

**Seis Lagos Utility District**

**NOTICE OF REGULAR MEETING OF BOARD OF DIRECTORS**

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Tuesday, February 18, 2025, at 7:00 PM  
Meeting to be held at 222 Seis Lagos Trail, Lucas, TX 75098  
In the Seis Lagos Community Services Association Cabana

**AGENDA**

**1. Call to Order:**

- Roll Call
- Determination of a quorum present
- Determination that all legal requirements have been met for posting of meeting notices.
- Reminder to silence all electronic devices.

**2. Citizen Input:** Citizens may address the Board on agenda or non-agenda items (TX Gov't Code §§ 551.007(b)). Under the Texas Open Meetings Act, the Board cannot discuss or act on non-agenda items but may provide factual information, state policy, or consider future agenda placement (TX Gov't Code § 551.042).

**3. Consent Items:** Routine items recommended for single approval. Items may be removed for separate discussion and vote if desired.

- a. Approval of January 2025 Financials
- b. Approval of January 2025 meeting minutes.

**4. Staff Reports**

The Superintendent may report on District issues including easements, vendor contracts, interlocal agreements, developments, compliance, policies, customer disputes, legislation, district boundaries, planning, construction projects, water storage and supply, system maintenance, customer service, equipment, staffing, and financials.

**5. Regular Agenda**

- a. The Board of Directors will discuss, consider, and take appropriate action on the adoption of an official proclamation recognizing the retirement of Dewane Clark, Superintendent, in acknowledgment of his over 40 years of dedicated service to the Seis Lagos Utility District. The Board may further authorize the formal presentation of the proclamation to Mr. Clark in recognition of his exemplary contributions to the District's operations and the community it serves.
- b. The Board of Directors will discuss, consider, and act on a dispute between customers regarding the installation of a fence and its potential impact on water flow, drainage, or erosion within the District. The Board will hear statements from the affected customers and review any relevant information or recommendations from District staff, if applicable.
- c. The Board of Directors will discuss, consider, and act on accepting the Collin County Election Services Contract for an election to be held on May 3, 2025, and authorize the Superintendent to execute the contract for said election. Discussion may include any road-related election matters.
- d. The Board of Directors will discuss, consider, and act on all matters related to roads and signage within the District's boundaries, including but not limited to financing, planning, construction, maintenance, signage placement and modifications, contracts, and any other related matters.

- e. The Board of Directors will discuss, consider, and act on updates to the Employee Handbook, including, but not limited to, revisions, additions, and policy modifications, which will be codified in a later resolution, and authorize its implementation.
- f. The Board will discuss the Texas Commission on Environmental Quality (TCEQ) Level 1 Municipal Separate Storm Sewer System (MS4) permitting requirements and the necessary steps to complete and submit the Notice of Intent (NOI).

**6. Future Agenda Items**

**7. Adjournment**

**CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the front window of the regular offices of the Seis Lagos Utility District, located at 2730 Country Club Road, Ste. E1, Lucas, TX 75002 (Collin County), facing the outside and visible to the public, and posted on the Seis Lagos Utility District website, [www.slud.us](http://www.slud.us), a place convenient and readily accessible to the public always, and said Notice of Meeting was posted by the following date and time:

By February 15, 2025, at 7:00 PM and remained so posted at least 72-hours before said meeting was convened.

*(District Seal)*

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Chris Windsor  
Superintendent

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*The Board of Directors may enter Executive Session as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551, for the following matters:*

- *Consultation with Attorney regarding [briefly describe topic, e.g., legal issues related to a contract dispute] (Tex. Gov't Code § 551.071).*
- *Deliberation Regarding Real Property: The Board will discuss the purchase, exchange, lease, or value of real property (Tex. Gov't Code § 551.072).*
- *Personnel Matters: The Board will deliberate the appointment, employment, evaluation, or duties of a specific employee (Tex. Gov't Code § 551.074).*

***No final action or vote will be taken in the Executive Session. Any action will be conducted in the open session following the Executive Session.***

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# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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## AGENDA ITEM #2 – CITIZEN INPUT

### Item Description:

Citizens may address the Board on agenda or non-agenda items per **Texas Government Code § 551.007(b)**. The Texas Open Meetings Act prohibits the Board from discussing or acting on non-agenda items but allows for the provision of factual information, policy statements, or the placement of an item on a future agenda per **Texas Government Code § 551.042**.

### Background:

This is an opportunity for residents to voice concerns, ask questions, or provide feedback on district matters. Under the Texas Open Meetings Act (TOMA) (§ 551.042), the Board cannot discuss, deliberate, or act on items not listed on the agenda.

If a resident raises an unposted issue, the Board may:

1. Provide factual information or cite existing policy.
2. Indicate that the issue may be placed on a future agenda.
3. Refer the concern to staff for review.

Attorney General Opinions (JC-0169, GA-0326) confirm these restrictions, ensuring compliance with TOMA and preventing unauthorized discussions.

### Recommended Motion:

No motion required.

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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## AGENDA ITEM #3 – Consent Items

### Item Description:

Routine items recommended for single approval. Items may be removed for separate discussion and vote if desired.

- a. Approval of January 2025 Financials
- b. Approval of January 2025 meeting minutes

### Background:

The consent agenda includes routine, non-controversial items that do not require separate discussion, allowing for efficient meeting management. These items are approved with a single motion unless a board member requests an item be removed for individual consideration.

- Financial Reports: Reviewed for accuracy before the meeting to ensure transparency and compliance. Texas Water Code § 49.057 requires the board to maintain proper financial records and implement oversight procedures.
- Meeting Minutes: Document the proceedings of the previous board meeting, serving as the official record of actions taken.

### Recommended Motion:

"I move to approve the January 2025 Financials, and the January 2025 meeting minutes as presented."

# Seis Lagos Utility District

## Income Statement

January 2025

	Jan 25	Oct '24 - Jan 25
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
<b>4005 · Service Revenue</b>		
4020 · Fire Surcharge	53,355.82	210,188.82
4025 · Late Charge	17.26	866.72
4005 · Service Revenue - Other	128,723.94	689,873.66
<b>Total 4005 · Service Revenue</b>	182,097.02	900,929.20
4032 · Tower Rental	700.00	2,800.00
<b>4045 · Property Tax</b>		
4047 · I&S	0.00	0.00
4048 · M & O	148,246.70	601,543.80
<b>Total 4045 · Property Tax</b>	148,246.70	601,543.80
4050 · Title and Transfer Fees	50.00	200.00
4105 · Misc. Income and Collections	0.00	2,719.62
4905 · Investment Income	29,410.19	118,721.36
<b>Total Income</b>	360,503.91	1,626,913.98
<b>Gross Profit</b>	360,503.91	1,626,913.98
<b>Expense</b>		
<b>6731 · W-WW Project 2019-2020</b>		
6731.1 · Engineering/Consulting W-WW Emp	0.00	43,682.12
6731 · W-WW Project 2019-2020 - Other	0.00	65,229.85
<b>Total 6731 · W-WW Project 2019-2020</b>	0.00	108,911.97
5005 · Utility Cost	76,624.81	466,861.29
6105 · Insurance Expense	1,275.02	9,082.25
6610 · Salaries & Wages	28,213.15	129,565.64
6615 · Board Member Monthly Stipend	250.00	1,000.00
6620 · Payroll Taxes	2,418.53	10,763.74
6625 · Retirement Expense	1,476.74	6,956.80
<b>6705 · Professional Fees</b>		
6722 · Engineering/Consulting Fees	2,235.00	2,235.00
6720 · Auditor	12,787.50	25,575.00
<b>Total 6705 · Professional Fees</b>	15,022.50	27,810.00
6723 · Contract Services	9,572.60	45,572.60
<b>6805 · Electricity &amp; Gas</b>		
6850 · Telephone Expense	760.19	3,393.97
6805 · Electricity & Gas - Other	0.00	6,457.89
<b>Total 6805 · Electricity &amp; Gas</b>	760.19	9,851.86
6807 · Equipment Rental	0.00	2,847.76
<b>6835 · Repairs &amp; Maintenance</b>		
Vehicle Maintenance	0.00	1,208.65
Shop Supplies	0.00	562.57
6835 · Repairs & Maintenance - Other	18,033.24	30,856.13

# Seis Lagos Utility District Income Statement January 2025

	<b>Jan 25</b>	<b>Oct '24 - Jan 25</b>
<b>Total 6835 · Repairs &amp; Maintenance</b>	18,033.24	32,627.35
7110 · CCCAD Appraisal Fees	0.00	1,296.25
7130 · Election Exp./ Tax Advertising	0.00	13,887.40
7205 · Alarm System	0.00	99.80
7210 · Office Supplies		
Uniforms	0.00	966.51
7210 · Office Supplies - Other	1,294.54	6,484.90
<b>Total 7210 · Office Supplies</b>	1,294.54	7,451.41
7212 · Payroll Processing Fees	69.30	1,706.65
7215 · Postage and Delivery	0.00	2,658.37
7220 · Travel/Training Expense	403.71	1,281.38
7230 · Office Equipment/Furniture	255.23	1,148.36
7235 · Bank Fees	0.00	465.89
7240 · Dues and Subscriptions	0.00	739.50
7250 · Rent Expense	12,900.00	19,350.00
7520 · Water Analysis	0.00	853.00
7805 · Miscellaneous Expense	0.00	286.97
68800 · TCEQ	0.00	3,326.33
<b>Total Expense</b>	168,569.56	906,402.57
<b>Net Ordinary Income</b>	191,934.35	720,511.41
<b>Net Income</b>	191,934.35	720,511.41

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Jeff Henderson, Secretary / Treasurer

(District Seal)

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Date

## Seis Lagos Utility District Profit & Loss by Class January 2025

	<u>General</u>	<u>Sewer</u>	<u>Water</u>	<u>TOTAL</u>
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
<b>4005 · Service Revenue</b>				
<b>4020 · Fire Surcharge</b>	53,355.82	0.00	0.00	53,355.82
<b>4025 · Late Charge</b>	8.23	9.03	0.00	17.26
<b>4005 · Service Revenue - Other</b>	0.00	59,529.61	69,194.33	128,723.94
<b>Total 4005 · Service Revenue</b>	<u>53,364.05</u>	<u>59,538.64</u>	<u>69,194.33</u>	<u>182,097.02</u>
<b>4032 · Tower Rental</b>	0.00	0.00	700.00	700.00
<b>4045 · Property Tax</b>				
<b>4047 · I&amp;S</b>	0.00	0.00	0.00	0.00
<b>4048 · M &amp; O</b>	148,246.70	0.00	0.00	148,246.70
<b>Total 4045 · Property Tax</b>	<u>148,246.70</u>	<u>0.00</u>	<u>0.00</u>	<u>148,246.70</u>
<b>4050 · Title and Transfer Fees</b>	0.00	0.00	50.00	50.00
<b>4905 · Investment Income</b>	29,410.19	0.00	0.00	29,410.19
<b>Total Income</b>	<u>231,020.94</u>	<u>59,538.64</u>	<u>69,944.33</u>	<u>360,503.91</u>
<b>Gross Profit</b>	231,020.94	59,538.64	69,944.33	360,503.91
<b>Expense</b>				
<b>5005 · Utility Cost</b>	0.00	21,907.81	54,717.00	76,624.81
<b>6105 · Insurance Expense</b>	970.72	304.30	0.00	1,275.02
<b>6610 · Salaries &amp; Wages</b>	12,055.45	7,455.80	8,701.90	28,213.15
<b>6615 · Board Member Monthly Stipend</b>	250.00	0.00	0.00	250.00
<b>6620 · Payroll Taxes</b>	1,043.63	634.43	740.47	2,418.53
<b>6625 · Retirement Expense</b>	612.30	398.89	465.55	1,476.74
<b>6705 · Professional Fees</b>				
<b>6722 · Engineering/Consulting Fees</b>	2,235.00	0.00	0.00	2,235.00
<b>6720 · Auditor</b>	12,787.50	0.00	0.00	12,787.50
<b>Total 6705 · Professional Fees</b>	<u>15,022.50</u>	<u>0.00</u>	<u>0.00</u>	<u>15,022.50</u>
<b>6723 · Contract Services</b>	4,374.28	2,800.72	2,397.60	9,572.60
<b>6805 · Electricity &amp; Gas</b>				
<b>6850 · Telephone Expense</b>	760.19	0.00	0.00	760.19
<b>Total 6805 · Electricity &amp; Gas</b>	<u>760.19</u>	<u>0.00</u>	<u>0.00</u>	<u>760.19</u>
<b>6835 · Repairs &amp; Maintenance</b>	18,033.24	0.00	0.00	18,033.24
<b>7210 · Office Supplies</b>	1,294.54	0.00	0.00	1,294.54
<b>7212 · Payroll Processing Fees</b>	69.30	0.00	0.00	69.30
<b>7220 · Travel/Training Expense</b>	403.71	0.00	0.00	403.71
<b>7230 · Office Equipment/Furniture</b>	255.23	0.00	0.00	255.23
<b>7250 · Rent Expense</b>	12,900.00	0.00	0.00	12,900.00
<b>Total Expense</b>	<u>68,045.09</u>	<u>33,501.95</u>	<u>67,022.52</u>	<u>168,569.56</u>
<b>Net Ordinary Income</b>	<u>162,975.85</u>	<u>26,036.69</u>	<u>2,921.81</u>	<u>191,934.35</u>
<b>Net Income</b>	<u><u>162,975.85</u></u>	<u><u>26,036.69</u></u>	<u><u>2,921.81</u></u>	<u><u>191,934.35</u></u>

**Seis Lagos Utility District**  
**Profit & Loss by Class**  
January 2025

<u>General</u>	<u>Sewer</u>	<u>Water</u>	<u>TOTAL</u>
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Jeff Henderson, Secretary / Treasurer

(District Seal)

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Date

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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#### **AGENDA ITEM #4 – Staff Reports**

##### **Item Description:**

The Superintendent may report on District issues, including easements, vendor contracts, interlocal agreements, developments, compliance, policies, customer disputes, legislation, district boundaries, planning, construction projects, water storage and supply, system maintenance, customer service, equipment, staffing, and financials.

##### **Background:**

The Superintendent's report provides an overview of ongoing district operations, key developments, and important updates affecting the Board and the community. Reports may include compliance with the Texas Water Code § 49.199 regarding district operations and public communication.

##### **Recommended Motion:**

No motion required.

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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## AGENDA ITEM #5a – Proclamation Honoring Dewane Clark

### Item Description:

The Board of Directors will discuss, consider, and take appropriate action on the adoption of an official proclamation recognizing the retirement of Dewane Clark, Superintendent, in acknowledgment of his over 40 years of dedicated service to the Seis Lagos Utility District.

### Background:

Dewane Clark's 40+ years of service have significantly impacted the District's operations and growth. The Board will adopt a formal proclamation honoring his contributions and may authorize a ceremonial presentation.

### Legal Requirement to Record as an Official Act:

- Texas Government Code § 551.021 mandates that official board actions be recorded in minutes or official records.
- Texas Water Code § 49.059 requires maintaining accurate records of district proceedings, including recognitions.
- Precedent: Documenting long-term service ensures transparency, historical preservation, and formal acknowledgment of public contributions.

Recording this proclamation in the minutes ensures it is recognized as an official board action and preserved for the District's records.

### Recommended Motion:

"I move to adopt the official proclamation honoring Dewane Clark for his exemplary service and authorize its formal presentation."



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## SEIS LAGOS UTILITY DISTRICT PROCLAMATION HONORING THE RETIREMENT OF DEWANE CLARK FOR HIS YEARS OF DEDICATED SERVICE TO THE DISTRICT

**WHEREAS**, the Seis Lagos Utility District (the “District”) recognizes the dedication and invaluable contributions of its employees who have faithfully served the community; and

**WHEREAS**, Dewane Clark has honorably served the District for over 40 years, demonstrating unwavering commitment, professionalism, and excellence in his role as Superintendent; and

**WHEREAS**, throughout his distinguished tenure, Dewane Clark has played a crucial role in ensuring the reliability and efficiency of the District’s water, wastewater, fire protection, streets, lights, and stormwater infrastructure, while also mentoring and leading District staff; and

**WHEREAS**, the Board of Directors and the residents of the District wish to express their sincere gratitude and appreciation for Dewane Clark’s hard work, leadership, and dedication, which have left a lasting positive impact on the community; and

**WHEREAS**, Dewane Clark will officially retire from his position on February 28, 2025, leaving behind a legacy of service, knowledge, and dedication to the District;

**NOW, THEREFORE, BE IT PROCLAIMED** that the Board of Directors of the Seis Lagos Utility District hereby honors and celebrates the extraordinary service and achievements of Dewane Clark.

**BE IT FURTHER PROCLAIMED** that a copy of this proclamation, bearing the official seal of the Seis Lagos Utility District, shall be presented to Dewane Clark as a testament to the profound appreciation and admiration of the Board and community.

