES MS4 Phase II general permit, and to aid in completion of permit notification documents (NOI) and tracking progress for annual reports.

Part II of the SWMP addresses the six (6) minimum control measures required under the TPDES permit. For each minimum control measures, the following are discussed:

- **Regulatory Requirement**

The specific regulatory citation from the TCEQ TPDES MS4 general permit is provided for each minimum control measure.

- **Current Programming**

A description of current programming, regulations, procedures, and/or documents that already meet the minimum control measure requirements is provided.

- **Selected BMPs**

A description of the best management practices the Town will implement to address the regulatory requirement.

- **Measurable Goal(s)**

The Town must designate measurable goal(s) for each BMP.

- **Schedule**

The implementation schedule for each BMP is described.

- **Responsible Divisions**

The division(s) responsible for implementation of each BMP is provided.

The appendices provide additional information and copies of documents, regulations, procedures, training materials, and samples of public education/outreach communication items.

## **PART II MINIMUM CONTROL MEASURES**

### **1 Public Education and Outreach on Stormwater Impacts**

#### ***Regulatory Requirement***

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

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

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

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

## ***Current Programs***

The Town of Flower Mound provides general public education and outreach by several means of communication through the Town's Community Affairs, Keep Flower Mound Beautiful, Public Works, and Environmental Services divisions. Specifically, the Town has and will continue to provide education to the public about the impacts of Stormwater run-off on water quality, proper disposal of waste, and changes they can implement to reduce pollutants in Stormwater runoff. This education is offered through the following programs:

- Spring and Fall Waterway Cleanup Events
- Environmental Fair
- Household Hazardous Waste Collection Events
- Master Composter Classes
- Adopt-a-Spot/Adopt-a-Stream Program
- Texas Wildflower 101 Class
- Major Rivers Curriculum and World Water Monitoring Day Kits Provided to the Lewisville Independent School District
- Watershed Education Events for Schools
- Arbor Day Event
- Implementation of a Water Conservation and Education Program
- Utility Billing Inserts
- Encouragement of Conservation Developments
- Operation of the Town's Tree Farm and Outdoor Learning Area

## ***Selected BMPs for Public Education and Outreach***

### ***Municipal Channel Stormwater Quality Messages***

The Town of Flower Mound will use the municipal television channel and other communication services to post messages about the Stormwater management program that are of interest to all stakeholders within the Town's jurisdictional authority. The Town will relay important information related to Stormwater quality and upcoming events, training seminars, and other resources related to the Town's Stormwater management program.

**Measurable Goals**

The measurable goal for implementation of this BMP is to post three (3) Stormwater quality related messages per year during years 2 through 5 of the permit term. Description of development and final product of each Stormwater quality message will be provided in the annual report. The number of inquiries related to the educational or event information provided through the municipal channel will be documented and provided in the annual report.

**Schedule**

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Public Education & Outreach	Municipal Channel Stormwater Messages	Develop Stormwater quality messages.	<b>Year 1</b>
		Post 3 Stormwater quality messages.	<b>Year 2</b>
		Post 3 Stormwater quality messages.	<b>Year 3</b>
		Post 3 Stormwater quality messages.	<b>Year 4</b>
		Post 3 Stormwater quality messages.	<b>Year 5</b>

**Responsible Division(s)**

The Community Affairs and Environmental Services Divisions have responsibility for implementation of this BMP to meet Measurable Goal 1.3.1.1.

**Municipal Website Stormwater Information**

The Town of Flower Mound will use the municipal website to inform the public and other interested stakeholders about the Stormwater management program. It will include general Stormwater quality information as well as topics of interest to the general public such as litter control, pet waste management, water conservation, and proper management of pesticides, fertilizer, used oil and household hazardous waste. Information will also be included to educate businesses and construction site personnel about the impacts of Stormwater run-off on water quality and steps they can use to reduce their contribution to Stormwater pollution.

**Measurable Goals**

The measurable goal for implementation of this BMP is to research and prepare necessary information during permit year 1, complete development of the website during permit year 2, and provide continuous updates as needed throughout the duration of the permit. Description of research and development of the website will be provided in the annual report. The number of inquiries related to the educational information provided through the municipal website will be documented and provided in the annual report.

**Schedule**

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Public Education & Outreach	Municipal website with Stormwater quality information	Research and Prepare Necessary Information	Year 1
		Complete Development of Website	Year 2
		Update website.	Year 3
		Update website.	Year 4
		Update website.	Year 5

**Responsible Division(s)**

The Environmental Services & Community Affairs Divisions have responsibility for implementation of this BMP to meet Measurable Goal 1.3.2.1.

**Anti-Littering/Dumping Brochure**

The Town of Flower Mound has an interdepartmental Environmental Compliance Team responsible, in part, for providing information regarding illegal dumping and related environmental crimes to the general public, local businesses, commercial and industrial facilities, and construction site operators. In cooperation with the Environmental Compliance Team, the Town’s Stormwater management program will include the development and distribution of an Anti-Littering/Dumping Brochure, which will be made available through various Town Departments.

**Measurable Goals**

The measurable goal for implementation of this BMP is to develop the brochure during permit year 1. Additional goals include printing and ensuring continuous availability of the brochures throughout the remainder of the permit. Description of research and development of the brochure will be provided in the annual report. The number of brochures distributed to the public will also be documented and provided in the annual report.

**Schedule**

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Public Education & Outreach	Anti-Littering/Dumping Brochure	Develop brochure.	<b>Year 1</b>
		Print and distribute, as needed.	<b>Year 2</b>
		Print and distribute, as needed.	<b>Year 3</b>
		Print and distribute, as needed.	<b>Year 4</b>
		Print and distribute, as needed.	<b>Year 5</b>

**Responsible Division(s)**

The Environmental Services, Engineering Services, and Community Affairs Divisions have responsibility for developing and implementing this BMP to meet Measurable Goal 1.3.3.1.

**Watershed Address Program**

The Town of Flower Mound has delineated all sub-watershed basins within the Town’s jurisdictional authority and, to the maximum extent practical, will place “watershed address” signs within public road and street right-of-ways. The sign will include identification of a watershed as well as a short water quality related social marketing message that is directed to the general public.

**Measurable Goal**

The Town of Flower Mound will determine the best locations and design for the “watershed address” signs in permit year 1. The signs will be installed throughout the remainder of the permit. Description of research and development along with the number of signs installed will be documented and provided in the annual report.

**Schedule**

<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Watershed Address Program	Determine location and create design of the signs.	<b>Year 1</b>
	Begin sign placement	<b>Year 2</b>
	Continue sign placement.	<b>Year 3</b>
	Continue sign placement.	<b>Year 4</b>
	Continue sign placement.	<b>Year 5</b>

**Responsible Division(s)**

The Environmental Services, Public Works, and Information Technology Divisions are responsible for developing and implementing this BMP to meet Measurable Goal 1.3.4.1.

**Storm Drain Labeling**

The Town of Flower Mound will develop an ordinance requirement for all new residential and commercial developments to provide storm drain labels for storm sewer inlets. Additionally, the Town will provide storm drain labeling kits for use by volunteers on existing storm sewer inlets.