**PROCLAIMED THIS 18TH DAY OF FEBRUARY 2025** by the Board of Directors of the Seis Lagos Utility District.

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*Nick Calautti, President*

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*Jeff Henderson, Secretary / Treasurer*

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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## **AGENDA ITEM #5b – Customer Dispute Regarding Fence Installation**

### **Item Description:**

The Board of Directors will discuss, consider, and act on a dispute between customers regarding the installation of a fence and its potential impact on water flow, drainage, or erosion within the District.

### **Background:**

A fence dispute has arisen between customers, with concerns about its effect on drainage and erosion. The Board will hear statements from the parties involved and review any relevant information or recommendations from District staff. Per Texas Water Code § 49.211, the District has authority over infrastructure impacting drainage and must ensure that modifications do not interfere with system function.

### **Recommended Motion:**

"I move to [approve/deny] the proposed resolution regarding the fence dispute based on the presented findings."



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## Superintendent's Report

### Fence Installation Inquiry – Drainage Easement Review

Date: February 5, 2025

Prepared By: Chris Windsor, Superintendent

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## Background

On January 27, 2025, at 1:00 PM, I conducted a site inspection at 306 Lago Grande Trail with:

- Property Owner: Tim Kordes
- Contractor: Big M Iron Works
- Neighboring Property Owner: RJ Moya (200 Carriage Trail)

Mr. Kordes intends to install a fence along his rear property line. Mr. Moya expressed concerns that drilling six to seven 6-inch post holes could impact drainage and cause erosion.

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## Findings

- The proposed fence falls within a 5-foot drainage easement, requiring an Application for Encroachment and Joint Use Agreement for board approval.
- A cursory engineering review found that the fence's open design should not obstruct drainage if installed without altering existing topography.
- No immediate evidence suggests the post holes will impede water flow or contribute to erosion.
- The drainage pattern flows northeast to southwest, from 306 Lago Grande to 200 Carriage Trail. Lot-to-lot drainage should not exceed pre-development levels.
- Uncompacted soil was observed on Moya's property within the drainage easement. This soil is susceptible to washout during heavy rainfall.
- Mr. Moya acknowledged altering the easement area, which may have contributed to his drainage issues.

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## Engineer's Review & Recommendations

- The fence's placement within the easement is permissible, provided:
  - No topographical changes occur that alter water flow.
  - Fence posts do not impede surface drainage.
  - Post holes are backfilled and stabilized to prevent erosion.

- The existing soil condition on Moya’s property increases erosion risk, independent of the fence project.
  - If additional engineering analysis is required, it should be conducted at the applicant’s expense.
- 

#### **Analysis & Considerations**

- The fence is an encroachment into the drainage easement, requiring board review for legal and engineering compliance.
  - The engineer’s review found no immediate issues, provided conditions are met.
  - Moya’s prior modifications to the easement may be contributing to his drainage concerns rather than the proposed fence installation.
  - Any additional engineering evaluation will be at the applicant’s cost.
- 

#### **Recommendations**

1. Kordes must submit an encroachment application before proceeding with construction.
2. The board should review the proposed encroachment for compliance with district regulations.
3. Encroachment approval should be contingent on:
  - Fence construction does not alter topography.
  - Proper backfilling and stabilization of post holes.
4. If necessary, additional engineering analysis should be conducted at the applicant’s expense.

At this time, no further action is recommended until the encroachment application is submitted and reviewed.

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## **THINGS YOU NEED TO KNOW ABOUT DISTRICT UTILITY AND DRAINAGE EASEMENTS**

Property owners with District's Utility or Drainage Easements crossing their side, back or front yards should exercise extreme care in planning any improvements in these areas.

Improvements that will affect water flow, drainage and/or erosion may only be constructed in the easements after an application for an Encroachment on Easement is approved by the Board of Directors and a fully executed Easement/Right-of-Way Joint Use Agreement is filed in the Collin County land records by the District.

Examples of Prohibited Improvements:

- Permanent buildings, such as garage or home additions.

Examples of Improvements allowed but, at Homeowners risk:

- Buried fuel tanks, lines, and related equipment.
- Shrubs, flowers, etc.
- Lighting and related wiring.
- Sprinkler/irrigation system heads and lines.

Examples of Improvements allowed at Homeowners risk ONLY if an application is approved by the Board of Directors and encroachment agreement is executed and filed with Collin County:

- Swimming pools and related lines and equipment.
- Retaining and terracing walls.
- Flatwork, such as patios, sidewalks, and driveways.
- Masonry posts, planters, etc.
- Trees.
- Spas and related lines and equipment.
- Fencing – above and below ground, non-masonry.
- Any improvement affecting water flow, drainage and/or erosion.

Because digging to repair or replace District lines, equipment, or drainage, may be necessary in the Utility and Drainage Easements, certain improvements are strictly prohibited. While other improvements may be placed in these easements by the homeowner if certain conditions are met, it is the homeowner who assumes full liability for any damage to said improvements caused by the District, or their representatives, in the course of their work.

The District urges property owners with any easements crossing their lots, to give considerable thought and planning before placing any improvements in said easements. Any question about whether an improvement is allowed should be addressed with the District office prior to starting any work.

The District is not responsible for any drainage ditch or rain water runoff from a homeowner's property onto another homeowner's property or onto any common area, or common or public property onto another homeowner's property.

All other improvements, including but not limited to, irrigation systems, lighting and related wiring, underground fences, planters, plant material, beds, landscaping, etc., are the total responsibility of the homeowner. The District bears no liability for repair or replacement of any improvement damaged during the repair or replacement of the District's lines, equipment, roads, or drainage.

The District has the authority to grant access for other utility construction, such as telephone, cable, power, where it is deemed to be in the best interest of the District and its homeowners.

Call or email the District office to report flooding, erosion and other drainage problems such as debris blocking the flow of water in a creek, a clogged inlet or culvert, standing water in a pond (for more than 72 hours) or high vegetation. Provide a location and description of the issue and an investigator will visit the location and assess the situation to determine if work of the District is required.

*Note: The District's Drainage and Easements Policy, along with the Encroachment Application, is currently under review for updates to reflect new laws, regulations, and revised policy language.*

**From:** [Doug Showers](#)  
**To:** [Chris Windsor](#)  
**Cc:** [Len McManus](#); [Doug Showers](#); [Jody Sharpe](#)  
**Subject:** RE: Quick Look at Fence & Drainage Question  
**Date:** Monday, February 10, 2025 2:40:58 PM  
**Attachments:** [image001.png](#)  
[Phs 3 Dng sheets 5.pdf](#)

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Good afternoon Chris,

1. There is a 5-foot drainage easement along each side of the rear property lines of each property.
2. The general drainage along the mutual property line between 202 and 306 travels from NE to SW (306 TO 202).
3. Unless the property has had a drastic change in topography, there would not be a significant increase in lot to lot drainage, compared to the original drainage plan.
4. The governing 'rule' is that lot to lot drainage is not to increase from pre-development volumes.
5. The contractor is proposing an 8-foot tall powder coated wrought iron fence with vertical pickets at approx. 4" o/c.
6. Fence posts will be installed at 8-foot centers.
7. The fence is very 'open' so we do not perceive any drainage back-up or blockage associated with the fence.
8. It appears that the Fence Requirements for SLUD to provide wrought iron fence has been met in the Big M Iron Works proposal of January 31, 2025.

Doug

*Douglas Showers, PE*

McManus & Payne Consulting Engineers

(M) 469-975-8040

[dshowers@mcmanuspayne.com](mailto:dshowers@mcmanuspayne.com)

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**From:** Chris Windsor <chris@slud.us>  
**Sent:** Monday, February 3, 2025 3:09 PM  
**To:** Doug Showers <dshowers@mcmanuspayne.com>  
**Cc:** Len McManus <lmcmamus@mcmanuspayne.com>  
**Subject:** Quick Look at Fence & Drainage Question

Hey Doug,

I've attached a contractor's summary of work along with a plat showing where they plan to put a fence. I also included a plat from Collin CAD for reference.

Not sure how familiar you are with the situation at 306 Lago Grande Trail and 200 Carriage Trail, but Len might

have some background. This all happened before my time (and probably before you were with McManus), so I don't have the full history. From what I understand, when Brian Holmes was board president, he asked for an opinion of probable cost for a full engineering study on the drainage issues between these properties. SLUD decided not to get involved, and the homeowner at 200 Carriage Trail was given that info. Nothing came of it, but now the issue is popping up again.

The homeowner at 306 Lago Grande wants to put up a fence on his property line, and the 200 Carriage homeowner is saying it'll impact water flow and wants the board to step in.

Can you take a quick look and let me know your thoughts on:

1. Whether the fence encroaches on any easements (drainage, utility, etc.)
2. If so, whether that would impact water flow
3. Even if there's no easement issue, could it still cause drainage problems?

Appreciate any insight you can share!

Respectfully,

**Chris Windsor | Superintendent**



2730 Country Club Road, Ste. E-1  
Lucas, TX 75002-8781  
P: (972)442-6875  
[chris@slud.us](mailto:chris@slud.us) | [www.slud.us](http://www.slud.us)

**ATTENTION ELECTED OFFICIALS:** A "Reply to All" on this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

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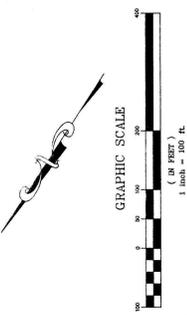


DOUPHRAE & ASSOCIATES, INC.  
 2821 RIDGE RD., # 200 ROCKWALL, TEXAS 75087  
 PHONE: (972)771-9004 FAX: (972)771-9005

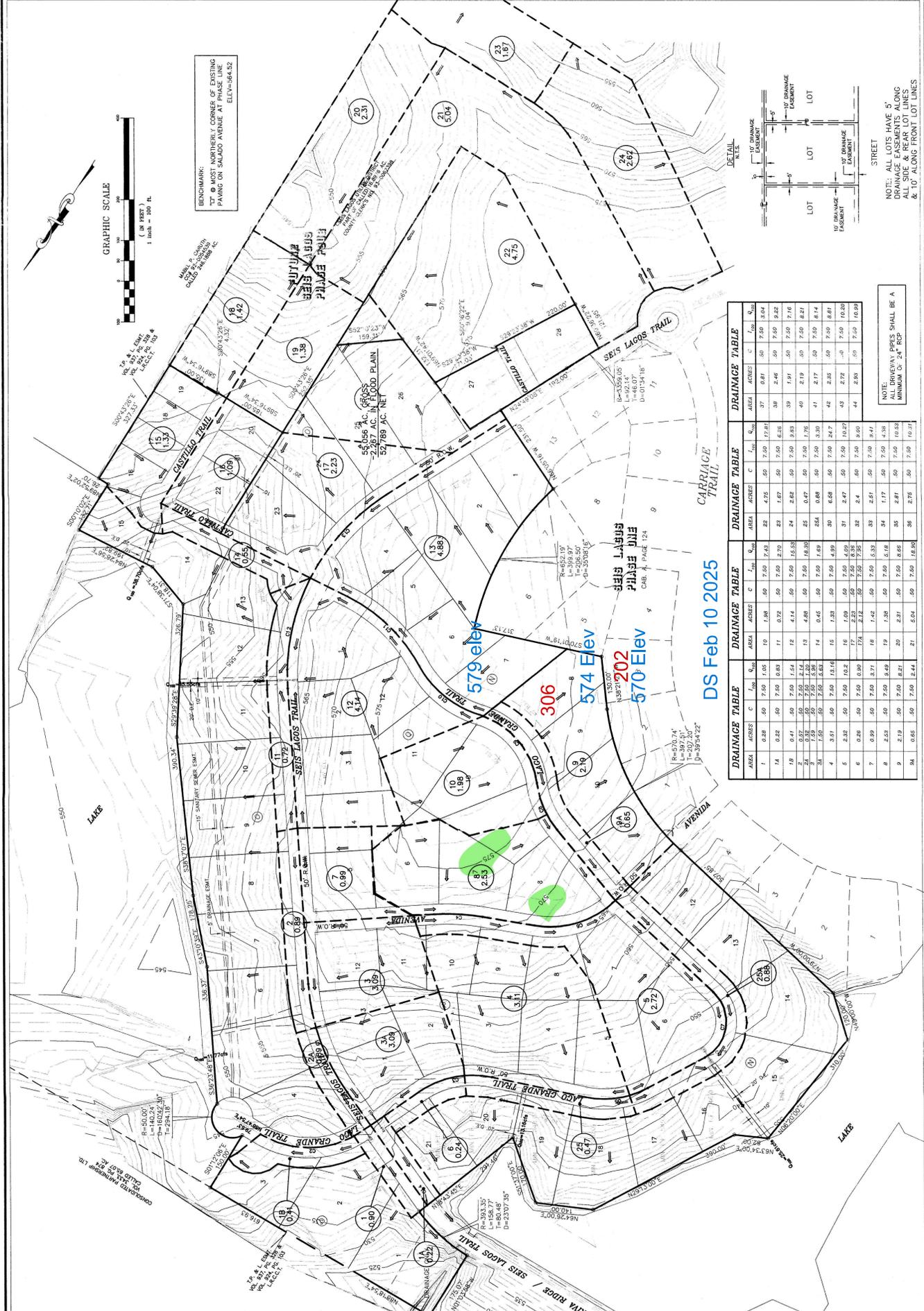
**DRAINAGE AREA MAP**  
**SEIS LAGOS**  
**PHASE THREE**  
 COLLIN COUNTY, TEXAS

DATE: 12/18/99  
 DRAWN BY: KEEL  
 CHECKED BY: WLD  
 EXTENSION: 9842DAM

PROJECT: 4  
 SHEET: 08  
 TOTAL: 22



BENCHMARK:  
 17' @ MOST NORTHERLY CORNER OF EXISTING  
 PAVING ON SALADO AVENUE AT 150' ELEVATION  
 ELEVATION: 54.52



DRAINAGE TABLE			DRAINAGE TABLE			DRAINAGE TABLE			DRAINAGE TABLE		
AREA	ADRES	C	AREA	ADRES	C	AREA	ADRES	C	AREA	ADRES	C
1	0.28	50	7.50	1.05	10	1.88	50	7.50	7.43	82	4.75
1A	0.28	50	7.50	0.83	11	0.72	50	7.50	2.70	23	1.67
1B	0.47	50	7.50	1.54	12	4.14	50	7.50	15.03	24	2.82
2	0.67	50	7.50	4.14	13	4.08	50	7.50	16.38	25	0.47
3	0.98	50	7.50	5.96	14	0.45	50	7.50	1.89	26A	0.89
3A	1.50	50	7.50	5.84	15	1.32	50	7.50	4.93	30	6.68
4	3.61	50	7.50	13.16	16	1.32	50	7.50	4.93	31	2.47
5	2.32	50	7.50	10.2	17	7.09	50	7.50	4.09	32	2.4
6	0.38	50	7.50	0.80	18	1.76	50	7.50	2.25	33	2.4
7	0.39	50	7.50	0.71	19	7.42	50	7.50	5.33	34	2.81
8	2.63	50	7.50	5.49	20	1.39	50	7.50	5.18	35	1.17
9	2.19	50	7.50	8.21	21	2.31	50	7.50	8.65	36	2.81
9A	0.65	50	7.50	2.44	21	5.04	50	7.50	18.90	36	2.75

DS Feb 10 2025



NOTE: ALL LOTS HAVE 5' DRAINAGE EASEMENTS ALONG ALL LATERAL LOT LINES & 10' ALONG FRONT LOT LINES

NOTE: DRIVEWAY PERS SHALL BE A MINIMUM OF 24" RCP



**APPLICATION FOR ENCROACHMENT AND JOINT USE AGREEMENT  
OF A PUBLIC DRAINAGE AND / OR UTILITY EASEMENT OR RIGHT-OF-WAY**

\_\_\_\_\_  
Date of Submittal

To Seis Lagos Utility District:

The undersigned hereby makes application to allow an encroachment and joint use of a portion of the public drainage and / or utility easement or right-of-way situated on or abutting property located at:

Street address: \_\_\_\_\_ Lot and Block info: \_\_\_\_\_

and in the attached drawing and documents.

The reason for the encroachment and use of the easement/right-of-way is as follows:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
City State Zip

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

**SPOUSE or CO-OWNER:**

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
City State Zip

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

**OFFICE USE ONLY**

Application and Exhibits reviewed and approved by District Operator:

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

Approved by District Office: \_\_\_\_\_ Date: \_\_\_\_\_

**Easement / Right-of-Way Joint Use Agreement**

THE STATE OF TEXAS            §  
COUNTY OF COLLIN            §

Be it known, that the Seis Lagos Utility District, herein after referred to as "District" does consent and agree to permit \_\_\_\_\_, hereinafter referred to as "Applicant" whether one or more, to use an easement / right-of-way, situated on or abutting LOT \_\_\_\_\_, BLOCK \_\_\_\_\_, of Phase/Subdivision \_\_\_\_\_ of Seis Lagos Utility District in Collin County, Texas, as described on the attached Exhibit No. 1, depicted graphically on the attached EXHIBIT No. 2, to be used for the purposes of \_\_\_\_\_ and being subject to the following conditions:

I.