**Measurable Goal**

The Town of Flower Mound will provide storm drain labeling kits for volunteers during permit years one through five. The Town will also label existing storm sewer inlets during permit years one through five to promote the proper disposal of waste. Labels will identify the local stream or lake destination of each inlet. Furthermore, the Town will develop a regulatory requirement as a component of the comprehensive Stormwater ordinance in permit year 3, requiring all new residential and commercial development to provide storm drain markers on all storm sewer inlets and related structures. Description of research and development of the labels will be provided in the annual report. The number of labels installed will also be documented and provided in the annual report.

**Schedule**

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Public Education & Outreach	Storm Drain Labeling	Develop draft ordinance requiring storm drain labeling on all new residential and/or commercial developments.	<b>Year 1-2</b>
		Finalize and adopt ordinance.	<b>Year 3</b>
		Enforce ordinance	<b>Year 4-5</b>
		Provide storm drain labels for volunteers and Town staff labeling of existing storm sewer inlets.	<b>Year 1-5</b>

**Responsible Division(s)**

The Environmental Services and Public Works Divisions are responsible for developing and implementing this BMP to meet Measurable Goal 1.3.5.1.

**2 Public Involvement/Participation**

**Regulatory Requirement**

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

**Current Programs**

The Town of Flower Mound has a public Environmental Conservation Commission, which, in part, receives periodic updates on various environmental and Stormwater quality related activities conducted by Town staff. In addition, the Town of Flower Mound Town Council will also review and approve the proposed SWMP. This process provides all members of the public an initial opportunity to participate in the SWMP development through public comment. Public involvement/participation opportunities are also associated with the following current Town sponsored programs:

- Keep Flower Mound Beautiful
- Neighborhood Cleanup Events
- Household Hazardous Waste Collection Events
- Spring and Fall Waterway Cleanup Events
- Environmental Fair
- Master Composter Classes
- Adopt-a-Spot/Adopt-a-Stream Program
- Texas Wildflower 101 Class
- Watershed Education Events for Schools
- Arbor Day Event
- Operation of the Town’s Tree Farm and Outdoor Learning Area
- Native Grass/Tree Transplanting From Development Sites

***Selected BMPs for Public Involvement/Participation***

***Comply with State and Local Public Notice Requirements***

The Town of Flower Mound will comply with all applicable State and local public notice requirements when implementing a public involvement/participation program.

***Measurable Goals***

The measurable goal for implementation of this BMP is to provide State and local required public notice in the process of implementing a public involvement/participation program. Implementation will be according to the schedule below.

***Schedule***

<b><i>PROGRAM</i></b>	<b><i>BMP</i></b>	<b><i>ACTIVITY</i></b>	<b><i>DATE DUE</i></b>
Public Involvement/Participation	Public Notice	Comply with State & local rules.	<b>Year 1</b>
		Comply with State & local rules.	<b>Year 2</b>
		Comply with State & local rules.	<b>Year 3</b>
		Comply with State & local rules.	<b>Year 4</b>
		Comply with State & local rules.	<b>Year 5</b>

***Responsible Division(s)***

The Community Affairs and Environmental Services Divisions have responsibility for this BMP to meet Measurable Goal 2.3.1.1.

***Community Source Water Protection Program***

The Town of Flower Mound will initiate a community-wide water quality public education and participation program designed to involve local residents, businesses, neighborhood associations, and students in the implementation of the Town’s Stormwater management program. Utilizing the Texas Watch program, the Town will develop, train, and manage a network of volunteer water quality monitors, who will take monthly water quality samples at designated monitoring stations. The data will be collected by Town staff and forwarded to Texas Watch’s statewide database. This program will also provide an illicit discharge detection and elimination component through the use of dry weather screening of local streams.

***Measurable Goals***

The Town will determine appropriate sampling locations, provide training to volunteer monitors, and provide general support services to the monitors. Implementation will follow the schedule below. Description of research and development of the program will be provided in the annual report. The number of volunteers trained and/or participating will also be documented and provided in the annual report.

***Schedule***

<b><i>PROGRAM</i></b>	<b><i>BMP</i></b>	<b><i>ACTIVITY</i></b>	<b><i>DATE DUE</i></b>
Public Involvement/Participation	Community Source Water Protection Program	Develop program and begin to develop a network of interested volunteer monitors	<b>Year 1</b>
		Initiate program and continue training and providing technical services.	<b>Year 2</b>
		Initiate program and continue training and providing technical services.	<b>Year 3</b>
		Initiate program and continue training and providing technical services.	<b>Year 4</b>
		Initiate program and continue training and providing technical services.	<b>Year 5</b>

***Responsible Division(s)***

The Environmental Services Division is responsible for developing and implementing this BMP to meet Measurable Goal 2.3.2.1.

**3 Illicit Discharge Detection and Elimination**

***Regulatory Requirement***

(a) Illicit Discharges

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

(1) Detection

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

(2) Elimination

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

(b) Allowable Non-Stormwater Discharges

Non-Stormwater flows listed in Part II.B and Part VI.B. do not need to be considered by the MS4 operator as an illicit discharge requiring elimination unless the operator of the small MS4 or the executive director identifies the flow as a significant source of pollutants to the small MS4. In lieu of considering non-Stormwater sources on a case-by-case basis, the MS4 operator may develop a list of common and incidental non-Stormwater discharges that will not be addressed as illicit discharges requiring elimination. If

developed, the listed sources must not be reasonably expected to be significant sources of pollutants either because of the nature of the discharge or the conditions that are established by the MS4 operator prior to accepting the discharge to the small MS4. If this list is developed, then all local controls and conditions established for these listed discharges must be described in the SWMP and any changes to the SWMP must be included in the annual report described in Part IV.B.2. of this general permit, and must meet the requirements of Part II.D.3. of the general permit.

(c) Storm Sewer Map

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

***Current Programs***

Currently, the Town of Flower Mound is in the process of mapping the Town's MS4 infrastructure and jurisdictional waters in a GIS database system. Mapping of the existing and future drainage system will be included in this project. The Town's Environmental Services Division and Fire Marshal's Office investigate reported or discovered illicit discharges and spills and works with the responsible party to resolve all situations. All responsible divisions have the authority to investigate and enforce against any hazardous and non-hazardous illegal dumping activities. Additional programs

currently implemented that are related to illicit discharge detection and elimination include:

- Neighborhood Cleanup Events
- Household Hazardous Waste Collection Events
- Spring and Fall Waterway Cleanup Events
- Town Code of Ordinances provisions:
  - Authority to control and regulate waste discharge and require pretreatment
  - Enforcement by authority to disconnect service or access penalties for violations
  - Reporting requirements by industrial waste pretreatment permittees
  - Prohibit persons to dump, or permit to be dumped, knowingly or intentionally, upon any sidewalk, alley, street, into or adjacent to water, or any other public or private property, any unwholesome water, refuse, rubbish, trash, debris, filth, carrion, junk, garbage, impure or unwholesome matter of any kind or other objectionable or unsightly matter of whatever kind
  - Enforcement by accessing penalties for illegal dumping violations

### ***Selected BMPs for Illicit Discharge Detection and Elimination***

#### ***Storm Sewer System Map***

The Town of Flower Mound will develop a GIS-based storm sewer system map, showing the location of all outfalls and the names and locations of all water of the U.S. that receive discharges from those outfalls. Additionally, the storm sewer map will identify the location of storm sewer pipes, ditches, and other conveyances owned by the Town, or at a minimum, the drainage area for each outfall.