That the Applicant, his successors or assigns shall maintain in good condition all of the easement area and the improvements situated thereon; and, that District shall not become responsible for such maintenance at any time in the future.

II.

**That the Applicant shall and does hereby agree to indemnify and hold harmless the District from any and all damages, loss or liability of any kind whatsoever by reason of injury to property or third person occasioned by its use of the easement / right of way or act of omission, neglect or wrong doing of Applicant, his officers, agents, employees, invitees or other persons, with regard to the improvements and maintenance of such improvements; and the Applicant shall, at his own cost and expense, defend and protect District against any and all such claims and demands.**

III.

That the Applicant shall arrange for all activities and improvements in the easements to be discontinued and / or removed within thirty (30) days of written notification, at the discretion of District, for:

- (1) Lack of maintenance to the easement / right-of-way;
- (2) Failure to provide access to the District or its designees; or
- (3) Compliance with a District Board of Directors directive that use of the easement by the Applicant be discontinued and the cost associated with the discontinuing of such activities, and the removal of such improvements, as well as property adjacent to the easement / right-of-way necessitated by such discontinuation of the easement / right-of-way use, shall be borne by the Applicant.

IV.

That the Applicant, his successors or assigns shall not seek compensation from District for loss of the value of the improvements made hereunder when such improvements are required to be removed by Applicant.

V.

This agreement shall be filed of record in the Deed Records of Collin County, Texas, and shall bind all future owners of this lot and shall for all purposes be considered a covenant running with the land.

IN TESTIMONY WHEREOF, Applicant executes this Easement/Right-of-Way Use Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

SEIS LAGOS UTILITY DISTRICT

OWNER(S)

\_\_\_\_\_  
Printed Name

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

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

\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Printed Name

By: \_\_\_\_\_  
Applicant's Signature

NOTE: Complete the attached acknowledgments.

## INSTRUCTIONS FOR COMPLETING AN ENCROACHMENT AND JOINT USE AGREEMENT OF A PUBLIC DRAINAGE EASEMENT OR RIGHT-OF-WAY

This Application and Agreement is for property owners desiring to place or construct improvements in Seis Lagos Utility District drainage easements or rights-of-way that will alter or affect drainage, the flow of water and/or erosion.

All forms shall be signed in blue or black ink only by all property owners. Joint owners must all sign. Spouses must sign unless documentation is submitted showing the property is separate property. If property is owned by an entity, the owner must submit documents showing authorization to bind the entity.

### PLEASE SUBMIT ALL OF THE FOLLOWING REQUIRED DOCUMENTS:

- 1 One copy of the Application with an original signature, signed in blue or black ink.
- 2 One copy of the Easement / Right-of-Way Joint Use Agreement ("Agreement") with an original signature, signed and notarized in blue or black ink. Do not submit photocopies of signatures and notary acknowledgments.
- 3 One copy of EXHIBIT NO. 1 to the Agreement that contains the precise metes and bounds description of the part of the easement or right-of-way to be used. This information is best provided by a registered land surveyor. **Note that the District staff is not authorized to prepare this information.** Do not place drawings or plats on this exhibit.
- 4 One copy of EXHIBIT NO. 2 to the Agreement which contains a precise narrative description of a drainage and erosion control plan to describe how the drainage/water flow affected by the encroachment will be accommodated. Do not place drawings or plats on this exhibit.
- 5 One copy of EXHIBIT NO. 3 to the Agreement which shows in graphic form the nature of the encroachment with dimensions. Please limit the area of usage of the easement / right-of-way to only that needed to accommodate your needs. The plans or drawing should include a depiction of the drainage and erosion control plan to show the new drainage route and erosion control measures. Plans or drawings may be reduced, provided the final document is legible. District staff will make final decision on legibility.
5. The District may require an additional EXHIBIT NO. 3A, which may include a detailed drawing or cross sectional drawings of the improvements to fully evaluate the extent of the encroachment. You will be notified if EXHIBIT NO. 3A is needed from you. You are not required to submit it up front.
6. **If it is determined that other utility providers (for example electric, phone or cable) also have an easement in the area to be used and encroached on, you will be notified and then you will be required to obtain and submit original signatures, signed by all other easement holders listed regardless of whether they have utility equipment in the easement.** An application cannot be approved without the consent of all easement holders.
7. After this agreement is filled out, you will need to return it to Seis Lagos Utility District and pay the \$75.00 application fee.
8. Approval of this Application and Agreement is required by the Board of Directors. The Board of Directors meets once a month and this item will be on the next agenda for which there is time to administratively review the application prior to when the meeting agenda must be posted.
9. **If approved, the District will execute this agreement and it will become a binding legal contract.** The District will file the agreement in the deed records of Collin County and it will become part of the title history for the property. After filing with Collin County, a copy is retained by the District and a copy is sent to the applicant for their records.

Submit these documents to:

Seis Lagos Utility District  
220 Seis Lagos Trail  
Lucas, Texas 75098  
972-442-6875

**APPLICATION FOR ENCROACHMENT AND JOINT USE AGREEMENT  
OF A PUBLIC DRAINAGE EASEMENT OR RIGHT-OF-WAY**

\_\_\_\_\_  
Date of Submittal

To Seis Lagos Utility District:

The undersigned hereby makes application to allow an encroachment and joint use of a portion of the public drainage easement or right-of-way situated on or abutting property located at:

Street address: \_\_\_\_\_

Lot and Block info: \_\_\_\_\_,

and described by metes and bounds in Exhibit No. 1 of the attached agreement.

The reason for the encroachment and use of the easement/right-of-way is as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City                      State                      Zip

**SPOUSE or CO-OWNER:**

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City                      State                      Zip

**OFFICE USE ONLY**

Application and Exhibits reviewed and approved by District Operator:

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

(Note: Only complete the appropriate acknowledgments)

**Corporate Acknowledgment**

THE STATE OF TEXAS       §  
COUNTY OF COLLIN       §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to be to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of said \_\_\_\_\_, a corporation, and that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

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

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

**Individual Acknowledgment**

THE STATE OF TEXAS       §  
COUNTY OF COLLIN       §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to be to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

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

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

**Individual Acknowledgment/ Co-Owner/ Spouse**

THE STATE OF TEXAS       §  
COUNTY OF COLLIN       §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to be to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

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

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



**EXHIBIT NO. 1**

Reviewed and approved by  
District Operator: \_\_\_\_\_

Being that portion of that certain public utility easement / drainage easement / right of way situated in \_\_\_\_\_ Addition/Survey to the Seis Lagos Utility District, Collin County, Texas, and being more particularly described by metes and bounds as follows:



**EXHIBIT NO. 3**

Reviewed and approved by  
District Operator: \_\_\_\_\_

The following is a drawing depicting the area or portion of the easement / right-of-way and property described in EXHIBIT NOS. 1 and 2 that is subject to the encroachment and joint use agreement in this application showing the nature of the encroachment and use with dimensions.

This drawing shall include a north arrow, legal description of the subject property and adjoining properties. Indicate on the drawing whether the encroachment is for a **utility, drainage, private access, easement or right-of-way**.



# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

---

## **AGENDA ITEM #5c – Collin County Election Services Contract**

### **Item Description:**

The Board of Directors will discuss, consider, and act on accepting the Collin County Election Services Contract for an election to be held on May 3, 2025, and authorize the Superintendent to execute the contract.

### **Background:**

The District must enter into an agreement with Collin County to facilitate the May 2025 bond election for roads. This contract ensures the county handles election administration, ballot preparation, and other required services, ensuring compliance with state law.

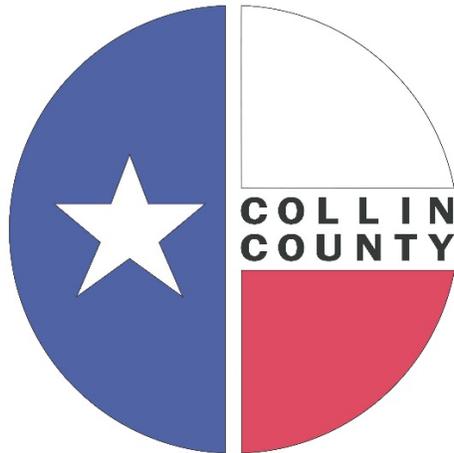
### **Legal Basis:**

- Texas Election Code § 31.092: Allows political subdivisions to contract with the county for election services.
- Texas Water Code § 49.103: Governs the conduct of district elections, including bond elections requiring voter approval.

This agreement ensures the bond election is conducted legally, efficiently, and in accordance with all statutory requirements.

### **Recommended Motion:**

"I move to accept the Collin County Election Services Contract for the May 3, 2025, election and authorize the Superintendent to execute the contract."



**JOINT ELECTION SERVICES CONTRACT**  
("Election Services Contract")

**ELECTION SERVICES AGREEMENT**

**BETWEEN**

**THE COLLIN COUNTY ELECTIONS ADMINISTRATOR**  
("Contracting Election Officer")

**AND**

**SEIS LAGOS SPECIAL UTILITY DISTRICT**  
("Participating Political Subdivision")

**FOR THE CONDUCT OF A JOINT ELECTION**

**TO BE HELD ON SATURDAY, MAY 3, 2025**

**TO BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR**

1. ADMINISTRATION AND STATUTORY AUTHORITY

- a. Kaleb Breaux (“Kaleb Breaux”) is the duly appointed County Elections Administrator (“Elections Administrator”) of Collin County, Texas, and the Department Head of the Collin County Elections Department. As such, Mr. Breaux is the Election Administrator of Collin County, Texas and authorized by Subchapter D of Chapter 31 of Title 3 of the Texas Election Code to enter into this Election Services Contract with the contracting authority of the Participating Political Subdivision.
- b. The contracting authority of the Participating Political Subdivision is hereby participating in the Joint Election to be held in Collin County, Texas on Saturday, May 3, 2025. The Participating Political Subdivision is hereby contracting with the Elections Administrator of Collin County, Texas and all other joining jurisdictions to perform the election services set forth in this Election Services Contract under Subchapter D of Chapter 31 of Title 3 of the Texas Election Code.

2. DUTIES AND SERVICES OF THE CONTRACTING ELECTION OFFICER

- a. The Contracting Election Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:
  - i. The Contracting Election Officer will prepare and publish the required Notice of Election and post the required orders and resolutions to the Collin County Elections Department website.
  - ii. The Contracting Election Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Count Station and judge of the Early Voting Ballot Board.
  - iii. The Contracting Election Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his/her appointment. The presiding election judge of each vote center will use his/her discretion to determine when additional workers are needed, during peak voting hours.
  - iv. The Contracting Election Officer will determine the number of clerks to work in the Central Count Station and the number of clerks to work on the Ballot Board.
    - 1. Election judges shall attend the Contracting Election Officer’s school of instruction (Election Law Class). A training event calendar will be provided.
    - 2. Election judges and alternate judges shall be responsible for picking up and returning election supplies to the County Election Warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Compensation for this pickup and delivery of supplies will be \$25.00.
  - v. The Contracting Election Officer shall compensate each election judge and worker. Each judge shall receive \$15.00 per hour, each alternate judge shall receive \$14.00 per hour, and each clerk shall receive \$13.00 per hour for services rendered. Overtime will be paid to each person working more than 40 hours per week.

- b. The Contracting Election Officer shall procure, prepare, and distribute voting machines, election kits, and election supplies.
  - i. The Contracting Election Officer shall secure election kits, which include the legal documentation required to hold an election and all supplies.
  - ii. The Contracting Election Officer shall secure the tables, chairs, and legal documentation required to run the Central Count Station.
  - iii. The Contracting Election Officer shall provide all lists of registered voters required for use on Election Day and for the Early Voting period required by law.
  - iv. The Contracting Election Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.
    - 1. Equipment includes the rental of ES&S ExpressVote Universal Voting Machines (EVS 6.1.1.0), ES&S ExpressTouch Curbside Voting Machines (EVS 6.1.1.0), ES&S DS200 Ballot Counters (EVS 6.1.1.0), ES&S Model DS450 and DS850 High-Speed Scanners/Tabulators (EVS 6.1.1.0), ADA compliant headphones and keypads, voting signs, and election supply cabinets.
    - 2. Supplies include paper ballot cards, Early Voting and Election Day supply kits, provisional ballot kits, security seals, pens, tape, markers, etc.
- c. The Contracting Election Officer, Kaleb Breaux, shall be appointed the Early Voting Clerk.
  - i. The Contracting Election Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.
  - ii. The Contracting Election Officer shall select the Early Voting polling locations and arrange for the use of each.
  - iii. Early Voting by personal appearance for the Participating Political Subdivision shall be conducted during the Early Voting dates and times and at the locations listed in "Exhibit A" attached and incorporated by reference into this Election Services Contract.
  - iv. All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office located at 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.
    - 1. Applications for mail ballots erroneously mailed to the Participating Political Subdivision shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Election Officer for proper retention.
    - 2. All Federal Post Card Applications (FPCA) will be sent a mail ballot. No postage is required.
  - v. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for counting by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The Contracting Officer shall appoint the presiding judge of this Board.
- d. The Contracting Election Officer shall select the Election Day vote centers and arrange for the use of each.
  - i. The Participating Political Subdivision shall assume the responsibility of remitting their portion of cost of all employee services required to provide access, provide security or provide custodial services for the vote centers.
  - ii. The Election Day vote centers are listed in "Exhibit B", attached and incorporated by reference into this Election Services Contract.

- e. The Contracting Election Officer shall be responsible for establishing and operating the Central Count Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. The Central Count Station Manager shall be Kaleb Breaux. The Central Count Station Judge shall be Kathi-Ann Rivard. The Tabulation Supervisor shall be Brian Griesbach.
  - i. The Tabulation Supervisor shall prepare, test and run the County's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Election Officer.
  - ii. The Public Logic and Accuracy Test and Hash Validation of the electronic voting system shall be conducted in accordance with Texas Election Code. The Contracting Election Officer will post the required Notice of Logic and Accuracy Testing and Hash Validation.
  - iii. Election night reports will be available to the Participating Political Subdivision at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with State law.
  - iv. The Contracting Election Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide canvassing documents to the Participating Political Subdivision as soon as possible after all returns have been tallied.
  - v. The Contracting Election Officer shall be appointed as the custodian of the voted ballots and shall retain all election materials for a period of 22 months.
    - 1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
- f. The Contracting Election Officer shall conduct a partial manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the Participating Political Subdivision in a timely manner. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201 of the aforementioned code.

### 3. DUTIES AND SERVICES OF THE PARTICIPATING POLITICAL SUBDIVISION

- a. The Participating Political Subdivision shall assume the following duties:
  - i. The Participating Political Subdivision will prepare, adopt, and publish all legally required election orders, resolutions, and other documents required by, or of, their governing bodies. The Participating Political Subdivision are required to send Collin County Elections Department a copy of any election order or resolution related to this Joint Election within three business days of publishing, adopting or ordering it.
  - ii. The Participating Political Subdivision shall provide the Contracting Election Officer with an updated map and street index of their jurisdiction in an electronic (PDF and shape files preferred) or printed format as soon as possible but no later than Friday, February 14, 2025.
  - iii. The Participating Political Subdivision shall procure and provide the Contracting Election Officer with the ballot layout and Spanish translation in an electronic format.
    - 1. The Participating Political Subdivision shall deliver to the Contracting Election Officer as soon as possible, but no later than 5:00 p.m. Monday, February 24, 2025, the official wording for the Participating Political Subdivision's May 3, 2025 Joint Election.
    - 2. The Participating Political Subdivision shall approve the ballot proofs format within 24 hours of receiving the ballot proof and prior to the final printing.