#### ***Measurable Goals***

The measurable goal for implementation of this BMP is to collect data and finalize the storm sewer map during permit years 1 and 2. The map will be periodically updated throughout the remainder of the permit. Description of research and development of the storm sewer system map, including how the outfalls are verified and how the map will be periodically

updated, will be provided in the annual report. A complete description of the Town’s MS4 system will be documented and provided in the year 2 annual report.

***Schedule***

<b><i>PROGRAM</i></b>	<b><i>BMP</i></b>	<b><i>ACTIVITY</i></b>	<b><i>DATE DUE</i></b>
Illicit Discharge Detection and Elimination	Storm Sewer System Map	Collect data & begin mapping.	<b>Year 1</b>
		Finalize map.	<b>Year 2</b>
		Periodically update map.	<b>Year 3</b>
		Periodically update map.	<b>Year 4</b>
		Periodically update map.	<b>Year 5</b>

***Responsible Division(s)***

Public Works, Environmental Services, and Information Technology Divisions are responsible for implementation of the storm sewer system map to meet Measurable Goal 3.3.1.1.

***Illicit Discharge Component (Comprehensive Stormwater Ordinance)***

The Town of Flower Mound will develop an illicit discharge component to a comprehensive Stormwater ordinance to effectively prohibit non-Stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions.

***Measurable Goals***

The measurable goal for implementation of this BMP is to develop a draft ordinance in permit years 1 and 2 and finalize and implement the ordinance in permit year 3 of the overall permit period. Description of research and development of the comprehensive Stormwater ordinance, including an illicit discharge component, will be provided in the permit year 1 and 2 annual reports. A complete description of the Town’s comprehensive Stormwater ordinance will be documented and provided in the permit year 3 annual report. The number of violations of the illicit discharge component of the comprehensive Stormwater ordinance will also be documented and provided in the permit year 4 and 5 annual reports.

***Schedule***

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Illicit Discharge Detection and Elimination	Illicit Discharge Component (Comprehensive Stormwater Ordinance)	Develop draft ordinance.	<b>Year 1-2</b>
		Finalize and adopt ordinance.	<b>Year 3</b>
		Enforce ordinance.	<b>Year 4</b>
		Enforce ordinance.	<b>Year 5</b>

***Responsible Division(s)***

The Environmental Services and Public Works Divisions are responsible for implementation of this BMP to meet Measurable Goal 3.3.2.1

***Program to Detect and Address Illicit Discharges***

The Town of Flower Mound will evaluate existing programs and identify additional program requirements and resource needs to detect and address non-Stormwater discharges including illegal dumping into the storm drainage system. Current programming, primarily focused on report or complaint response, will be re-oriented to a prescriptive system-wide evaluation methodology.

***Measurable Goals***

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

***Schedule***

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Illicit Discharge Detection and Elimination	Program to Detect and Address Illicit Discharges	Evaluate existing program and identify additional program requirements, resources, and training needs.	<b>Year 1</b>
		Acquire needed resources and training.	<b>Year 2</b>
		Develop program.	<b>Year 3</b>
		Implement program.	<b>Year 4</b>
		Continue and update program, if needed.	<b>Year 5</b>

***Responsible Division(s)***

Public Works and Environmental Services Divisions are responsible for development and implementation of this BMP to meet Measurable Goal 3.3.3.1.

#### **4 Construction Site Stormwater Runoff Control**

##### ***Regulatory Requirement***

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

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

- (2) receipt and consideration of information submitted by the public; and
- (3) site inspection and enforcement of control measures to the extent allowable under state and local law.

### ***Current Programs***

Currently, the Town of Flower Mound requires construction sites comply with all federal and/or state Stormwater permits. Additionally, the Town currently has existing rules and regulations related to erosion control and Stormwater quality requirements related to new residential and/or commercial developments. Stormwater and erosion controls are included in Town ordinances, engineering standards, and enforced through inspections by various departments during all phases of construction related activities. Noncompliance can be grounds for the Town to stop inspections and issue citations. The Town also has staff and procedures for site plan review that incorporates consideration of potential water quality impacts as well as procedures to receive and consider information submitted by the public during the development review process.

### ***Selected BMPs for Construction Site Stormwater Runoff Controls***

#### ***Evaluate and Update Regulatory Authority and Procedures***

The Town of Flower Mound will evaluate the existing legal authority to enforce the requirements for erosion and sediment controls and proper waste management at construction sites, and sanctions to ensure compliance with the requirements. If necessary, ordinances or other regulatory mechanisms will be updated to provide the formal authority. All modifications and updates will be included in the comprehensive Stormwater ordinance.

#### ***Measurable Goals***

The measurable goal for implementation of this BMP is to evaluate existing legal authority in permit years 1 and 2. If necessary, the ordinance, or other regulatory mechanism and procedures will be updated and adopted in permit year 3. Development and implementation will be according to the schedule below and updates will be provided in the annual report.

**Schedule**

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Construction Site Stormwater Controls	Evaluate and Update Regulatory Authority and Procedures (Ordinance Requiring Erosion and Sediment Controls at Construction Sites Ordinance.	Evaluate existing legal authority and procedures.	<b>Year 1</b>
		Update ordinance or other regulatory mechanisms and procedures and adopt them.	<b>Year 2</b>
		Implement all requirements.	<b>Year 3</b>
		Continue Enforcement.	<b>Year 4</b>
		Update ordinance, if necessary.	<b>Year 5</b>

**Responsible Division(s)**

The Environmental Services and Engineering Services Divisions are responsible for developing and implementing this BMP to meet Measurable Goal 4.3.1.1.

**Construction Site Reporting Hotline**

The Town of Flower Mound will develop and maintain a construction site reporting hotline for the public to report construction site problems and/or potential violations. This hotline will be combined with a general illegal dumping and environmental crimes hotline managed by members of the Town’s Environmental Compliance Team. This will facilitate the ability of the public to provide information that will assist in detection of problem discharges.

**Measurable Goals**

The measurable goal will be to develop the hotline in the permit year 1 and to activate and publicize the hotline in permit year 2. Information gathered from the construction site reporting hotline will be provided in the annual report.

**Schedule**

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Construction Site Stormwater Controls	Construction Site Reporting Hotline	Develop the hotline.	<b>Year 1</b>
		Activate the hotline and conduct communications initiative.	<b>Year 2</b>
		Monitor hotline.	<b>Year 3</b>
		Monitor hotline.	<b>Year 4</b>
		Monitor hotline.	<b>Year 5</b>

***Responsible Division(s)***

The Environmental Services Division is responsible for implementation of this BMP to meet Measurable Goal 4.3.2.1.

**5 Post-Construction Stormwater Management in New Development and Redevelopment**

***Regulatory Requirement***

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

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

***Current Programs***

Currently, the Town of Flower Mound has several ordinances and regulatory requirements to protect water quality by requiring the use of best management practices on all new residential and commercial development projects. Under the Town's SMARTGrowth Program, all new developments are required to address water quality protection measures through the use of structural and/or non-structural BMPs. Additional guidance and ordinances currently implemented that are related to post-construction Stormwater management in new development and redevelopments include:

- Adoption of the Town's SMARTGrowth Management Plan that includes an environmental quality category related to the: "preservation of open space, farmland, natural beauty, and sensitive environmental areas is achieved by criteria pertaining to watershed protection, wetlands, water body protection, topographical slope protection, environmental surveys, environmental protection plans, conservation development, rural development, visual impact, and agricultural resource protection easements."
- Town of Flower Mound Engineering Services Design Criteria and Construction Standards manual, which provides a list of potential BMPs for watershed protection.

### ***Selected BMPs for Post Construction Stormwater Management for New Developments and Redevelopment***

#### ***Comprehensive Stormwater Ordinance***

The Town of Flower Mound will evaluate all existing regulations, ordinances, procedures, and rules related to the protection of Stormwater quality and make appropriate revisions, as necessary. Additionally, the Town will consolidate and revise existing ordinances with all required additional ordinances into a single comprehensive Stormwater ordinance. The Town will continue to require all new residential and commercial developments to utilize BMPs to ensure proper long-term operation and maintenance of structures and activities to protect Stormwater quality.

#### ***Measurable Goals***

The measurable goal for implementation of the comprehensive Stormwater ordinance is to evaluate existing ordinances and procedures and identify needed updates in permit years 1 and 2. Finalization and adoption of the comprehensive ordinance will be in permit year 3. Development and implementation will be according to the schedule below. Description of research and development of the comprehensive Stormwater ordinance will be provided in the permit year 1 and 2 annual reports. A complete description of the Town’s comprehensive Stormwater ordinance will be documented and provided in the permit year 3 annual reports.

***Schedule***

<b><i>PROGRAM</i></b>	<b><i>BMP</i></b>	<b><i>ACTIVITY</i></b>	<b><i>DATE DUE</i></b>
Post-Construction Controls for New Development and Redevelopment	Comprehensive Stormwater Ordinance	Evaluate existing rules and regulations for potential updates; research and prepare draft new regulations for inclusion into the Stormwater ordinance.	<b>Year 1-2</b>
		Finalize and adopt the Stormwater ordinance.	<b>Year 3</b>
		Enforce all provisions of the Stormwater ordinance.	<b>Year 4</b>
		Enforce all provisions of the Stormwater ordinance.	<b>Year 5</b>

***Responsible Division(s)***

The Environmental Services, Public Works, Engineering Services, and Planning Services Divisions are responsible for implementing this BMP to meet Measurable Goal 5.3.1.1.

***Evaluate and Update Stormwater Inspection Programs***

The Town of Flower Mound will integrate inspections of post-construction Stormwater quality into existing inspections conducted by various divisions. The Town will evaluate existing procedures and identify needed changes and implement the revised program.

***Measurable Goals***

The measurable goal for implementation of this BMP is to evaluate existing procedures and identify needed changes in permit year 1 and to implement the revised programs in permit year 2. Development and implementation will be according to the schedule below.

***Schedule***

<b><i>PROGRAM</i></b>	<b><i>BMP</i></b>	<b><i>ACTIVITY</i></b>	<b><i>DATE DUE</i></b>
Post-Construction Controls for New Development and Redevelopment	Evaluate and update Stormwater inspections program	Evaluate existing requirements and identify needed updates.	<b>Year 1</b>
		Update and adopt changes.	<b>Year 2</b>
		Provide for periodic inspections of targeted locations.	<b>Year 3</b>
		Provide for periodic inspections of targeted locations.	<b>Year 4</b>
		Provide for periodic inspections of targeted locations.	<b>Year 5</b>

***Responsible Division(s)***

The Environmental Services, Public Works, and Engineering Services Divisions are responsible for implementing this BMP to meet measurable goal 5.3.2.1.

**6 Pollution Prevention/Good Housekeeping for Municipal Operations**

***Regulatory Requirement***

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

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

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

(b) Training

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

(c) Structural Control Maintenance

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

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

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

(d) Disposal of Waste

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

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

(e) Municipal Operations and Industrial Activities

The SWMP must include a list of all:

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

***Current Programs***

Currently the Town of Flower Mound's individual divisions ensure that applicable pollution prevention controls are in place and effectively maintained. The Environmental Services Division provides technical services to other divisions, as needed. Current pollution prevention/good housekeeping programs include:

- Fleet vehicle maintenance/washing
- Parking lot and street cleaning
- Storm drain system cleaning/maintenance
- Water materials management
- Road salt/sand application and storage practices
- Used oil recycling
- Pest management practices

- Roadway and bridge maintenance policies
- Park maintenance provisions

***Selected BMPs for Pollution Prevention/Good Housekeeping for Municipal Operations***

***Municipal Environmental Management System (EMS)***

The Town of Flower Mound will develop, implement, and maintain a municipal-wide environmental management system, which will identify potential Stormwater quality impairments resulting from municipal operations and activities. The EMS will provide structural and non-structural pollution prevention options through a series of BMPs that will be developed and selected through a multi-divisional implementation process.

***Measurable Goals***

The measurable goal for implementation of the EMS is to develop the EMS during permit year 1. Finalization and implementation will be phased-in through permit years 2 and 3, with final compliance with all municipal operations in year 4. Description of research and development of the EMS will be provided in the permit year 1 and 2 annual report. A complete description of the Town’s EMS will be documented and provided in the permit year 3 annual report and implementation progress and updates will be provided in subsequent annual reports.

***Schedule***

<b><i>PROGRAM</i></b>	<b><i>BMP</i></b>	<b><i>ACTIVITY</i></b>	<b><i>DATE DUE</i></b>
Pollution Prevention/Good Housekeeping	Municipal Environmental Management System	Develop EMS for municipal operations.	<b>Year 1</b>
		Develop EMS for municipal operations.	<b>Year 2</b>
		Finalize and implement EMS for the Fleet Services Center.	<b>Year 3</b>
		Achieve full compliance for municipal operations with an official EMS.	<b>Year 4</b>
		Provide updates, if required.	<b>Year 5</b>

***Responsible Division(s)***

The Environmental Resources, Public Works, and Facilities Management Divisions are responsible for implementing the EMS program to meet Measurable Goal 6.3.1.1.

***Develop a MS4 Maintenance and Operations Manual***

The Town of Flower Mound will develop a MS4 maintenance and operations manual that will identify specific controls to reduce or eliminate the discharge of pollutants when runoff from municipal operations is determined to be a significant contributor of pollution to the MS4.

***Measurable Goals***

The measurable goal for this BMP will be to develop and report the progress of the MS4 maintenance and operations manual, including appropriate maintenance schedules, in conjunction with the municipal EMS program during permit years 1 and 2. Updates of the manual, if required, will be conducted and reported during permit years 3, 4, and 5.