- a. If the Participating Political Subdivision fails to approve the ballot proofs within 24 hours of receiving the proofs, the Contracting Election Officer will presume that the ballot proofs have been approved by the Participating Political Subdivision. Any costs incurred by making any changes to the ballot (designing, printing, programming, etc.) from this point forward will be the responsibility of the Participating Political Subdivision.
    - iv. The Participating Political Subdivision shall compensate the Contracting Election Officer for all associated costs including any additional verified cost incurred in the process of running this election or for a manual recount, this election may require, consistent with charges and hourly rates shown on “Exhibit C” for required services.
      - 1. The charges incurred during the manual recount are outlined in Sec. 212 of the Texas Election Code.
    - b. The Participating Political Subdivision shall pay the Contracting Election Officer 90% of the estimated cost to run the said election prior to Friday, March 28, 2025. The Contracting Election Officer shall place the funds in a “contract fund” as prescribed by Section 31.100 of the Texas Election Code. The deposit should be made payable to the “Collin County Treasury” with a note “For election services” included with the check documentation and delivered to the Collin County Treasury, 2300 Bloomdale Rd., #3138, McKinney, Texas 75071.
    - c. The Participating Political Subdivision shall pay the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing. Additionally, all payments in excess of the final cost to perform the election will be refunded to the Participating Political Subdivision.
4. COST OF SERVICES.
- a. See “Exhibit C”.
  - b. Note: A Participating Political Subdivision shall incur a minimum cost of \$3,500.00 to conduct a joint election with the Collin County Elections Department.
5. RUNOFF ELECTIONS
- a. Each Participating Political Subdivision shall have the option of extending the terms of this contract through its Runoff Election, if applicable. In the event of such Runoff Election, the terms of this contract shall automatically extend unless the Participating Political Subdivision notifies the Elections Administrator in writing within 3 business days of the original election.
  - b. Each Participating Political Subdivision shall reserve the right to reduce the number of Early Voting polling locations and/or Election Day vote centers in a Runoff Election. If necessary, any voting changes made by a Participating Political Subdivision between the original election and the Runoff Election shall be submitted by the authority making the change to the United States Department of Justice for the preclearance required by the Federal Voting Rights Act of 1965, as amended.
  - c. Each Participating Political Subdivision agrees to order any Runoff Election(s) at its meeting for canvassing the votes from May 3, 2025 Joint Election, and to conduct its drawing for ballot positions at, or immediately following, such meeting in order to expedite preparations for its Runoff Election.
  - d. Each Participating Political Subdivision eligible to hold Runoff Elections after the May 3, 2025 Uniform Election Date agrees that the date of a necessary Runoff Election shall be held in accordance with the Texas Election Code, which will be Saturday, June 7, 2025.

## 6. GENERAL PROVISIONS

- a. Nothing contained in this Election Services Contract shall authorize or permit a change in the officer with whom, or the place at which any document or record relating to the Participating Political Subdivision's May 3, 2025 Joint Election are to be filed, or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.
- b. Upon request, the Contracting Election Officer will provide copies of all invoices and other charges received in the process of running said election for the Participating Political Subdivision.
- c. If the Participating Political Subdivision cancels their elections pursuant to Section 2.053 of the Texas Election Code, the Participating Political Subdivision shall pay the Contracting Officer a contract preparation fee of \$75.00 and will not be liable for any further costs incurred by the Contracting Officer.
- d. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.

Collin County Election Services  
 May 3, 2025 Joint Election

Seis Lagos SUD

Registered Voters 1,576  
 Percentage 0.0780338%

Category	Estimated Polling Locations	Estimated Units or Description	Cost Per Unit	Estimated Election Expenses	Estimated Entity Expenses
<b>Early Voting by Mail</b>					
Kits - Mail Ballots	4,000		\$ 1.15	\$ 4,600.00	\$ 3.59
Postage	4,000		\$ 0.88	\$ 3,520.00	\$ 2.75
Paper Ballot Printing Services	0		\$ 0.38	\$ -	\$ -
Paper Ballot Shipping (per box)	0		\$ 30.00	\$ -	\$ -
Ballot Stock - BOD	4,000		\$ 0.12	\$ 480.00	\$ 0.37
Category Subtotal				\$ 8,600.00	\$ 6.71
<b>General Election Expenses</b>					
Mileage		8 vans for 6 weeks @ \$650 per week	Per Election	\$ 500.00	\$ 0.39
Van / Car Rental			Per Election	\$ 31,200.00	\$ 24.35
Election Night Receiving Cover			Per Election	\$ 3,167.80	\$ 2.47
Polling Place Rental			Per Election	\$ 30,000.00	\$ 23.41
Notice of Election			Per Election	\$ 9,700.00	\$ 7.57
Security - EV			Per Election	\$ 2,000.00	\$ 1.56
Security - ED including Traffic Control			Per Election	\$ 2,000.00	\$ 1.56
Early Voting Ballot Board			Per Election	\$ 15,037.00	\$ 11.73
FICA - Election Workers		\$ 622,875.00	Per Election	\$ 47,649.94	\$ 37.18
County Employee/IT Overtime - EV/ED			Per Election	\$ 30,000.00	\$ 23.41
Process Pollworker Checks - EV	42	336	\$ 1.50	\$ 504.00	\$ 0.39
Process Pollworker Checks - ED	58	464	\$ 1.50	\$ 696.00	\$ 0.54
Drayage Per Location - ED	58	116	\$ 202.00	\$ 23,432.00	\$ 18.28
Drayage Per Location - EV	42	84	\$ 202.00	\$ 16,968.00	\$ 13.24
Category Subtotal				\$ 212,854.74	\$ 166.10
<b>Programming</b>					
Coding Services			25 Days @ \$1975 / day	\$ 50,000.00	\$ 39.02
Balotar Programming			Per Election	\$ 1,400.00	\$ 1.09
Category Subtotal				\$ 51,400.00	\$ 40.11
<b>Early Voting by Personal Appearance</b>					
Election Judge OT - EV (with OT)			\$ 15.00	\$ 64,680.00	\$ 50.47
Alternate Judge OT - EV (with OT)			\$ 14.00	\$ 60,438.00	\$ 47.16
Clerk OT - EV (8 per location, with OT)			\$ 13.00	\$ 330,876.00	\$ 258.20
ES&S Support Staff / Field Techs - EV			40 Days	\$ 194,700.00	\$ 151.93
Equipment Assembly - EV	42	58	\$ 50.00	\$ 2,900.00	\$ 2.26
Category Subtotal				\$ 653,594.00	\$ 510.02
<b>Election Day and Tabulation</b>					
Election Day/Post Election Vendor Support			15 Days	\$ 53,900.00	\$ 42.06
Notice of Inspection/Tabulation Test			Per Election	\$ 1,500.00	\$ 1.17
Category Subtotal				\$ 55,400.00	\$ 43.23

**Seis Lagos SUD**

Registered Voters  
Percentage

1,576  
0.0780338%

Category	Estimated Polling Locations	Estimated Units or Description	Cost Per Unit	Estimated Election Expenses	Estimated Entity Expenses
<b>Supply Cost</b>					
Ballots - Card Stock ExpressVote - EV		133,000	\$ 0.19	\$ 25,270.00	\$ 19.72
Ballots - Card Stock ExpressVote - ED		67,000	\$ 0.14	\$ 9,380.00	\$ 7.32
Test Ballots		3,000	\$ 0.29	\$ 870.00	\$ 0.68
Kits - ED	42	42	\$ 60.00	\$ 2,520.00	\$ 1.97
Kits - EV	58	58	\$ 32.00	\$ 1,856.00	\$ 1.45
Kits - Provisional EV	42	42	\$ 52.00	\$ 2,184.00	\$ 1.70
Kits - Provisional ED	58	58	\$ 45.00	\$ 2,610.00	\$ 2.04
Polling Place Maps - EV	42	42	\$ 25.00	\$ 1,050.00	\$ 0.82
Polling Place Maps - ED	58	58	\$ 25.00	\$ 1,450.00	\$ 1.13
Signs Metal (5 per location)	100	500	\$ 5.00	\$ 2,500.00	\$ 1.95
Signs Wood	100	100	\$ 2.00	\$ 200.00	\$ 0.16
Ballot Card Stock - Provisional - EV (50 PL)	42	2,100	\$ 0.21	\$ 430.50	\$ 0.34
Ballot Card Stock - Provisional - ED (50 PL)	58	2,900	\$ 0.16	\$ 464.00	\$ 0.36
Ballots - Sample - All Packs	0	0	Per Election	\$ 3,000.00	\$ 2.34
Printer Labels - EV (1 roll per location)	42	168	\$ 6.97	\$ 1,170.96	\$ 0.91
Printer Labels - ED (1 roll per location)	58	116	\$ 6.97	\$ 808.52	\$ 0.63
Category Subtotal				\$ 55,763.98	\$ 43.51
<b>Equipment</b>					
Cabinet Security - EV	42	58	\$ 200.00	\$ 11,600.00	\$ 9.05
Cabinet Security - ED	58	74	\$ 200.00	\$ 14,800.00	\$ 11.55
Computer Cabinet - EV	42	0	\$ 50.00	\$ -	\$ -
DS200 Ballot Counter - EV	42	58	\$ 350.00	\$ 20,300.00	\$ 15.84
DS200 Ballot Counter - ED	58	74	\$ 350.00	\$ 25,900.00	\$ 20.21
ExpressVote - EV (9 per location)	42	522	\$ 200.00	\$ 104,400.00	\$ 81.47
Expres Vote - ED (9 per location)	58	666	\$ 200.00	\$ 133,200.00	\$ 103.94
ExpressTouch - EV	42	58	\$ 200.00	\$ 11,600.00	\$ 9.05
ExpressTouch - ED	58	74	\$ 200.00	\$ 14,800.00	\$ 11.55
Category Subtotal				\$ 336,600.00	\$ 262.66
<b>Personnel</b>					
Election Judge - ED			\$ 15.00	\$ 22,330.00	\$ 17.42
Alternate Election Judge - ED			\$ 14.00	\$ 20,938.00	\$ 16.34
Clerk - ED (6 per location)			\$ 13.00	\$ 108,576.00	\$ 84.73
Category Subtotal				\$ 151,844.00	\$ 118.49
<b>Election Expense</b>				<b>\$ 1,526,056.72</b>	<b>\$ 1,190.84</b>
Cost (minimum)					\$ 3,500.00
10% Administrative Fee					\$ 350.00
Total Cost					\$ 3,850.00
<b>90% deposit due Friday, March 28, 2025</b>					<b>\$ 3,465.00</b>

**May 3, 2025 Joint General and Special Elections - Early Voting Locations, Dates and Hours**  
*(3 de mayo de 2025 Elección general y especial conjunta - Lugares de Votación Temprana, Fechas y Horas)*

**Important Note: Eligible Collin County registered voters (with an effective date of registration on or before May 3, 2025) may vote at any Early Voting location.**

*(Nota importante: Los votantes registrados elegibles del Condado de Collin (con una fecha efectiva de registro en o antes del 3 de mayo de 2025 pueden votar en cualquier lugar de votación anticipada.)*

Sunday (Domingo)	Monday (Lunes)	Tuesday (Martes)	Wednesday (Miércoles)	Thursday (Jueves)	Friday (Viernes)	Saturday (Sábado)
<b>April 20 No Voting (20 de abril) (Sin votar)</b>	<b>April 21 No Voting (21 de abril) (Sin votar)</b>	<b>April 22 Early Voting (22 de abril) (Votación adelantada)  8 am – 5 pm</b>	<b>April 23 Early Voting (23 de abril) (Votación adelantada)  8 am – 5 pm</b>	<b>April 24 Early Voting (24 de abril) (Votación adelantada)  8 am – 5 pm</b>	<b>April 25 Early Voting (25 de abril) (Votación adelantada)  8 am – 5 pm</b>	<b>April 26 Early Voting (26 de abril) (Votación adelantada)  8 am – 5 pm</b>
<b>April 27 No Voting (27 de abril) (Sin votar)</b>	<b>April 28 Early Voting (28 de abril) (Votación adelantada)  7am - 7pm</b>	<b>April 29 Early Voting (29 de abril) (Votación adelantada)  7am - 7pm</b>	<b>April 30 (30 de abril)</b>	<b>May 1 (1 de mayo)</b>	<b>May 2 (2 de mayo)</b>	<b>May 3 Election Day (3 de mayo) (Día de elección)  7am – 7pm</b>

Polling Location (Lugar de Votación)	Room Name (Nombre de la habitación)	Address (Dirección)	City (Ciudad)	Zip Code (Código postal)
Allen ISD Service Center	Main Lobby	1451 N. Watters Rd.	Allen	75013
Allen Municipal Courts Facility	Community Room	301 Century Pkwy.	Allen	75013
Anna Municipal Complex	Lobby	120 W. 7th St.	Anna	75409
Blue Ridge ISD Administration Building	Board of Trustees Board Room	318 W. School St.	Blue Ridge	75424
Carpenter Park Recreation Center	South Lobby	6701 Coit Rd.	Plano	75024
Children’s Health StarCenter	Activity Room	6993 Star Ave.	McKinney	75070
Collin College Celina Campus	Classroom CEC110	2505 Kinship Pkwy.	Celina	75009
Collin College Farmersville Campus	Atrium	501 S. Collin Pkwy.	Farmersville	75442
Collin College Frisco Campus	Building J, Room 113	9700 Wade Blvd.	Frisco	75035
Collin College Higher Education Center	Atrium	3452 Spur 399	McKinney	75069

<b>Polling Location</b> <i>(Lugar de Votación)</i>	<b>Room Name</b> <i>(Nombre de la habitación)</i>	<b>Address</b> <i>(Dirección)</i>	<b>City</b> <i>(Ciudad)</i>	<b>Zip Code</b> <i>(Código postal)</i>
Collin College McKinney Campus	Atrium C Square	2200 University Dr.	McKinney	75071
Collin College Plano Campus	Atrium D Square	2800 E. Spring Creek Pkwy.	Plano	75074
Collin College Wylie Campus	Lobby	391 Country Club Rd.	Wylie	75098
Collin County Elections (Main Early Voting Location)	Voting Room	2010 Redbud Blvd., Suite 102	McKinney	75069
Davis Library	Children's Program Room	7501 Independence Pkwy. A	Plano	75025
East Plano Islamic Center	Multipurpose Room	4700 14th St.	Plano	75074
Frisco Fire Station #05	Training Room	14300 Eldorado Pkwy.	Frisco	75035
Frisco Fire Station #08	Training Room	14700 Rolater Rd.	Frisco	75035
Gay Library	Meeting Room	6861 W. Eldorado Pkwy.	McKinney	75070
Haggard Library	Programs Room	2501 Coit Rd.	Plano	75075
Harrington Library	Thelma Rice Sproles Program Room	1501 18th St.	Plano	75074
Lavon City Hall	Gymnasium	120 School Rd.	Lavon	75166
Lovejoy ISD Administration Building	Portable #1 Training Room	259 Country Club Rd.	Allen	75002
Lucas Community Center	Community Room	665 Country Club Rd.	Lucas	75002
McKinney Fire Station #05	Community Room	6600 Virginia Pkwy.	McKinney	75071
McKinney Fire Station #07	Community Room	861 Independence Pkwy.	McKinney	75072
McKinney Fire Station #09	Community Room	4900 Summit View Dr.	McKinney	75071
McKinney Municipal Complex	TBD	401 E. Virginia St.	McKinney	75069
McKinney Senior Recreation Center	Meeting Room	1400 S. College St.	McKinney	75069
Melissa Public Safety Building	Court Room	2402 McKinney St.	Melissa	75454
Methodist Medical Center Richardson	Conference Room A	2831 E. President George Bush Hwy.	Richardson	75082
Michael J. Felix Community Center	Rooms A and B	3815-E Sachse Rd.	Sachse	75048
Murphy Activity Center	The Great Hall	201 N. Murphy Rd.	Murphy	75094
Parker City Hall	Council Chambers	5700 E. Parker Rd.	Parker	75002

<b>Polling Location</b> <i>(Lugar de Votación)</i>	<b>Room Name</b> <i>(Nombre de la habitación)</i>	<b>Address</b> <i>(Dirección)</i>	<b>City</b> <i>(Ciudad)</i>	<b>Zip Code</b> <i>(Código postal)</i>
Parr Library	Programs Room	6200 Windhaven Pkwy.	Plano	75093
Prosper Town Hall	Community Room	250 W. First St.	Prosper	75078
Renner-Frankford Branch Library	Programs Room	6400 Frankford Rd.	Dallas	75252
St. Paul Town Hall	Council Chambers	2505 Butcher's Block	St. Paul	75098
Terry Pope Administration Building	Community ISD Board Room	611 N. FM 1138	Nevada	75173
The Grove at Frisco Commons	Game Room C	8300 McKinney Rd.	Frisco	75034
Weston Community Center	Main Room	117 Main St.	Weston	75097
Wylie Community Park Center	Meeting Room East	800 Thomas St. #100	Wylie	75098

**\*Polling locations are subject to change. For the most current list of locations, please visit the Elections webpage at [www.collincountytx.gov/elections](http://www.collincountytx.gov/elections).**

*(\*Los lugares de votación están sujetos a cambios. Para obtener la lista más actualizada de ubicaciones, visite la página web de Elecciones en [www.collincountytx.gov/elections](http://www.collincountytx.gov/elections).)*

**Applications for ballot by mail may be mailed and must be received no later than the close of business on April 22, 2025, to:**

*(Las solicitudes de boleta por correo pueden enviarse por correo y deben recibirse a más tardar el 22 de abril de 2025 para:)*

**Kaleb Breaux, Early Voting Clerk**

2010 Redbud Blvd. Suite 102

McKinney, Texas 75069

972-547-1900

[www.collincountytx.gov](http://www.collincountytx.gov)

**Applications for ballot by mail may also be faxed or emailed and must be received no later than the close of business on April 22, 2025. For an application for ballot by mail submitted by telephonic facsimile machine or electronic transmission to be effective, the hard copy of the application must also be submitted by mail and be received by the early voting clerk not later than the fourth business day after the transmission by telephonic facsimile machine or electronic transmission is received. (Texas Election Code 84.007)**

*(Las solicitudes de boleta por correo también pueden enviarse por fax o correo electrónico y deben recibirse antes del cierre de operaciones el 22 de abril de 2025. Para que una solicitud de boleta por correo enviada por máquina de fax o transmisión electrónica sea efectiva, la copia impresa de la solicitud también debe presentarse por correo y ser recibida por el secretario de votación anticipada a más tardar el cuarto día hábil posterior a la recepción de la transmisión por fax o máquina electrónica de fax. (Código Electoral de Texas 84.007).)*

**Fax (Fax) – 972-547-1996**

**Email (Correo electrónico) – [absenteemailballoting@collincountytx.gov](mailto:absenteemailballoting@collincountytx.gov)**

**Election Day Vote Centers for the May 3, 2025 Joint General and Special Election – 7 am - 7 pm\***

*(Centros de votación del día de las elecciones para las Elección de general y especial conjunta del 3 de mayo de 2025 – 7 am – 7pm\*)*

**Important Note:** Eligible Collin County registered voters (with an effective date of registration on or before May 3, 2025) may vote at any Election Day location.