***Schedule***

<b><i>PROGRAM</i></b>	<b><i>BMP</i></b>	<b><i>ACTIVITY</i></b>	<b><i>DATE DUE</i></b>
Pollution Prevention/Good Housekeeping	MS4 Maintenance and Operations Manual	Develop the manual in conjunction with EMS program.	<b>Year 1</b>
		Develop the manual in conjunction with EMS program.	<b>Year 2</b>
		Update manual, if required.	<b>Year 3</b>
		Update manual, if required.	<b>Year 4</b>
		Update manual, if required.	<b>Year 5</b>

***Responsible Division(s)***

The Environmental Services and Public Works Divisions are responsible for developing and maintaining this BMP to meet Measurable Goal 6.3.2.1.

***Develop a MS4 Maintenance and Operations Training Initiative***

The Town of Flower Mound will develop a training program for all employees responsible for municipal operations that potentially pose an impact to Stormwater quality, including discharges into the MS4. The training program will include training materials directed at preventing and reducing Stormwater pollution from municipal operations.

**Measurable Goals**

The measurable goal for this BMP will be to develop the training presentation(s) and material(s) in conjunction with the municipal EMS during permit years 1 and 2. All designated employees will have been through the training program during permit years 3 and 4. Additionally, by permit year 5, all new employees will receive the training during initial orientation. Description of research and development of the training materials will be provided in the permit year 1 and 2 annual reports. The total number of employees trained will be documented and provided in the subsequent permit year annual reports.

**Schedule**

<b>PROGRAM</b>	<b>BMP</b>	<b>ACTIVITY</b>	<b>DATE DUE</b>
Pollution Prevention/Good Housekeeping	MS4 Maintenance and Operations Training Initiative	Develop training presentations and materials in conjunction with the EMS program.	<b>Year 1</b>
		Develop training presentations and materials in conjunction with the EMS program.	<b>Year 2</b>
		Ensure all designated employees receive the training.	<b>Year 3</b>
		Ensure all designated employees receive the training.	<b>Year 4</b>
		Ensure all designated employees receive the training.	<b>Year 5</b>

**Responsible Division(s)**

The Environmental Services and Public Works Divisions are responsible for implementing the training program to meet Measurable Goal 6.3.3.1.

***Develop and Maintain a Stormwater Permits Document***

The Town of Flower Mound will develop and maintain a list of all municipal and industrial operations subject to TPDES Stormwater regulations. The document will include an individual permit number, general permit authorization number, or a copy of a signed NOI or NEC for each industrial activity conducted by the MS4 and subject TPDES Stormwater regulations.

***Measurable Goals***

The measurable goal for this BMP is to develop and maintain a Stormwater permits document beginning in permit year 1. The implementation of this BMP follows the schedule below. The number and description of each Stormwater permit will be provided in the permit year annual reports.

***Schedule***

<b><i>PROGRAM</i></b>	<b><i>BMP</i></b>	<b><i>ACTIVITY</i></b>	<b><i>DATE DUE</i></b>
Pollution Prevention/Good Housekeeping	Develop and Maintain a Stormwater Permits Document	Develop and maintain Stormwater permits document.	<b>Year 1</b>
		Maintain and update Stormwater permits document.	<b>Year 2</b>
		Maintain and update Stormwater permits document.	<b>Year 3</b>
		Maintain and update Stormwater permits document.	<b>Year 4</b>
		Maintain and update Stormwater permits document.	<b>Year 5</b>

***Responsible Division(s)***

The Environmental Services and Public Works Divisions are responsible for developing and maintaining this BMP to meet Measurable Goal 6.3.4.1.

**PART III APPENDICES**

**APPENDIX A**  
**DIVISIONAL RESPONSIBILITIES CHART**

	Environmental Services	Public Works	Engineering Services	Information Technology	Community Affairs	Facilities Management	Planning Services
<b>Management Practices</b>							
Municipal Channel Storm Water Quality Messages	█				█		
Municipal Website Storm Water Information	█				█		
Anti-Littering/Dumping Brochure	█		█		█		
Watershed Address Program	█	█		█			
Storm Drain Labeling	█	█					
Comply with State and Local Public Notice Requirements	█				█		
Community Source Water Protection Program	█						
Storm Sewer System Map	█	█		█			
Illicit Discharge Ordinance	█	█					
Program to Detect and Address Illicit Discharges	█	█					
Ordinance Requiring Erosion & Sediment Controls at Construction Sites	█		█				
Construction Site Reporting Hotline	█						
Comprehensive Storm Water Ordinance	█	█	█				█
Evaluate and Update Storm Water Inspection Programs	█	█	█				
Municipal Environmental Management System	█	█				█	
Develop a MS4 Maintenance and Operations Manual	█	█					
Develop a MS4 Maintenance and Operations Training Initiative	█	█					
Develop and Maintain a Storm Water Permits Document	█	█					

**DIVISIONAL RESPONSIBILITIES**

**APPENDIX B**

**MUNICIPAL CHANNEL STORMWATER MESSAGES**

\*This page will be updated with the permit year 1 annual report.

**APPENDIX C**

**MUNICIPAL WEBSITE STORMWATER INFORMATION**

\*This page will be updated with the permit year 2 annual report.

**APPENDIX D**  
**ANTI-LITTERING/DUMPING BROCHURE**

\*This page will be updated with the permit year 1 annual report.

**APPENDIX E**  
**WATERSHED ADDRESS PROGRAM**

\*This page will be updated with the permit year 1 annual report.

**APPENDIX F**  
**STORM DRAIN LABELING**

\*This page will be updated with the permit year 1 annual report.

**APPENDIX G**  
**STATE & LOCAL PUBLIC NOTICES**

\*This page will be updated with the permit year 1 annual report.

**APPENDIX H**

**COMMUNITY SOURCE WATER PROTECTION PROGRAM**

\*This page will be updated with the permit year 1 annual report.

**APPENDIX I**  
**STORM SEWER MAP**

\*This page will be updated with the permit year 2 annual report.

**APPENDIX J**

COMPREHENSIVE STORMWATER ORDINANCE – ILLICIT  
DISCHARGE COMPONENT

\*This page will be updated with the permit year 3 annual report.

## ILLICIT DISCHARGE DETECTION PROGRAM

\*This page will be updated with the permit year 3 annual report.

ORDINANCE REQUIRING EROSION AND SEDIMENT CONTROLS  
AT CONSTRUCTION SITES

\*This page will be updated with the permit year 1 annual report.

## CONSTRUCTION SITE REPORTING HOTLINE

\*This page will be updated with the permit year 1 annual report.

### **APPENDIX N**

COMPREHENSIVE STORMWATER ORDINANCE –  
POST-CONSTRUCION CONTROL COMPONENT

\*This page will be updated with the permit year 3 annual report.

EVALUATE AND UPDATE STORMWATER INSPECTIONS  
PROGRAM

\*This page will be updated with the permit year 1 annual report.

## MUNICIPAL ENVIRONMENTAL MANAGEMENT SYSTEM

\*This page will be updated with the permit year 3 annual report.

### **APPENDIX Q**

## MS4 MAINTENANCE AND OPERATIONS MANUAL

\*This page will be updated with the permit year 2 annual report.

### **APPENDIX R**

## MS4 MAINTENANCE AND OPERATIONS TRAINING INITIATIVE

\*This page will be updated with the permit year 2 annual report.

DEVELOP AND MAINTAIN A STORMWATER PERMITS  
DOCUMENT

\*This page will be updated with the permit year 1 annual report.

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**TOWN OF FLOWER MOUND, TEXAS****ORDINANCE NO. 65-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND, TEXAS, BY AMENDING CHAPTER 70, "UTILITIES," BY ADOPTING A NEW ARTICLE XIV, ENTITLED "STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL;" REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Environmental Protection Agency (EPA) delegated authority to the Texas Commission on Environmental Quality (TCEQ) to establish and implement regulations governing stormwater drainage under the Texas Pollutant Discharge Elimination System (TPDES) that requires the Town of Flower Mound (Town) to obtain a TPDES permit for storm water drainage; and

**WHEREAS**, pursuant to Chapter 54 of the Local Government Code, the Town is authorized to adopt Ordinances necessary to preserve and conserve its water resources; and

**WHEREAS**, the Town deems it prudent to adopt new regulations to effectively address stormwater quality management and control illegal discharges to the Town's municipal storm sewer system; and

**WHEREAS**, the Town of Flower Mound, as a home-rule municipality, is authorized and empowered by the Texas Constitution to adopt such standards as are contained in this Ordinance; and

**WHEREAS**, the Town Council of the Town of Flower Mound, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to adopt standards regulating stormwater quality and the discharge of pollutants.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Ordinance, as if copied in their entirety.

**SECTION 2**

From and after the effective date of this Ordinance, a new Article XIV, entitled "Stormwater Quality Management and Discharge Control," is hereby added to Chapter 70, "Utilities," to read as follows:

**"ARTICLE XIV. STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL**

**DIVISION 1. TITLE, PURPOSE AND GENERAL PROVISIONS**

**Sec. 70-1001. Title.**

This Article shall be known as the "Stormwater Quality Management and Discharge Control Ordinance" of the Town of Flower Mound and may be so cited.

**Sec. 70-1002. Purpose and Intent.**

The purpose and intent of this article is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality, and to satisfy the appropriate water quality requirements of the TPDES General Permit issued pursuant to Section 26.040 of the Texas Water Code and Section 402 of the Clean Water Act, by reducing the discharge of pollutants from the municipal separate storm sewer system (MS4), to the maximum extent practicable.

**Sec. 70-1003. Definitions.**

The term used in the Article shall have the following meanings:

*Act or the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq., and any subsequent amendments thereto.

*Best Management Practices ("BMP")* means the schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMP also include treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

*Clean Water Act (CWA)* means the Federal Water Pollution Control Act, as amended, 33 USC 1251, et seq., and any subsequent amendments thereto.

*Commercial Activity* means any public or private activity involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non professional services.

*Construction or Construction Site* means causing or carrying out any building, bulk heading, filling, clearing, excavation, or substantial improvement to land or the size of any structure.

*Discharge*, when used without a qualifier, refers to the discharge of stormwater runoff or certain non-stormwater discharges as allowed under the authorization of the Texas Pollutant Discharge Elimination System ("TPDES") general permit.

*Fundraising Car Wash* means the washing of a vehicle, by someone other than the vehicle's owner, at an event for the sole benefit of a charitable, religious, philanthropic, educational or civic institution.

*Hazardous Material* means any material, including any substance, waste, or combination thereof, which because of its quality, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illicit Connection* means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

*Illegal Discharge* means any discharge to a municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under the TPDES general permit or a separate authorization and discharges resulting from fire fighting activities.

*Industrial Activity* means 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 the TPDES Multi Sector General Permit TXR050000, or by another TCEQ or TPDES permit.

*Mobile Car Wash* means a business providing or equipped to provide vehicle cleaning or detailing services for a vehicle owner at a non-fixed location.

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

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a publicly owned treatment works (POTW). [40 CFR 122.26(b)(8)].

*Non-Stormwater Discharge* means any discharge to the storm sewer system that is not composed entirely of stormwater.

*Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials; radioactive materials, heat, wrecked or discharged equipment; rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

*Pollution* means 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, are injurious to humans, animal life, vegetation, or property or the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

*Premises* mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Remediation* means the abatement or removal of pollution or contaminants from land or water (including sediments in waterways) for the general protection of human health and the environment.

*Storm Sewer* means a public sewer which carries stormwater and surface water and drainage and into which domestic wastewater or industrial waste are not intentionally passed.

*Stormwater and Stormwater Runoff* means any flow occurring during or following any form of natural precipitation and resulting therefrom, including but not limited to, rainfall runoff, snow melt runoff and surface runoff and drainage.

*Stormwater Management Program ("SWMP")* means a comprehensive program to manage the quality of discharges from the municipal separate storm sewer system (MS4).

*Texas Pollutant Discharge Elimination System Stormwater Discharge Permits* means a permit issued pursuant to section 402 of the Act (33 USC 1342).

*Town* means the Town of Flower Mound.

*Town Manager* means the Town Council appointed manager of the Town, or his/her designee.

*Waters of the State* means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any of its portions.

*Waters of the United States ("U.S.")* (40 CFR 230.3(s)) means:

1. All waters which are currently used, or 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;

2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
  - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (iii) Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (s)(1) through (4) of this section;
6. The territorial sea;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

**Sec. 70-1004. Applicability and Effective Dates.**

This Article, including any amendments or revisions thereto, shall apply to all water entering the municipal separate storm sewer system

generated on or flowing over any developed and undeveloped land lying within the Town of Flower Mound.

The provision and requirements of this Article shall become effective upon its adoption by the Town Council.

**Sec. 70-1005. Responsibility for Administration.**

The Town Manager shall administer, implement, and enforce the provisions of this Article.

**Sec. 70-1006. Severability.**

The provisions of the Article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person, establishing, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Article.

**Sec. 70-1007. Regulatory Consistency.**

This Article shall be construed to assure consistency with the requirement of the Clean Water Act, and any amendments thereto, or any applicable implementing regulations.

**Sec. 70-1008. Ultimate Responsibility of Discharger.**

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore this Article does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into Waters of the State caused by said person. This Article shall not create liability on the part of the Town, or any agent or employee thereof for any damages that result from any discharger's reliance on this Article or any administrative decision lawfully made thereunder.

**DIVISION 2. DISCHARGE PROHIBITIONS**

**Sec. 70-1009. Prohibition of Illegal Discharges.**

No person or entity shall discharge or cause to be discharged into the municipal separate storm sewer system or Waters of the State any material, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable

water quality standards, other than stormwater. Waste deposited in streets in proper waste receptacles for the purposes of collection is exempted from this prohibition.

- (a) Illegal discharges into the municipal separate storm sewer system or Waters of the State include, but are not limited to, the following types of discharges and are prohibited, unless the discharge is permitted under a separate TPDES permit, or as allowed by the proper application of BMP adopted by the Town:
- (1) Water from the cleaning of gas stations, vehicles services garages, or other types of vehicles service facilities.
  - (2) Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial activities.
  - (3) Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners (an individual washing his/her private vehicle is exempt per Sec. 70-1009(b)).
  - (4) Water from the washing or rinsing of vehicles engine, with or without soap from auto body repair shop.
  - (5) Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning.
  - (6) Vehicle fluids.
  - (7) Mat wash and hood cleaning water from food services facilities.
  - (8) Food and kitchen cleaning water from food services facilities.
  - (9) Leakage from dumpsters, trash containers, or grease traps and containers.