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Aldridge Elementary School	Gym	720 Pleasant Valley Ln.	Richardson	75080
Allen ISD Service Center	Main Lobby	1451 N. Watters Rd.	Allen	75013
Allen Municipal Courts Facility	Community Room	301 Century Pkwy.	Allen	75013
Anna Municipal Complex	Lobby	120 W. 7th St.	Anna	75409
Armstrong Middle School	Gym	3805 Timberline Dr.	Plano	75074
Bethany Elementary School	Gym	2418 Micarta Dr.	Plano	75025
Blue Ridge ISD Administration Building	Board of Trustees Board Room	318 W. School St.	Blue Ridge	75424
Bowman Middle School	Cafeteria Foyer in Corridor H	2501 Jupiter Rd.	Plano	75074
Carpenter Middle School	Small Gym	3905 Rainier Rd.	Plano	75023
Carpenter Park Recreation Center	South Lobby	6701 Coit Rd.	Plano	75024
Children's Health StarCenter	Activity Room	6993 Star Ave.	McKinney	75070
Collin College Celina Campus	Classroom CEC110	2505 Kinship Pkwy.	Celina	75009
Collin College Farmersville Campus	Atrium	501 S. Collin Pkwy.	Farmersville	75442
Collin College Frisco Campus	Building J, Room 113	9700 Wade Blvd.	Frisco	75035
Collin College Higher Education Center	Atrium	3452 Spur 399	McKinney	75069
Collin College McKinney Campus	Atrium C Square	2200 University Dr.	McKinney	75071
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Collin College Wylie Campus	Lobby	391 Country Club Rd.	Wylie	75098
Collin County Elections Office	Voting Room	2010 Redbud Blvd., Suite 102	McKinney	75069
Davis Library	Children's Program Room	7501 Independence Pkwy. A	Plano	75025

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East Plano Islamic Center	Multipurpose Room	4700 14th St.	Plano	75074
Fairview Town Hall	Council Chambers	372 Town Place	Fairview	75069
Frazier Elementary School	TBD	1600 N. Sweetwater Cv.	McKinney	75071
Frisco Fire Station #05	Training Room	14300 Eldorado Pkwy.	Frisco	75035
Frisco Fire Station #08	Training Room	14700 Rolater Rd.	Frisco	75035
Gay Library	Meeting Room	6861 W. Eldorado Pkwy.	McKinney	75070
Haggar Elementary School	Gym	17820 Campbell Rd.	Dallas	75252
Haggard Middle School	Main Vestibule	2832 Parkhaven Dr.	Plano	75075
Hendrick Middle School	Gym	7400 Red River Dr.	Plano	75025
Lavon City Hall	Gymnasium	120 School Rd.	Lavon	75166
Lovejoy ISD Administration Building	Portable #1 Training Room	259 Country Club Rd.	Allen	75002
Lucas Community Center	Community Room	665 Country Club Rd.	Lucas	75002
McKinney Boyd High School	Library	600 Lake Forest Dr.	McKinney	75071
McKinney Fire Station #05	Community Room	6600 Virginia Pkwy.	McKinney	75071
McKinney Fire Station #07	Community Room	861 Independence Pkwy.	McKinney	75072
McKinney Fire Station #09	Community Room	4900 Summit View Dr.	McKinney	75071
McKinney High School	Performing Arts Center Lobby	1400 Wilson Creek Pkwy.	McKinney	75069
McKinney Municipal Complex	TBD	401 E. Virginia St.	McKinney	75069
McKinney North High School	Auditorium Lobby	2550 Wilmeth Rd.	McKinney	75071
Melissa Public Safety Building	Court Room	2402 McKinney St.	Melissa	75454
Methodist Medical Center Richardson	Conference Room A	2831 E. President George Bush Hwy.	Richardson	75082
Michael J. Felix Community Center	Rooms A and B	3815-E Sachse Rd.	Sachse	75048
Miller Elementary School	Gym	5651 Coventry Dr.	Richardson	75082
Murphy Activity Center	The Great Hall	201 N. Murphy Rd.	Murphy	75094
Parker City Hall	Council Chambers	5700 E. Parker Rd.	Parker	75002

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Prosper Town Hall	Community Room	250 W. First St.	Prosper	75078
Renner-Frankford Library	Programs Room	6400 Frankford Rd.	Dallas	75252
Robinson Middle School	Gym	6701 Preston Meadow Dr.	Plano	75024
Schimelpfenig Middle School	Front Foyer	2400 Maumelle Dr.	Plano	75023
Shepton High School	Gym	5505 Plano Pkwy.	Plano	75093
St. Paul Town Hall	Council Chambers	2505 Butcher's Block	St. Paul	75098
Terry Pope Administration Building	Community ISD Board Room	611 N. FM 1138	Nevada	75173
The Grove at Frisco Commons	Game Room C	8300 McKinney Rd.	Frisco	75034
Tom Muehlenbeck Recreation Center	Meeting Room A	5801 W. Parker Rd.	Plano	75093
Weston Community Center	Main Room	117 Main St.	Weston	75097
Wilson Middle School	F113	1001 Custer Rd.	Plano	75075
Wylie Community Park Center	Meeting Room East	800 Thomas St. #100	Wylie	75098

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**Fax (Fax) – 972-547-1996**

**Email (Correo electrónico) – [absenteemailballoting@collincountytx.gov](mailto:absenteemailballoting@collincountytx.gov)**

WITNESS BY MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.

\_\_\_\_\_  
Kaleb Breaux, Elections Administrator  
Collin County, Texas

WITNESS BY MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.

Approved By:

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

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

Witnessed By:

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

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

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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## AGENDA ITEM #5d – Roads and Signage Within the District

### Item Description:

The Board of Directors will discuss, consider, and act on all matters related to roads and signage within the District's boundaries, including financing, planning, construction, maintenance, signage placement and modifications, contracts, and any other related matters.

### Background:

The District is responsible for maintaining roads and signage within its jurisdiction under Texas Transportation Code Chapter 251. This discussion covers current conditions, planned improvements, funding, and necessary signage updates for traffic safety.

The Superintendent previously sought contractor estimates for backfilling fill dirt to mitigate roadway erosion. Of nine contractors contacted, one submitted a proposal, now presented for Board approval to authorize contract execution.

Additionally, a Board member and SLCSA Security requested a "Wrong Way" sign at the subdivision entrance due to motorists mistakenly using the exit lane. The Superintendent is submitting an estimate for Board review.

### Possible Obstacles

- Sign Placement on HOA Property: HOA approval is required if the sign is outside the District's right-of-way.
- Coordination with SLCSA Security: Placement must align with security recommendations and existing agreements.

### Recommended Motion:

I move to authorize the Superintendent to execute the contract for road maintenance and erosion mitigation and to proceed with procuring and installing a 'Wrong Way' sign, pending confirmation of placement within the District's right-of-way or HOA approval if required.

# Road Edge Tuck and Grading Work

1 Seis Lagos Trail- Wylie, TX, 75098



Brandon Murray  
469-215-4250  
info@allearthindustries.com

**All Earth Industries LLC. proposes the following:**

To backfill and grade along existing roadways in the subdivision with material chosen in options below. The scope of work includes and is limited to the Seis Lagos Community. We have estimated that there is about 37000 Linear Feet of 'backfill and grading' required along the roadways. This is to bring the grade up along the roadways to help mitigate and eliminate the hazards to the residences. To be filled up and graded within ½” of top of paving, not to exceed 18-24” beside the roadway and to blend into existing landscape. Note this is for soil and grading only, no sod or seeding is included in this proposal.

**Lump Sum Pricing:**

- 1) Labor and Equipment \$27,540.00
  - a. 10 working days on site for crew of 4 including supervisor
  - b. Includes skid steer for grading, sweeper for cleaning streets and loader for material handling
  
- 2) Material Supply Import- 525 Cubic Yards Priced- Topsoil is recommended just to encourage future growth
  - a. Common Fill (clay) Material- \$10,935.00
  - b. Select Fill- \$15,010.00
  - c. Topsoil- \$20,300.00

**Total for all Section: \$38,475.00- \$47,840.00**

**Scheduling:**

The work will take **10 days** to complete.

**Tentative Start Date:**

Within 1-2 weeks of site readiness

**Payment Terms:**

Invoices Due Upon Receipt and Will Be Billed Weekly

I have read and understand the terms and conditions of this contract.

X \_\_\_\_\_  
**All Earth Industries LLC.**

X \_\_\_\_\_  
**Signature**

X \_\_\_\_\_  
**All Earth Industries LLC.**

X \_\_\_\_\_  
**Print Name**

X \_\_\_\_\_  
**Signature**

X \_\_\_\_\_  
**Print Name**

**Bid Clarifications for All Earth Industries LLC.:**

- All Earth Industries LLC. may charge additional mobilization and demobilization of equipment due to unforeseen conflicts of work a minimum of **\$1,000.00** per occurrence
- All Earth Industries LLC. unless otherwise specified pricing does not include Dewatering, survey, compaction testing (3<sup>rd</sup> party costs), site lighting, temporary fencing or any safety signage unless specifically mentioned
- All Earth Industries LLC. pricing is valid for **30-days**
- All Earth Industries LLC. requests pricing review for post bid clarification and/or after issued letter of award due to IFC drawing changes or unforeseen resource costs change
- All Earth Industries LLC. unless otherwise specified pricing does not include daylighting, hydro-vac or permitting
- All Earth Industries LLC. pricing does not include applicable taxes
- All Earth Industries LLC. shall invoice based on final measurements of completed project
- Any and all change orders are confirmed in writing prior to work commencing
- Outstanding amounts may be subject to a Mechanics Lien and subject to an interest rate of 2% per month or 24% per annum

**Brandon Industries, Inc.**

PO Box 2230  
 McKinney, TX 75070  
 (972) 542-3000

# Quote

**Order Number:** 1027919

**Order Date:** 1/30/2025

**Salesperson:** William Gann

**Customer Number:** TXSEISLAGOS

**Sold To:**

SEIS LAGOS UTILITY DISTRICT  
 ATTN TO: CHRIS WINDSOR  
 220 SEIS LAGOS TRAIL  
 WYLIE, TX 75098

**Ship To:**

SEIS LAGOS UTILITY DISTRICT  
 \*\*WILL CALL\*\*  
 MCKINNEY, TX 75069

**Confirm To:**

<b>Customer P.O.</b>	<b>Ship VIA</b>	<b>F.O.B.</b>	<b>Terms</b>
	WILL CALL		Net 30

Item Code	Ordered	Price	Amount
CP4X12 BK Fluted Channel Pole 6005-T6 4"OD x 12' 0" Black	2.00	300.00	600.00
FIN-CS4 BK Circle Star Finial for 4"OD Round Pole Black	2.00	47.00	94.00
TS1824 BK Decorative Sign Trim for 18" x 24" Traffic Sign Black	2.00	114.00	228.00
SIGN1824 BK 18" x 24" Sign w/ Black Back Do Not Enter Wrong Way Sign, High Intensity Vinyl	2.00	108.00	216.00
SB-64 BK Die Cast Two Piece Base for 4"OD pole Black	2.00	131.00	262.00

Net Order: 1,400.00  
 Less Discount: 0.00

**Freight amount shown is only valid for 2 weeks from original quote date.**

Sales Tax: 0.00  
**Order Total:** 1,400.00



# BRANDON<sup>®</sup>

I N D U S T R I E S

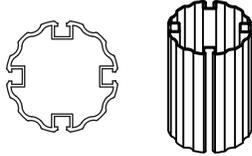
1601 Wilmeth Road  
McKinney, Texas 75069  
Phone: 972.542.3000  
Toll Free: 800.247.1274  
brandonindustries.com

## Complete Sign Unit

made from the following parts:

### POLE:

PART# CP4X12  
4" x 12" CHANNEL POLE  
WALL THICKNESS .125"



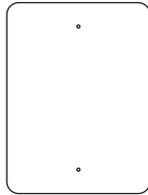
### FINIAL:

PART# FIN-CS4  
CIRCLE STAR FINIAL  
HEIGHT: 7.3"  
WIDTH: 5.6"



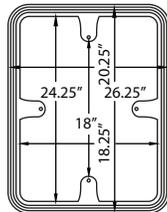
### SIGNS:

PART# SIGN1824  
18" x 24"



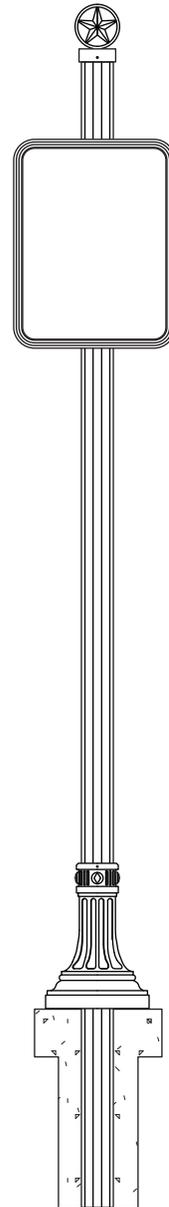
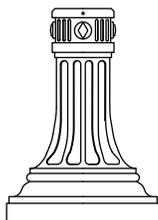
### TRIMS:

PART# TS1824  
FOR 18" x 24" SIGN



### BASE:

PART# SB-64  
TWO-PIECE BASE  
HEIGHT: 18"  
WIDTH: 13"



NOTES:  
COMPLETE UNIT SHOWN WITH 2' BELOW GRADE BURIAL. FOUNDATION SHOULD BE DESIGNED TO MEET LOCAL CODES AND THE REQUIREMENTS OF SOIL CONDITIONS. DRAWING FOR INFORMATION ONLY, NOT INTENDED FOR CONSTRUCTION PURPOSES.

**DO NOT  
ENTER**

**WRONG  
WAY**

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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## **AGENDA ITEM #5e – Updates to the Employee Handbook**

### **Item Description:**

The Board of Directors will discuss, consider, and act on updates to the Employee Handbook, including, but not limited to, revisions, additions, and policy modifications, which will be codified in a later resolution, and authorize its implementation.

### **Background:**

The Employee Handbook requires periodic updates to reflect current policies, legal requirements, and best practices. These updates will ensure compliance with employment laws and improve district operations. Employment policies must adhere to the Texas Labor Code Chapter 21 regarding non-discriminatory workplace policies.

### **Recommended Motion:**

"I move to approve the proposed updates to the Employee Handbook and authorize their implementation."



**Seis Lagos Utility District  
Employee Handbook  
Adopted: January 21<sup>st</sup>, 2020**

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At Will Statement

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## **SLUD Employee Handbook Jan 2020**

### **WELCOME**

Welcome to Seis Lagos Utility District. This Employee Handbook is intended to give you an overview of the organization's policies and expectations for its employees but is not a contract of employment. The policies contained in this handbook are intended to serve as a guideline for both employees and supervisors but cannot address every possible situation. As a result, the District reserves the right to apply the policies with discretion and on a case-by-case basis to support its organizational goals and operational needs, as well as ensuring a pleasant working environment. The District may amend, revoke or substitute new policies as needed and at any time without advance notice. Employees are responsible for reviewing and understanding the policies expressed in this handbook.

### **Statement of Equal Employment Opportunity**

The Seis Lagos Utility District ("District") is an Equal Opportunity Employer. The District does not discriminate based on race, religion, color, sex, age, non-disqualifying physical or mental disability, national origin, veteran status or any other basis covered by appropriate law. All employment is decided based on qualifications, merit, and business need.

### **At Will Employment**

Employees of the District are at-will. As an at-will employee, either the employee or the District may terminate the employment relationship at any time, for any reason, without notice or cause. Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's at-will status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and the District retains the right to terminate any employee at any time, for any or no reason.

### **Open Door Policy**

Employees are encouraged to take problems to the next level of management if they are unable to resolve a situation with their direct supervisor.

## **I. EMPLOYMENT PRACTICES AND PROCEDURES**

### **A. EMPLOYEE CLASSIFICATIONS**

1. Regular Full-Time Employees – Regular status full-time employees are those in a budgeted position who are scheduled to work a minimum average of 30 hours per week on a regular basis. Full-time employees are eligible to receive full benefits, including medical, retirement benefits, and accrual of paid time of (PTO).
2. Part-Time employees are defined below:
  - a. Regular Part-Time employees who work twenty (20) hours per week or fewer are not eligible to receive benefits.
  - b. Temporary/Seasonal Employees are those who are employed for a specific period (such as the summer) for a special job task, project, or on an “as needed” basis. Temporary employees are not eligible for any of the above listed benefits. All employees are eligible for workers’ compensation benefits and time off to participate in voting.
3. Independent Contractors: From time-to-time, the District may utilize independent contractors for specific services, these workers are not considered employees and are not subject to the provisions of this handbook.

### **B. JOB DUTIES**

Job duties and expectations will be explained by your supervisor. To meet the operational needs of the District, your job responsibilities may change at any time during your employment. In addition to your regularly assigned job responsibilities and duties, from time to time, you may be asked to work on special projects or to assist with other work important to the operation of your department or the District. Your cooperation and assistance in performing additional work is expected. Example job descriptions are included in Addendum A

### **C. WORKING HOURS AND SCHEDULES; MEAL AND REST PERIODS**

1. District offices are normally open for business from 8:00 a.m. to 3:30 p.m., Monday, Tuesday, Thursday and Friday. Wednesday is an administrative work day during which the office is closed to the public, but employees are expected to complete a regular schedule. All non-exempt employees are expected to be at their desk or work assignment no later than 7:30 a.m. unless they have prior approval to begin work at a different time.
2. Non-Exempt employees are provided with a thirty-minute paid meal period and are allowed one paid fifteen-minute rest period for each four hours of work.

### **D. HOLIDAYS AND Religious Accommodation**

All regular full-time and part-time employees are eligible for a day off with pay for each District designated holiday, at their regular straight time rate of pay or base salary. Temporary employees are not eligible for holiday pay.

The District recognizes the following paid holidays each year:

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Friday After Thanksgiving
- Christmas Day

If a holiday falls on a Sunday, the following Monday will be observed as the paid holiday. If a holiday falls on a Saturday, the District reserves the right to decide whether the office will be closed the preceding Friday.

On holidays, eligible part-time employees will be paid for the number of hours they otherwise would have been scheduled to work on that day. If a District-designated holiday falls on a day that is not a regular workday for a regular part-time employee, the employee will be ineligible for holiday pay for that day.

The District reserves the right to require employees to work on a District-designated holiday should business circumstances require. An eligible non-exempt employee required to work on a District-designated holiday will receive pay for actual hours worked on the holiday plus an alternative day off with pay or the holiday pay to which s/he is otherwise entitled. Holidays are not considered hours worked for purposes of calculating overtime unless an employee works on the holiday.

The District recognizes that some employees may wish to observe, as periods of worship or commemoration, certain religious days that are not included in the District's holiday schedule. Employees may use PTO for this purpose. Otherwise, the time off will be without pay. The District will make a reasonable effort to accommodate an employee's religious beliefs, consistent with the District's operating requirements and provided such accommodation does not create an undue hardship for the District. An employee

who wishes to request time off for a religious holiday should provide reasonable advance notice to his or her manager.

**E. OVERTIME**

1. As necessary, non-exempt employees may be required to work overtime. All overtime work must be previously authorized by a supervisor. The District provides compensation for all overtime hours worked by non-exempt employees in accordance with the law.
2. Nonexempt employees are to be paid one and one-half (1.5) times their normal hourly rate for work time that exceeds 40 hours during a scheduled workweek. A work week is defined as 12:00am Sunday through 11:59pm on Saturday. Exempt employees are not eligible for overtime pay but may utilize flexible scheduling with the approval of the employee's supervisor or the District's Superintendent.
3. The calculation of overtime hours will not include holiday, personal time off or vacation days during a given scheduled workweek.

**F. TIMEKEEPING PROCEDURES**

1. All employees are required to record time worked for payroll purposes. Employees must record their own time at the start and at the end of each work period. Non-exempt employees should clock out when leaving the District for non-work purposes. Non-exempt employees may calculate time or utilize paid leave in fifteen-minute increments.
2. Exempt employees may be required to keep time sheets or logs for workplace attendance and payroll records, but deductions from an exempt employee's salary for time not worked must be approved by the District's General Manager. Exempt employees may utilize PTO in half-day increments.

**G. PAYMENT OF WAGES**

1. Paydays are Thursdays. If a regular payday falls on a holiday, employees will be paid on the preceding workday. Employees are responsible for clocking in and out using the District's electronic timekeeping system. Any errors or mistakes must be reported to the Superintendent by the Monday preceding the normal payday.
2. The District does not permit advances against paychecks.

**H. PROBATION PERIOD**

The District, at its option, may institute a sixty (60) day probationary period. During this probationary period, employees will accrue PTO and vacation, but may not utilize this paid leave without the express permission of the District's General

Manager. During this time period, your job performance and compatibility will be evaluated to determine if your employment with the District should continue. Employees in their probationary period are not entitled to utilize the District's disciplinary appeals process.

**I. PERFORMANCE EVALUATIONS**

1. A performance evaluation will be completed upon successful completion of probation. After that review, you will receive an annual performance evaluation or as deemed necessary by the District. The frequency of performance evaluations may vary depending upon such factors as length of service, job position, past performance, changes in job duties or recurring performance problems.
2. Your performance evaluations will also review the quality and quantity of the work you perform, your knowledge of your job, your initiative, your work attitude and your attitude towards others.
3. Salary increases and promotions, if any, are solely within the discretion of the District and depend upon many factors in addition to your individual performance and are not necessarily tied to the results of a performance evaluation.

**J. PERSONNEL RECORDS**

- a. Employees are responsible for keeping personnel information accurate and up to date. Please report any change of address, phone number, etc. to the District's Superintendent immediately.
- b. As an employee, you may inspect your personnel file, as provided by law, in the presence of a District representative at a mutually convenient time.
- c. Personnel records may be subject to disclosure in response to a written request under the Texas Public Information Act. Any request for information from personnel files must be directed to the District Manager or the HR Representative. Only the District Manager or his/her designated agents is authorized to release information about current or former employees, including eligibility for rehire.

**K. VOLUNTARY TERMINATIONS**

If you decide to leave your employment with the District, we ask that you give us at least two weeks written notice, which may be waived by the District. All District-owned property (e.g. vehicles, keys, uniforms, identification badges, credit cards, laptops, cell phone, etc.) must be returned at the time of termination.

**L. REFERENCES**

All requests for references must be directed to the District's General Manager. No other manager, supervisor or employee is authorized to release employee information, including references, for current or former employees. Absent a signed release from the former employee, the District's policy as to references for former employees is to disclose only the dates of employment and the title of the last position held.

**M. INCLEMENT WEATHER AND EMERGENCY CLOSING**

In the event of inclement weather, if District offices are closed on a regular workday, essential employees may still be required to report to work or work remotely during the inclement closing. In the event of the District's offices closing, employees will not be charged for PTO or vacation.

**M. SECONDARY EMPLOYMENT**

All employees must notify the employee's supervisor before engaging in secondary employment to ensure the secondary employment does not have an adverse effect on the employer's operations or create a conflict of interest. Employees who fail to notify their supervisor of secondary employment or who fail to disclose existing secondary employment at the time of hire are subject to discipline under these policies.

**N. Travel Reimbursement**

In the event an employee is directed to attend any event that requires travel, such as training or other district business, all reasonable and relevant expenses will be reimbursed by the district. Such travel must be authorized in writing by the Superintendent or General Manager prior to undertaking the travel. Expenses must be submitted to the Superintendent along with supporting documentation (receipts, mileage logs, etc.) at least one week before the next normal payday for the re-imbusement check to be processed on that payday.

**O. DISTRICT UNIFORMS**

District uniforms are provided to the employee by the district. 11 full uniforms will be issued to each employee allowing for 5 to be cleaned while 5 are worn and one extra. All uniform purchases not directly provided through the service must be approved by the Superintendent and be suitable for the work being conducted and enhance safety of the employee.

Uniforms shall be worn only when on official or authorized duty, or to and from work, or an authorized off-duty assignment. Employees must represent the District with proper behavior and appearance in a professional and positive light. The wearing of a District uniform while off duty is strictly prohibited, except as outlined above. The only exception to this policy is the wearing of District ball caps.

Under no circumstances will District employees be allowed to wear the District logo or District uniforms while working at an outside job.

At no time and under no circumstance shall District personnel purchase or otherwise attempt to obtain alcoholic beverages or sexually oriented materials while wearing any apparel that indicates the individual as possibly being on-duty.

Violation of any of these provisions will be sufficient grounds for disciplinary action up to, and including, Termination.

**P. AUTHORIZED CREDIT CARD USERS**

Authorization to make purchases on the District Credit Card is Granted by the Board of Directors. Employees are only Authorized to make purchases as required to perform work with the District.

Personal use of the District card is prohibited.

1. If personal charges are made on the District card, employee must reimburse the District prior to the due date to avoid fees. If the employee does not reimburse the District:
  - Total amount of personal use as well as fees will be deducted from the employee's next paycheck.
  - Authorization to use the card in the future will be removed.
  - Depending on severity of use as determined by the board, the District may issue discipline including termination.

**II. BENEFITS AND LEAVE**

**A. HEALTH INSURANCE**

The District offers several health insurance plans to its employees. Employees may select from plans approved by the Board. The District will pay for a portion of the

employee's health insurance premium depending on the type of policy the employee selects. Employees shall be responsible for paying the cost of dependent insurance coverage. See Addendum B for current coverage details

**B. PAID TIME OFF**

The District provides employees three weeks of Paid Time Off ("PTO") each year. Each "week" is defined as 40 hours of PTO. PTO is accrued in equal amounts of 4.5 hours each pay period and may not be used in advance without written permission from the Superintendent and the General Manager. Employees are expected to inform the Superintendent at least two weeks in advance of PTO and should be scheduled on the District calendar so all employees are aware of staffing. PTO may be used without notice in the event of illness or Family Needs.

**C. Training**

The District believes that employee training is beneficial to the operation of the district and the development of its employees. From time to time employee training may be authorized by the District superintendent. Employee training provided by a third party must be relevant to the employee's job duties and directly beneficial to the District's needs. Employees are encouraged to find relevant training opportunities and present those requests to the Superintendent. If the training request is approved in writing by the superintendent all relevant and reasonable expenses for the training will be reimbursed by the district. In certain situations, paid time off may be provided for the training at the district Superintendent's sole discretion.

**D. LEAVES OF ABSENCE**

Personal Leaves of Absence: A personal leave of absence without pay for up to 21 days may be granted at the discretion of the District. Requests for personal leave should be limited to unusual circumstances requiring an absence in excess of ten working days. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay.

Medical or Disability Leave: For qualifying employees, the District will grant an unpaid leave to employees disabled on account of a serious health condition of the employee, the employee's spouse, child or parent. The following definitions apply to this policy.

- **Serious Health Condition**: an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or medical care facility; or continuing treatment by a health care provider. Examples of a serious health condition include:
  - conditions requiring an overnight stay in a hospital or other medical care facility;
  - conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
  - chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
  - pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).
- **Family members**
  - **Parent**: a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents-in-law.
  - **Son or Daughter or child**: a biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that leave is to commence.
  - **Spouse**: a husband or wife as defined or recognized in the state where the individuals were married and includes individuals in a common law marriage or same-sex marriage.

- In Loco Parentis: a person stands in loco parentis if that person provides day-to-day care or financial support for a child. Employees with no biological or legal relationship to a child can stand in loco parentis to that child, and are entitled to leave (for example, an uncle who cares for his sister's children while she serves on active military duty, or a person who is co-parenting a child with his or her same-sex partner). Also, an eligible employee is entitled to leave to care for a person who stood in loco parentis to that employee when the employee was a child.

**Eligible Employee:** A full-time employee who has worked for a minimum of twelve months or at least 1250 hours within a rolling twelve-month period may take up to a maximum of 3 weeks of leave. As an alternative, the District may transfer the employee to a less strenuous or hazardous position if the employee so requests, with the advice of the employee's physician, if the transfer can be reasonably accommodated. Leave taken under this policy runs concurrently with any other leave.

### **Leave of Absence Policies & Procedures**

Notice and Documentation Requirements: Employees requesting to take leave must provide the District with documentation confirming that the employee or employee's family member is suffering from a serious health condition from a health-care provider.

Compensation During Leave: Leave granted under this policy is without pay. However, employees may utilize accrued vacation time and any other accrued paid time off during the leave. All such payments will be coordinated with any state disability or other wage reimbursement benefits for which you may be eligible. At no time shall an employee receive a greater total payment than the employee's regular salary.

Benefits During Leave: employees on leave under this policy will receive continued paid coverage on the same basis as employees taking other leaves.

Reinstatement: upon the submission of a medical certification from a health care provider that an employee is able to return to work, the employee will, in most

circumstances, be offered the same position held at the time of the leave or an equivalent position. However, an employee is not entitled to any greater right to reinstatement than if the employee had been employed continuously rather than on leave.

### **III. STANDARDS OF CONDUCT**

#### **A. PROHIBITED CONDUCT**

It is not possible to list all the forms of behavior that are unacceptable in the work place, but the following are some examples of conduct that may result in disciplinary action, including termination of employment.

- Theft, removal, or unauthorized possession of District property
- Falsification of timekeeping records
- Working under the influence of alcohol
- Possession, distribution, sale, transfer, use, or being under the influence of alcoholic or illegal drugs in the work place or during work hours
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of District, customer, or co-worker property
- Insubordination or other disrespectful conduct
- Violation of safety, health or District rules
- Smoking in prohibited areas
- Sexual or other unlawful harassment or discrimination
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace except as allowed by law or authorized by the Judge's standing order.
- Excessive absenteeism or absence without notice
- Unauthorized absence from workstation during the work day
- Disclosure of confidential employee or customer information to any party not entitled to that information.

This statement of prohibited conduct does not alter the District's policy of employment at will.

**B. ARRESTS AND CONVICTIONS**

1. In the event of arrest, Employees are required to notify the Employee's supervisor as soon as practicable, but no later than the beginning of the Employee's next scheduled work day or shift. Employees are also required to notify the District's Superintendent or his/her designated agents if charged with a criminal charge other than a traffic citation. Employees convicted of a Class A or Class B misdemeanor or a felony, including deferred adjudication agreements, plea agreements or "no contest" pleas are required to notify their supervisor or the District's Superintendent as soon as practical, but no later than the beginning of the Employee's next scheduled work day or shift.
2. If the employee's job entails driving on behalf of the District, employees are required to report any and all citations received, whether in the District's vehicle or in the employee's personal vehicle. The District reserves the right to amend or alter the employee's duties relative to any pending or contemplated charge or citation.

**C. COMPLIANCE WITH LAWS**

A violation of a law, rule or regulation deemed by District management to be adverse to the interests of the District or its clients or misrepresentation or omission of any material facts in the application process or during employment may result in disciplinary action up to and including immediate termination of employment.

**D. WORKPLACE VIOLENCE**

1. Acts or threats of physical violence, including intimidation, harassment and/or coercion, which involve or affect the District or its employees or which occur on District property or during work hours will not be tolerated. This prohibition against threats and acts of violence applies to all persons involved in the operation of the District, including, but not limited to, District personnel, contract and temporary workers and anyone else on District property. Violations of this policy, by any individual on District property, by any individual acting as a representative of the District while off District property or by any individual acting off District property when his or her actions affect the business interests of the District, will lead to disciplinary and/or legal action, as appropriate. Employees are responsible for immediately reporting to their supervisor threats of violence they experience or observe, whether the threat is from a co-worker or a third party.
2. Workplace violence is any intentional conduct which is sufficiently severe, offensive or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends and/or

property such that employment conditions are altered or a hostile, abusive or intimidating work environment is created for one or more District employees.

3. Workplace violence does not refer to occasional comments of a socially acceptable nature. Such comments may include references to legitimate sporting activities, popular entertainment or current events. Rather, it refers to behavior that is personally offensive, threatening or intimidating.
  - a. Any person who engages in a threat or violent action on District property may be removed from the premises as quickly as safety permits and may be required, at the District's discretion, to remain off District premises pending the outcome of an investigation into the incident. Violation of this policy may subject the employee to discipline up to and including termination.
  - b. Any employee who obtains a temporary or permanent protective or restraining order which lists any District location as a protected area must provide to the District Manager a copy of the order.

**E. OFF-DUTY CONDUCT AND CONFLICTS OF INTEREST**

Employees are expected to conduct their personal affairs in a manner which does not adversely affect the District's integrity, reputation or credibility. Illegal off-duty conduct on the part of an employee which adversely affects the District's legitimate business interests or the employee's ability to perform his or her job will not be tolerated. Any conduct that is in direct conflict with the essential enterprise-related interests of the District and which would constitute a material and substantial disruption of the District's operation is strictly prohibited.