- (10) Water from the cleaning or rising of garbage dumpster areas and areas where garbage or waste is stored or contained.
- (11) Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces.
- (12) Wastewater or cleaning fluids from carpet cleaning.
- (13) Swimming pools and spa water;
- (14) Water out from concrete trucks; Any concrete, mortar, ceramic, or asphalt base material or hydromulch material, or material from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
- (15) Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored, except as allowed by Sec. 70-1011.
- (16) Super-chlorinated water normally associated with the disinfection of potable water systems.
- (17) Debris, such as, but not limited to construction debris and sediment, trash, yard waste, grass clippings, leaves, paint, and wash water.
- (18) Sewage or other forms of pollutants from commercial and/or residential facilities and recreational activities.
- (19) A mobile car wash.

The commencement, conduct or continuance of any illegal discharge to the storm sewer system is prohibited except as described as follows:

- (b) Discharge from the following sources will not be considered a source of pollutants to the storm sewer system and to the state when properly managed to

ensure that no potential pollutants are present; therefore, discharges from the following list shall not be considered illegal discharges, unless determined to cause a violation of the provisions of the Clean Water Act or this ordinance:

- (1) Potable water line flushing.
- (2) Pumped groundwater not containing pollutants and other discharges from potable water sources.
- (3) Landscape irrigation and lawn watering.
- (4) Diverted stream flows.
- (5) Rising ground water.
- (6) Ground water infiltration (as defined in 40 CFR 35.2005(20)) not containing pollutants.
- (7) Water from crawl space pumps not containing pollutants.
- (8) Air conditioning condensations.
- (9) Non-industrial roof drains not containing pollutants.
- (10) Springs.
- (11) An individual washing his/her private vehicle(s) (except as provided in § 70-1009(a)).
- (12) Flow from riparian habitats and wetlands.
- (13) De-chlorinated swimming pool discharges.
- (14) Flow from fire fighting.
- (15) Flow from a fundraising car wash.
- (16) Agricultural stormwater runoff.

- (17) A discharge authorized by, and in full compliance with, a TPDES permit (other than the TPDES permit for discharges from the MS4).
- (c) The Prohibition shall not apply to any non-stormwater discharge permitted under an TPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of Texas under the authority of the Federal Environmental Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver or order and the applicable law and regulations, and provided that written approval has been granted by the Town of Flower Mound. The Town may exempt in writing other non-stormwater discharge which are not a source of pollutants to the municipal separate storm sewer system or Waters of the State.

**Sec. 70-1010. Prohibition of Illicit Connections.**

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

**Sec. 70-1011. Discharges in Violation of Industrial or Construction Activity TPDES Stormwater Discharge Permit.**

Any person subject to an Industrial or Construction activity TPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town Manager prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

**DIVISION 3. REGULATIONS AND REQUIREMENTS****Sec. 70-1012. Requirement to Prevent, Control, and Reduce Stormwater Pollutants.**

- (a) Authorization to Adopt and Impose Best Management Practices. The Town may adopt requirements identifying BMP for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the municipal separate storm sewer system, or Waters of the State as a separate best management practice of the Stormwater Management Program. Where BMP requirements are promulgated by the Town or any Federal, State, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm sewer system or Waters of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

The Town Manager will periodically report to the Town Council on the status of implementation of BMP and any new BMP to be developed for inclusion in the Town of Flower Mound's Stormwater Management Program.

- (b) New Development and Redevelopment. The Town may require any owner or person developing real property to identify appropriate BMP to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The Town shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The Owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this Article and the Town Stormwater Utility Ordinance, Chapter 70, Article XI. (Required by SmartGrowth and the Design Standards)

These requirements may include a combination of structure and non-structural BMP, and shall include requirements to ensure the proper long term operation and maintenance of these BMP.

- (c) Construction Sites. BMP to reduce pollutants in any stormwater runoff activity shall be incorporated in any land use entitlement and construction or building-related permit. The owner and developer shall comply with terms, provisions, and conditions of such land use entitlement and building permits as required by the Town.
- (d) Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (a), (b), and (c) above, any person or entity engaged in activity or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the municipal separate storm sewer system, or Waters of the State shall implement BMP to the extent they are technologically achievable to prevent and reduce such pollutants. Facilities designed to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

**Sec. 70-1013. Requirement to Eliminate Illegal Discharges.**

Notwithstanding the requirements of 70-1019 herein, the Town Manager may require by written notice that a person or entities responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

**Sec. 70-1014. Requirement to Eliminate or Secure Approval for Illicit Connections.**

- (a) The Town Manager may require by written notice that a person or entity responsible for an illicit connection to the storm sewer system comply with the requirements of this Article to eliminate or to secure approval for the illicit connection by a specified date, regardless of whether the connection or discharge has been established or approved prior to the effective date of this Article.
- (b) If, subsequent to eliminating a connection found to be in violation of this Article, the responsible person or entity can demonstrate that an illegal discharge will no longer occur, said person or entity may request Town approval to reconnect. The

reconnection or reinstallation of the connection shall be at the responsible party's expense.

**Sec. 70-1015. Watercourse Protection.**

Every person or entity owning property through which a watercourse passes, or such owner's lessee shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other manmade or unnatural obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse. The owner or lessee shall not remove healthy bank vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner or such owner's lessee shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

**Sec. 70-1016. Requirement to Remediate.**

Whenever the Town Manager finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the municipal separate storm sewer system, or Waters of the U.S., the Town Manager may require by written notice to the owner of the property and/or the responsible person or entity that the pollution be remediated and the affected property restored within a specified time pursuant to the provision of Sec. 70-1021 through Sec. 70-1023 below.

**Sec. 70-1017. Requirement to Monitor and Analyze.**

The Town Manager may require by written notice that any person or entity engaged in any activity and/or owning or operating a facility which may cause or contribute to stormwater pollution, illegal discharge, and/or non-stormwater discharges to the municipal separate storm sewer system or Waters of the State, to undertake at said person's or entity's expense such monitoring and analyses and furnish such reports to the Town of Flower Mound as deemed necessary to determine compliance with this Article.

**Sec. 70-1018. Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of material which are resulting or may result in illegal discharge or pollutants discharging into stormwater, the municipal separate storm sewer system or Waters of the State from said facilities, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such releases. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous material, said person shall notify the Town Manager in person or by phone or facsimile no later than 5:00 pm of the next business day. Notification in person or by phone shall be confirmed by written notice addressed and mailed to the Environmental Services within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

For site development or construction activities already regulated under a TPDES General Construction Permit, which is limited to: Construction activities that disturb less than 1 acre; small construction activities that disturb 1 acre to 5 acres; large construction activities that disturb 5 acres or greater; or a common plan of development, relative to erosion and sediment control, the TPDES General Construction Permit shall regulate said activities and exempt the operator from the spill notification requirements relative to sediment and/or erosion control.