**F. DRUG AND ALCOHOL ABUSE**

Use of alcohol, illegal drugs or unauthorized use of controlled substances is prohibited. For purposes of this policy, controlled substance is defined as a drug or other *substance* that is tightly *controlled* by the government because it may be abused or cause addiction. The following are strictly prohibited by the District:

1. Possession, use, or being under the influence of alcohol or an illegal drug or unauthorized use of controlled substance, except where ordered by a health care provider, while on the job. Employees who consume a controlled substance as part of a health care plan managed by a licensed provider must still be able to perform the essential functions of the employee's assigned position and are prohibited from reporting to work or performing work while impaired.
2. Driving a District vehicle or your own vehicle for a District-related purpose while under the influence of alcohol or an illegal drug or unauthorized controlled substance. Employees are prohibited from operating a District vehicle or a vehicle for District-related purposes if impaired by a substance, including authorized or over-the-counter medication.
3. Distribution, sale or purchase of or offer to sell or purchase an illegal drug or controlled substance while on the job.

Violation of the above rules and standards of conduct will not be tolerated and will be grounds for disciplinary action up to and including termination. The District may also bring the matter to the attention of appropriate law enforcement authorities.

#### **G. PUNCTUALITY AND ATTENDANCE**

1. Employees are expected to report to work every day as scheduled, on time, and prepared to start work. Because of the public service nature of District positions, attendance in the workplace is considered an essential function of all positions. Employees are also expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized District business.
2. If you are unable to report for work on any scheduled work day, you must call the office at least one hour before the time you are scheduled to begin working. Employees must also inform their supervisor of the expected duration of any absence. Absent extenuating circumstances, you must call in on every day you are scheduled to work and will not report to work.
3. Excessive absenteeism or tardiness, excused or not, will not be tolerated. Excessive tardiness is defined as arriving after the scheduled start of the work day 3 or more times in a month may result in discipline under these policies. discipline.
4. If you fail to report for work without any notification to your supervisor and your absence continues for a period of three days, the District will consider that you have abandoned your employment and have voluntarily terminated.

#### **H. CONFIDENTIALITY**

Certain records belonging to the District, its employees, customers, suppliers and vendors are considered confidential or exempt from disclosure under the Texas Public Information Act and divulged only to individuals within the District with a need to receive, and authorized to receive, such information. If in doubt as to whether information should be divulged, err in favor of not divulging information and discuss the situation with your supervisor. Employees should never disclose personally identifiable information, protected health information, financial data or information relating to economic development without the express permission of the District's Manager or Secretary. Information, communications or documents which are subject to an attorney-client privilege should not be disclosed.

**I. INTERNET AND TECHNOLOGY**

The District recognizes that use of the internet and e-mail has many benefits and can make workplace communication more efficient and effective. Therefore, employees are encouraged to use the internet and e-mail systems appropriately. Unacceptable use of the internet and e-mail can place District and others at risk. This policy outlines the Company's guidelines for acceptable use of the internet and e-mail.

**1. Technology Use**

This policy must be followed in conjunction with other District policies governing appropriate workplace conduct and behavior. District complies with all applicable federal, state and local laws as they concern the employer/employee relationship, and nothing contained herein should be construed to violate any of the rights or responsibilities contained in such laws. (See "Social Media Policy" and "District Vehicles, Equipment, and Accidents policy")

**2. District's Use Guidelines**

The District has established the following guidelines for employee use of the Company's technology and communication networks, including the internet and e-mail, in an appropriate, ethical and professional manner.

- a. All technology provided by the District, including computer systems, communication networks, company-related work records and other information stored electronically, is the property of District and not the employee. In general, use of the District's technology systems and electronic communication should be job-related and not for personal convenience.
- b. Employees may not use District's internet, e-mail or other electronic communications to transmit, retrieve or store any communications or other content of a defamatory,

discriminatory, harassing or pornographic nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference may be transmitted. Harassment using a District network or device is prohibited.

- c. Transmission of disparaging, abusive, profane or offensive language; materials which might be contrary to District's legitimate interests; and any illegal activities—including piracy, hacking, extortion, blackmail, copyright infringement and unauthorized access to any computers on the internet or e-mail—are prohibited.
- d. Copyrighted or trademarked materials belonging to entities other than District may not be transmitted by employees on the company's network without permission of the copyright holder. Employees must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy for reference only. Saving copyright-protected information to a network drive without permission is prohibited. Sharing the URL (uniform resource locator or "address") of an internet site with other interested persons for business reasons is permitted.
- e. Employees may not use the system in a way which disrupts its use by others. This includes using a District network or device sending or receiving excessive numbers of large files and "spamming" (sending e-mail to thousands of users.).
- f. To prevent contamination of District technology and communications equipment and systems by harmful computer viruses, employees should only download or open files from trusted sources. Also, installing or downloading applications or software is prohibited without prior permission from IT.
- g. Every employee of District is responsible for the content of all text, audio or image files that the employee places or sends over the company's internet and e-mail systems. No e-mail or other electronic communication may be sent that hides the identity of the sender or represent the sender as someone else. The District's trademark identity is attached to all outgoing e-mail communications, which should reflect District values and

appropriate workplace language and conduct as defined in these policies.

- h. E-mail and other electronic communications transmitted by District equipment, systems and networks are not private or confidential, and they are the property of the District. Therefore, the District reserves the right to examine, monitor and regulate e-mail and other electronic communications, directories, files and all other content, including internet use, transmitted by or stored in its technology systems, whether onsite or offsite.
- i. Email, voice mail, instant messages and text messages may be considered business records. Employees should be mindful of the possibility of disclosure or production outside the District when communicating either internally or externally and should always comply with the District's record retention policy.
- j. The District prohibits recordings and photography (such as camera phones, digital recording devices, etc.) in the workplace unless approved by the Superintendent or while in the commission of normal work related duties as outlined in the Job Description such as open Board meetings, administrative and legal review, etc. Official Board meeting recordings should be made on approved devices unless directed by Superintendent.

### **3. District's Right to Monitor and Consequences for Misuse**

- a. All District-supplied technology, including computer systems, equipment and company-related work records, belongs to District and not to the employee user. As stated above, the District reserves the right to monitor use patterns, and employees should observe appropriate workplace discretion in their use and maintenance of such Company property.
- b. All District policies apply to the use of District computer systems and software, as well as e-mail and District internet connections and networks. Any employee who abuses the company-provided access to e-mail, the internet, or other electronic communications or networks, including social media, may be denied future access, and, if appropriate, be subject to

disciplinary action up to and including termination, within the limitations of any applicable federal, state or local laws. This policy also applies to employees using the employee's own device to access or use a District network, system or account. (See Social Media Use and Confidentiality of Information)

#### **4. Questions Regarding the Use of District's Network and Technology**

If you have questions regarding the appropriate use of District electronic communications equipment or systems, including e-mail and the internet, please contact your supervisor, manager or the IT department.

#### **J. SOCIAL MEDIA POLICY**

1. The District understands that many of its employees use social media to share your life and opinions with family, friends and co-workers. The intent of this policy is to provide guidance for the creation and distribution of information concerning District, its employees, customers and vendors through electronic media, including, but not limited to online forums, instant messaging and social media and blogging sites. Employees are responsible for their posts, comments, "likes" or favored, as well as content the employee chooses to share on social media.
2. The term "social media" encompasses: Tweets, Facebook, LinkedIn, Snapchat, Instagram, Kik, Whisper, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.
3. **Use of the District's Internet:**
  - a. Use of District's internet is a privilege and District's employees must responsibly and ethically use this resource. The District may monitor an employee's access, use, and postings while using the District's internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. Employees must abide by all federal and state law and policies of District in using District's internet.
  - b. Postings, whether authorized on behalf of District or on the employee's personal social media should be consistent with this policy. Use of social media to publish or send discriminatory or harassing remarks or material, threats of violence or obscene posts by employees of District is prohibited, whether

posted on a District site, the employee's personal sites or a third-party's social media page.

1. Use of personal social media is prohibited during working hours, unless authorized or while an employee is on a break consistent with this Handbook.
  2. Employees are encouraged to **be fair and courteous** to co-workers, customers, vendors or anyone who works on behalf of District. Employees are encouraged to use District's Open-Door policy or General Complaint Resolution policy contained in this Handbook to resolve work-related complaints, rather than social media to report or resolve a complaint. However, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio which reasonably could be viewed as discriminatory, harassing, malicious, obscene, threatening or intimidating, or which disparages customers, co-workers or vendors. Examples of such conduct which may be considered to violate this policy include comments, remarks or posts meant to intentionally harm someone's reputation or which contribute to a hostile work environment because of race, sex, disability, religion or any other status protected by law or District policy.
  3. District employees are urged to **be honest and accurate** when posting information or news. If you post something you later learn to not be true, employees should correct or remove the post as soon as possible. Never post statements, remarks or rumors you know to be false about District, co-workers, customers or vendors.
- c. Employees who associate themselves with District through their social media by posting District's logo or identifying themselves as a District employee should take special care to avoid conduct which adversely affects the employee's ability to perform in their job, or the interests of co-workers, customers, vendors or the legitimate business interests of District. **Be clear that statements, remarks, posts and comments are reflective of your opinion and not the District's position.** Do not represent yourself as a spokesperson for the District. The District reserves the right to require an employee remove any logo or association with District from any or all social media profiles. All marks and District logos remain the exclusive property of District.
1. Employees should not use District issued emails or other Company identifiers in creating an employee's personal social media profile.

2. Do not disclose private or confidential information about a co-worker, customer, vendor or District's business practices. (See Confidentiality of Information)

#### **4. Use of the District's Social Media**

- a. Employees must obtain written authorization from the District superintendent or be assigned as part of their job duties to update or post on social media sites on behalf of District and District reserves the right to approve material prior to posting. All the employee's time spent updating or posting on the District's social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime, where applicable.
- b. Use of social media on work time and on District equipment on District-operated networks is subject to monitoring under these policies, even if password protected or otherwise restricted. District reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- c. **Never disclose any confidential information** concerning a customer, another employee of District or the confidential business practices of District as those are defined in these policies. Posting of confidential information may violate state law and subject the user to civil or criminal penalty. (See Confidentiality of Information)
- d. All media requests related to social media must be processed through the District Manager or District Secretary.
- e. Individual supervisors do not have the authority to make exceptions to these guidelines.
- f. The District occasionally photographs, records or describes events for its website, social media pages and/or profiles. Photographs and recordings are made in an open and obvious manner. Employees may step out of a photograph or recording or may submit a written request to the HR Representative to remove a photograph or recording from Districts website, social media pages or profiles. An exception to this is the legally required audio recording of the Districts Board of director meetings in which staff members may be heard responding to the board.
- g. The District reserves the right to delete comments on a District social media page or profile which violate the following guidelines:

- i. Content unrelated to the purpose and scope of the District page or post
- ii. Advertisements or content that is commercial in nature
- iii. Content containing obscenity or profanity
- iv. Content which promotes or perpetuates harassment or discrimination based on age, gender, race, religion, color, national origin, pregnancy, physical or mental disability, sexual or gender orientation and identity or marital status.
- v. Content which implies or promotes illegal activity
- vi. Content which promotes violence or discourages safety
- vii. Content which is political in nature or which violates a third party's legal ownership
- viii. Content which is untrue or inaccurate

#### **5. Other District Policies**

This policy should be read and interpreted in conjunction with other District policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action consistent with these policies, up to and including termination.

#### **K. DRESS CODE**

Employees are expected to dress neatly and, in a manner, consistent with the nature of the work performed. Employees who report to work inappropriately dressed may be asked to leave and return in acceptable attire. Acceptable attire generally **does not** include t-shirts with lettering, clothing displaying offensive words or pictures, hats, shorts, or athletic attire. School apparel and apparel associated with a local civic service organization are approved for wear. All exceptions to the dress code must be approved by the District's Superintendent.

#### **L. DISTRICT PROPERTY AND SEARCH POLICY**

1. Lockers, desks, vehicles, and any other equipment furnished by the District, are District property and must be maintained according to District rules and regulations. The District reserves the right to inspect all District property to insure compliance with its rules and regulations, without notice to the employee and/or in the employee's absence.
2. District property should only be removed from the District premises as part of the employee's execution of his or her duties or with the express permission of the District Superintendent. All District property must be returned upon resignation or termination.

#### **M. SECURITY**

1. Security of District facilities as well as the welfare of our employees and customers requires every individual be alert to security risks.

2. Immediately notify your supervisor of suspicious persons, or persons acting in a suspicious manner.
3. Immediately notify your supervisor of the loss of keys, security or identification badges or other critical District property.

## **N. HOUSEKEEPING**

Work areas should be kept clean and organized. Common areas or areas used by all employees such as break rooms or rest rooms should be kept clean by those employees using them.

## **O. POLITICAL ACTION BY EMPLOYEES**

No political, fraternal, or religious connections or affiliations shall be required as a condition of employment by the District; nor shall such matters be permitted to influence any action or recommendation relating to present employees.

District employees may not hold or run for a political office of the District. Likewise, District employees are not permitted to use their working time or District resources to participate in a political campaign of another person for an elective position or for any other political purpose. The term “participate” includes, without limitation, making political speeches, telephone solicitation, distributing political literature, or writing or handling letters related to a political campaign or activity.

## **P. DISTRICT VEHICLES, EQUIPMENT AND ACCIDENTS**

### **Safety Practices**

Good safety practices and habits are the best protection against on the job hazards. It is each employee’s responsibility to exercise precautionary measures and good judgment to avoid personal injury or injury to others while on duty.

Report any accidents or unsafe conditions or practices to the appropriate supervisor, Superintendent, a director, or to the Board of Directors immediately so the corrective action may be taken. Any suggestions made to lessen the possibility of on the job accidents and injuries will be appreciated and will be given serious consideration. The district expects all employees to use adequate personal protective equipment for the vehicle, equipment, or activity as appropriate. (i.e. safety belts in vehicles, fall prevention harnesses when climbing, etc...)

### **District Vehicle or Equipment**

SLUD owned or leased vehicles/equipment may only be driven/operated by authorized District employees. District vehicles, equipment and facilities will be used for official purposes only. Personal and social uses of any nature are prohibited unless approved in writing in advance by the Superintendent. Each employee will be held responsible for the proper use, care and operation of a vehicle or piece of equipment assigned to him/her.

An employee may drive a District vehicle home only under the following conditions: permission is granted by the Superintendent in writing, stipulating the conditions and privileges.

### **Driving District Vehicles**

All employees driving District-owned vehicles will be required by law to have a valid Texas Operator's license. In addition, the District will require all persons operating District vehicles to maintain a safe driving record. Persons operating district vehicles must request a copy of their drivers record from the State of Texas and provide that copy to the District every 12 months. Any costs associated with obtaining the record will be reimbursed by the District.

A safe driving record will be defined as no more than three moving violations in a 24 month period; no conviction of driving while under the influence of drugs (controlled substances) or alcohol; and no felony conviction of failure to stop and render aid, failure to leave identification at the scene of an accident, involuntary manslaughter or criminally negligent homicide involving a motor vehicle. Employee driving records will be checked periodically to ensure that no persons with unsafe driving records are operating District vehicles or driving on District business. A copy of the driving record of all employees with driving responsibilities who do not meet the safe driving requirement will be submitted to the Board of Directors for review. Action to be taken in each case will be recommended by the Board to the Superintendent for final approval.

Employees who fail to meet the safe driving requirements may be held to one or more of the below:

- Required to attend a defensive driving class on the employee's own time and at the employee's own expense;
- Assigned non-driving responsibilities within the employee's current department, if available;
- Dismissed from employment, if none of the above alternatives can be achieved within a reasonable period. A reasonable period will be defined as generally not to exceed 30 calendar days from the date an employee is notified of their failure to meet the safe driving requirements; and/or
- Dismissed from employment if, due to the circumstances surrounding the event, the Safety Committee does not believe remedial action is appropriate.

### **Traffic Citations**

If an employee receives a traffic citation for a violation committed while operating a District-owned vehicle or while driving their personal vehicle on District business, the employee will be expected to pay any resulting fine at the employee's own expense. Repeated traffic violations or misuse of District vehicles or equipment may result in disciplinary action up to, and including, termination.

### **Accidents in District-Owned Vehicles/equipment**

If an employee is involved in an accident while operating a District vehicle or equipment, the employee will be required to follow the specific accident-reporting procedure outlined by the department. In general, for all departments, the employee should:

1. Give whatever aid the employee is qualified to perform to any injured parties. If an injury requiring emergency medical treatment has been sustained, call 911 for immediate assistance.
2. Call the police department immediately. Do not move the vehicle in the event of an injury accident until directed by a police officer.
3. Give the employee's name and department to the other driver but do not discuss the accident with anyone except the investigating officer or their supervisor.
4. Immediately after contacting the police notify the Superintendent or General manager
5. If the citizen(s) wish to file a claim, let them know they must do so with the District office.
6. The superintendent will then be responsible to file the required accident claim with the District insurance carrier.
7. Report to one of the District's approved drug and alcohol testing sites immediately. A supervisor or member of Board of Directors must provide transport unless otherwise directed by the Superintendent. Exceptions can only be made by the Superintendent.