**DIVISION 4. INSPECTION AND MONITORING****Sec. 70-1019. Authority to Inspect.**

Whenever necessary to make an inspection to enforce any provision of this Article, or whenever the Town Manager has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Article, the Town Manager may enter such premises at all reasonable times to inspect the same and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and

inspect has been made, the Town is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**Sec. 70-1020. Authority to Sample, Establish Sampling Devices, and Test.**

During any inspection as provided herein, the Town Manager may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

**DIVISION 5. ENFORCEMENT**

**Sec. 70-1021. Enforcement and Administration.**

1. Violations of provisions of this Article or failure to comply with any of its requirements shall constitute an offense punishable by fine not to exceed two thousand dollars (\$2,000.00) per violation, per day. Any person who violates this Article shall, upon conviction thereof, be fined in accordance with the provisions of this Article. Each day such violation continues shall be considered a separate offense.
2. The owner or operator of any facility, construction site, structure, premises, or party thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. Violations of this Article may be remedied using the procedures set forth in Section 1-13 of the Town of Flower Mound Code, entitled General Penalty; continuing violations. These remedies shall be in addition to all other legal remedies, criminal or civil, which may be pursued by the Town to address any violation of this Article. In addition, the Town Manager may require without limitation:
  - (a) The performance of monitoring, analyses, and reporting;
  - (b) The elimination of illicit connections or discharge;
  - (c) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

- (d) The implementation of source control or treatment BMP.

**Sec. 70-1022. Emergency Abatement.**

The Town Manager is authorized to require immediate abatement of any violation of this Article that constitutes an immediate threat to the health, safety or well being of the public. If any such violation is not abated immediately as directed by the Town Manager, the Town of Flower Mound is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the Town of Flower Mound shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the Town from seeking other and further relief authorized under this Article.

**Sec. 70-1023. Compensatory Action.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Town Manager may impose upon violator alternative compensatory actions such as storm sewer stenciling, attendance at compliance workshops, creek cleanup, etc.

**Sec. 70-1024. Violation Deemed a Public Nuisance.**

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the Town at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Town.

**Sec. 70-1025. Stop Orders.**

1. The Town Manager shall retain the authority to issue stop work orders for any construction site in violation of this Article.
2. If the Town Manager determines that compliance is not being attained, that a construction site is operating in a dangerous or unsafe manner, or that conditions exist at a construction site that may lead to an illicit discharge, upon written notice of an

issuance of a stop work order, such work or conditions shall be immediately terminated or remedied. Written notice of such action shall be provided to the owner, operator, and responsible party of the construction site and shall state the conditions under which work may be resumed. However, where an emergency exists which may result in discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to property, natural resources, wildlife, or habitat written notice shall be delivered as soon as practicable.

**Sec. 70-1026. Acts Potentially Resulting in a Violation of the Federal Clean Water Act.**

Any person who violates any provision of this Article or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Article shall also include written notice to the violator of such potential liability.

**Sec. 70-1027. Civil Penalties to be Deposited in the Stormwater Utility Fund.**

Any civil penalties collected by the Town as a result of violations of this Article shall be deposited in the Stormwater Utility Fund.

**DIVISION 6. JUDICIAL ENFORCEMENT REMEDIES**

**Sec. 70-1028. Injunctive Relief.**

When the Town Manager finds that a person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Town Manager may petition any court of competent jurisdiction, as appropriate, which restrains or compels the specific performance by that person of any requirement imposed by this Article or any order issued hereunder. The Town Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for a violator to conduct environmental remediation, abatement, or restoration. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a violator.

**Sec. 70-1029. Civil Suit Under the Texas Water Code.**

Whenever it appears that a violation of any provision of the Texas Water Code, or any rule, permit, or order of the TCEQ, has occurred or is occurring within the jurisdiction of the Town of Flower Mound, exclusive of its extraterritorial jurisdiction, the Town, in the same manner as the TCEQ, may have a suit instituted in a state district court, through its attorney, for the injunctive relief or civil penalties or both authorized in Chapter 7 of the Texas Water Code, against the person who committed or is committing or threatening to commit the violation. This power is exercised pursuant to Chapter 7 of the Texas Water Code, and in suits brought thereunder, the TCEQ shall be a necessary and indispensable party.

**Sec. 70-1030. Remedies Nonexclusive.**

The remedies provided for in this Article are not exclusive. The Town may take any, all, or any combination of these actions against a violator. The Town is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently. All remedies are cumulative."

**SECTION 3**

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 4**

If any section, subsection, clause, phrase or provision of this Ordinance and the Code, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases or provisions of this Ordinance and the Code, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 5**

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as specifically provided in the above-quoted text of this Ordinance and, to the

extent not otherwise provided for in above-quoted text of this Ordinance then as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

**SECTION 6**

This Ordinance shall take effect and be in full force from and after its publication date as provided by the laws of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

**DULY PASSED, APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 19<sup>th</sup> DAY OF DECEMBER, 2011.**

  
Melissa D. Northern, MAYOR

**ATTEST:**

  
Theresa Scott, TOWN SECRETARY

**APPROVED AS TO FORM AND LEGALITY:**

  
Terrence S. Welch, TOWN ATTORNEY



# ENVIRONMENTAL CONSERVATION COMMISSION

## AGENDA ITEM NO: 3

February 7, 2012

CONSENT ITEM

REGULAR ITEM

WORK SESSION ITEM

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**FROM:** Matthew Woods, Director of Environmental Services

**PRESENTERS:** Russ McNamer, Chairman, Environmental Conservation Commission  
Matthew Woods, Director of Environmental Services

**ITEM:** Receive updates from the sustainability subcommittees and continue to develop the sustainability plan framework.

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Information

Recommendation

Motion

Direction

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### I. SUMMARY:

This item provides the Environmental Conservation Commission (ECC) the opportunity to receive updates from the sustainability subcommittee members and develop the sustainability plan framework for future Town Council review.

### II. BACKGROUND INFORMATION:

The ECC conducted recent work sessions related to sustainability, and the ECC's sustainability subcommittee members have held meetings over the past couple of months to review current programs and propose future initiatives.

The ECC discussed updating the sustainability plan chart with the objective of providing the chart and any supplemental information to the Town Council for review. Included in the recent work session discussions and subcommittee meetings were items that may require Town Council consideration and direction. These items include conducting a greenhouse emissions inventory for municipal operations and possibly expanding the inventory to a Town-wide analysis, and obtaining estimates for a Town tree canopy analysis and tree inventory.

Subcommittee A held a recent meeting to review the various initiatives in its areas of focus and will present an overview as part of this work session item. The work session item also provides the opportunity for the ECC and members of Subcommittee B to discuss any new information and share ideas related to the sustainability plan.

The implementation strategy and proposed timeline for the plan development may also be discussed by the ECC. The implementation strategy previously discussed by the ECC included a desire to receive feedback from the community through community meetings, receive feedback from school-aged children, and the possibility to hold open community meetings. The ECC also discussed utilizing a survey similar to the Community Garden survey to receive feedback from the community.

Staff will continue to work with the ECC and subcommittee members to provide members with additional information, conduct research, and coordinate future meetings in an effort to provide the Town Council with a progress update from the Commission.

**III. FISCAL IMPACT:**

N/A

**IV. LEGAL REVIEW:**

There are no known legal issues with this item.

**V. ATTACHMENTS:**

N/A

**VI. RECOMMENDED MOTION OR ACTION:**

This item is for discussion purposes and to develop a sustainability plan framework for Town Council review.