Failure to report any accident or vehicle damage immediately may result in disciplinary action up to and including termination.

### **Personal Vehicle Use While on District Business**

Personal vehicles are prohibited from being used on District Business by field employees under any circumstance unless prior written approval is obtained from the Superintendent. Office staff may occasionally deliver board packets using personal vehicle. If a District employee is involved in an automobile accident while driving a personal vehicle for official District business, the employee must immediately notify a supervisor. The supervisor is responsible for immediately notifying the Superintendent of the accident. If applicable, the Superintendent shall require the employee to submit to a drug/alcohol test in conformance with the District's testing policies.

Any bodily injury(s) sustained may be covered by the District's worker's compensation insurance policy. All decisions about approval of claims are at the sole discretion of the Texas Municipal Intergovernmental Risk Pool. Injuries might also be covered by the individual's personal injury protection policy or any supplemental policy that may be in place.

For any vehicle damages sustained when the employee is at fault, repairs may be covered by the employee's own automobile insurance, including any "under-insured" or "un-insured" coverage

an employee might have. If the accident is the fault of the other driver, the other driver's insurance should cover the cost to repair the vehicle.

### **Accident Reporting and Drug/Alcohol Testing Procedures**

All accidents of any nature or on the job injuries require immediate notification of the employee's supervisor. The employee's supervisor is responsible for immediately notifying the Superintendent of the accident. A written accident report shall be filed with a supervisor immediately and not more than 24 hours after the accident for non-vehicular accidents. The written accident report shall be delivered to the Superintendent within three working days.

In an accident involving District vehicles or equipment, drug and alcohol testing\* at an approved testing site shall be conducted when an employee's conduct may have contributed to a job-related accident. This policy shall also apply if the employment related accident results in damage to personal or District property in excess of \$200, or injury to any person that requires medical attention. The Superintendent shall determine the approved testing sites.

A supervisor must drive the employee to the testing facility. If the employee passes the test, the employee should return to regular duty. If the employee fails the test, the employee should be relieved of duty and placed on administrative leave until further notice to allow the District time to investigate the situation.

Reasonable suspicion: when a supervisor has reason to believe that an employee, at work or when reporting to work, appears to be under the influence of alcohol or drugs; or, the employee appears to be abusing drugs, the employee will be required to take a drug or alcohol test as specified above.

\*For accidents involving only District vehicles, equipment or property where no cause for suspicion or evidence of intoxication of illicit drugs, prescription drugs or alcohol is present, The Board of directors, Superintendent or General Manager may waive post-accident drug and alcohol testing in writing.

### **Q. INJURY AND ACCIDENTS ON THE JOB**

Employees are required to report any on-the-job injury or accident to their supervisor immediately, even if the injury appears to be minor and does not require the attention of a physician or hospital. The supervisor must then immediately notify the Superintendent. The

Superintendent shall then determine whether the injury or accident circumstances warrant drug/alcohol testing of the employee(s).

The supervisor will complete the required accident report for processing with our Workers' Compensation carrier. Failure to report accidents or injuries may be cause for disciplinary action and may result in loss of benefits.

#### **R. PROGRESSIVE DISCIPLINE**

Progressive discipline is a process designed to identify and correct problems which affect an employee's work performance or the overall performance of the department. Employees may be subject to the following actions for violations of District policies or for failing to adequately perform assigned job duties:

1. Counseling or verbal warning
2. Written reprimand and warning
3. Unpaid Suspension or Suspension pending investigation and final determination
4. Termination

These steps are usually taken in sequence when an employee exhibits behavior or performance issues. However, depending on the situation, any step may be repeated, omitted, or taken out of sequence. Steps may also be combined with other instructions intended to improve the employee's performance, including a performance improvement plan. Corrective action is considered on an individual basis.

The District reserves the right to effect immediate termination should the situation be warranted. When issuing corrective action, supervisors are encouraged to clearly and directly communicate the action and expectation to the employee, preferably in an in-person meeting.

In the event of arrest, Employees are required to notify the Employee's supervisor as soon as practical, but no later than the beginning of the Employee's next scheduled work day or shift. Employees are also required to notify the Superintendent or his/her designated agents if they are charged with a criminal charge other than a traffic citation. Employees convicted of a Class A or Class B misdemeanor or a felony are required to notify their supervisor.

#### **S. GRIEVANCE AND APPEAL PROCESS**

The District provides employees with a process for appealing certain matters through their established Chain of Command. Matters not specifically mentioned in this policy are **NOT** appealable.

**Appealable Actions.** Employees may appeal the following:

- (A) matters involving wages, promotions, transfers;
- (B) the application of District or departmental policies, procedures or practices which result in a diminution of pay or rate of pay;
- (C) allegedly unequal or unlawful treatment;
- (D) disciplinary action involving a suspension of one day (or one shift) or more, demotion and/or termination.

**Grievance or Appeal Must be in Writing.** An employee grievance/appeal must be submitted to the Superintendent in writing, clearly stating the nature of the complaint, within five working days of the action which forms the basis for the grievance or appeal. If the grievance/appeal directly relates to the Superintendent, it may instead be submitted to the President or Vice President of the Board of Directors.

**Grievance Review and Appeals Process.** Upon receipt of a written grievance/appeal, the Superintendent shall review the grievance or appeal and respond in writing within a reasonable time. At the Superintendent's discretion, the matter may be presented to the District's Board of Directors for review.

**Addendum A – Job Descriptions**

## **Addendum B – Health Coverage details 2020**

District will pay 100% of the premium for the Blue Advantage HMO G666ADT plan and the cost of the BCBS health savings account, for eligible employees. If an employee elects another insurance plan, the District will pay 75% of the premium and the employee is responsible for the remaining 25% deducted from their paycheck.

If Employee secures coverage outside of the District plans, the District will provide up to \$2,500.00 per year/employee paid equally among pay periods throughout the year upon receipt of proof of current health insurance.

**IV. EMPLOYEE HANDBOOK ACKNOWLEDGEMENT AND AT WILL DESIGNATION**

The SLUD employee handbook describes valuable information about the company and I understand that I should consult my supervisor or Human Resources regarding any questions not answered in the handbook. I have entered my employment relationship with SLUD voluntarily and acknowledge that there is no specified or guaranteed length or term of employment. Further, I acknowledge that this handbook is not a contract of employment. Accordingly, either SLUD or I can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are subject to change, I acknowledge that revisions to the handbook may occur, except to SLUD's policy of employment-at-will. Changes will be communicated through official notices and I understand that revised information may supersede, modify or eliminate existing policies including compensation and benefits. I further acknowledge such changes may occur without preceding notice to me.

I have received the handbook and I understand it is my responsibility to read and comply with the policies contained in this handbook and any revisions. I understand that violations of these policies may result in discipline up to and including termination of my employment. I understand a copy of this acknowledgement form will be held in my Personnel Record as evidence of my receipt and acknowledgement of these policies.

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*EMPLOYEE'S SIGNATURE*

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*DATE*

---

*EMPLOYEE'S NAME (TYPED OR PRINTED)*

**V. WAGE DEDUCTION AUTHORIZATION AGREEMENT**

I understand and agree that my employer, Seis Lagos Utility District (“District”), may deduct money from my pay from time to time for reasons that fall into the following categories:

1. my share of the premiums for the District's group medical/dental plan;
2. any contributions I may make into a retirement plan;
3. if I receive an overpayment of wages for any reason, repayment to the District of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless the District and I agree in writing to a series of smaller deductions in specified amounts);
4. the cost to the District of charges made by me on the District’s credit card that do not relate to District business (the deduction for such credit card charges will equal the entire amount of the credit card charge, unless the District and I agree in writing to a series of smaller deductions in specified amounts);
5. the cost of repairing or replacing any District supplies, materials, equipment, money, or other property that I may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the District during my employment (except in the case of misappropriation of money by me, I understand that no such deduction will take my pay below minimum wage, or, if I am a salaried exempt employee, reduce my salary below its predetermined amount)\*;
6. the value of any time off for absences to which paid leave is not applied (except in the case of those who are paid a fixed salary for fluctuating workweeks, non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions only in units of a full day or week at a time, depending upon the exact nature of the absence, unless partial-day deductions are specifically allowed under federal law); and

I agree that the District may deduct money from my pay under the above circumstances, or if any of the above situations occur. I further understand that the District has stated its intention to abide by all applicable federal and Texas wage and hour laws and that if I believe that any such law has not been followed, I have the right to file a wage claim with appropriate Texas and federal agencies.

Employee  
Signature \_\_\_\_\_

Date \_\_\_\_\_

Employee  
Print \_\_\_\_\_

Date \_\_\_\_\_

TO BE SIGNED AND PLACED IN EMPLOYEE PERSONNEL FILE

**ACKNOWLEDGMENT AND AGREEMENT**

This is to acknowledge that I have received a copy of the District’s Employee Handbook and understand that it sets forth the terms and conditions of my employment as well as the duties, responsibilities and obligations of employment with the District. I understand and agree that it is my responsibility to read and familiarize myself with the provisions of the Employee Handbook and to abide by the policies in it. If I do not understand any District policy or procedure, I understand that I should address any questions to the Superintendent, General Manager, or Board President.

I understand and agree that the Employee Handbook, in whole or in part, is not a contract of employment, nor is it evidence of a contract between the District and me.

I also acknowledge and agree that my employment with the District is not for a specified period and can be terminated or modified at will at any time for any reason, with or without cause or notice, by the District. No one in the District has made any statements to the contrary to me and I acknowledge that no oral statements or representations regarding my employment by anyone in the District can alter the foregoing. My at-will-employment status can be changed only in writing by the Board. No other communications to me, whether oral or in writing, can constitute nor be evidence of any contract of employment for any specified period.

Employee  
Signature \_\_\_\_\_

Date \_\_\_\_\_

Employee  
Print \_\_\_\_\_

Date \_\_\_\_\_

TO BE SIGNED AND PLACED IN EMPLOYEE PERSONNEL FILE

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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## AGENDA ITEM #5f – TCEQ MS4 Permitting Requirements

### Item Description:

The Board will discuss the Texas Commission on Environmental Quality (TCEQ) Level 1 Municipal Separate Storm Sewer System (MS4) permitting requirements and the necessary steps to complete and submit the Notice of Intent (NOI).

### Background:

The Seis Lagos Utility District is now subject to TCEQ's Level 1 MS4 permit requirements, requiring compliance with stormwater management regulations to prevent pollution and protect waterways.

### Legal Compliance & Required Actions

- Texas Administrative Code Title 30, Chapter 281: Requires MS4 operators to submit a Notice of Intent (NOI) for permit coverage.
- Steps to Compliance:
  1. Develop an SWMP with engineers to meet MS4 requirements.
  2. Attorney review and draft a resolution for adoption.
  3. Staff training on BMPs, compliance, and monitoring.
  4. Establish procedures for testing, reporting, and enforcement.

To meet TCEQ standards, the District must collaborate with engineers to develop the SWMP and legal counsel to draft a resolution for adoption.

### Recommended Motion:

" I move to authorize the Superintendent, in consultation with engineers, to take the necessary steps to ensure compliance with TCEQ MS4 permitting requirements, including the development of a Stormwater Management Program (SWMP) and the submission of the Notice of Intent (NOI). Additionally, I move to authorize legal counsel to review and draft a resolution for the Board's adoption of the SWMP.

## **Fact Sheet and Executive Director's Preliminary Decision**

For proposed Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR040000 for discharges from small (Phase II) municipal separate storm sewer systems (MS4s) into surface water in the state.

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

Prepared by: Stormwater Team (MC-148)  
Wastewater Permitting Section  
Water Quality Division  
Office of Water  
(512) 239-4671

Date: June 28, 2024

Permit Action: Amendment and Reissuance of a Stormwater General Permit for Small (Phase II) Municipal Separate Storm Sewer Systems (MS4s)

**Fact Sheet and Executive Director’s Preliminary Decision  
TPDES General Permit Number TXR040000 for Small MS4s**

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**I. Summary**

The Texas Commission on Environmental Quality (TCEQ) is proposing to amend and renew the statewide Texas Pollutant Discharge Elimination System (TPDES) general permit for small (Phase II) municipal separate storm sewer systems (MS4s), TXR040000. This general permit was first issued and effective on August 13, 2007, and authorizes discharges from small MS4s into surface water in the state. This general permit specifies which small MS4s must obtain permit coverage, which are eligible for waivers, and which must obtain individual permit coverage. This general permit also specifies that where discharges will reach Waters of the U.S., a stormwater management program (SWMP) must be developed and implemented, and includes the minimum requirements for the SWMP.

The principal changes to the existing general permit include the following:

1. Federal Phase II MS4 General Permit Remand Rule

The general permit language was updated to comply with the federal *National Pollutant Discharge Elimination System (NPDES) MS4 General Permit Remand Rule* that became effective on January 9, 2017, and requires permit language that is “clear, specific, and measurable”. (See *Federal Register*, Vol. 81, No. 237, December 9, 2016.)

TCEQ selected to move the permitting approach for this general permit to the “Comprehensive General Permit” option under the NPDES rule. This is different from the option TCEQ currently uses (“Two-Step General Permit” or “Procedural” approach). See Part III.A. below for explanation.

More specific requirements for the best management practices (BMPs) and measurable goals that must be implemented in SWMPs are added to the general permit to comply with the Comprehensive General Permit approach. These changes are further described below in Part I.4., Part I.5., Part I.6., and Part V of this fact sheet.

This “Comprehensive General Permit” approach:

- a. simplifies the permitting process for applicants by removing requirements for small MS4s to submit the SWMP to TCEQ with applications for review and approval,
- b. removes the public notice requirements for Notices of Intent (NOIs), including SWMPs, and certain Notices of Change (NOCs),
- c. clarifies all the terms and conditions required to meet the MS4 permit standard under the federal rule, including the specific controls required to be followed by each permittee, and
- d. provides public notice of the defined terms and conditions that will determine compliance for each permittee during the statewide master general permit public notice process.

2. Federal Electronic Reporting Rule

The general permit language was updated to comply with the federal *NPDES Electronic Reporting Rule* that became effective on December 21, 2015, and the *NPDES Electronic Reporting Rule – Phase II Extension* that became effective on

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January 4, 2021. (See *Federal Register*, Vol. 80, No. 204, October 22, 2015, and Vol. 85, No. 212, November 2, 2020.) This permit was also revised for consistency with the federal *NPDES eRule Data Elements To Reflect MS4 General Permit Remand Rule* which EPA issued to update the data elements in the original eRule to be consistent with the current MS4 regulations that were revised as a result of the *NPDES MS4 General Permit Remand Rule* (see *Federal Register*, Vol. 85, No.73, April 15, 2020). The general permit requires that small MS4s submit applications and annual reports electronically using the United States Environmental Protection Agency's (EPA's) NPDES electronic permitting and reporting system for the MS4 program, NeT-MS4 for compliance with federal *NPDES Electronic Reporting Rule*.

3. Federal Small MS4 Urbanized Area Clarification Rule

The general permit language was updated for consistency with the federal *NPDES Small MS4 Urbanized Area Clarification Rule* that became effective on July 12, 2023, and replaces the term "Urbanized Area" in the Phase II Stormwater regulations with the phrase "urban areas with a population of at least 50,000", which is the U.S. Census Bureau's longstanding definition of the term Urbanized Area. (See *Federal Register*, Vol. 88, No. 112, June 12, 2023.)

References to Urbanized Areas were removed from the permit and replaced with the phrase "urban areas with a population of at least 50,000". The term Urbanized Area was discontinued in the 2020 Decennial Census by the U.S. Census Bureau. This general permit identifies regulated small MS4s located within or partially within the urban areas with a population of at least 50,000 people as determined by the 2000, 2010, or 2020 Decennial Censuses.

4. Application for Coverage

- a. The general permit expands the description of regulated operators of small (Phase II) MS4s to include existing and newly regulated small MS4s that are fully or partly located within an urban area with a population of at least 50,000 people, as determined by the 2000, 2010, or 2020 Decennial Censuses. These small MS4 operators must obtain authorization for the discharge of stormwater runoff, and are eligible for coverage under this general permit unless otherwise specified. (Permit Part II.A.1 and Part II.F.2)
- b. The general permit continues categorizing small MS4s into four levels with different permit requirements applied to each level for some of the program elements. The general permit clarifies that the level of a small MS4 for this general permit is based on the 2020 Decennial Census information for the population served by the small MS4 within the 2020 urban area with a population of at least 50,000 people. A new Decennial Census during a permit term, will not affect the level of a small MS4, until the permit is renewed. Non-traditional MS4s such as transportation entities, will continue to be categorized as Level 2 MS4s, but a distinction between traditional and non-traditional MS4s is shown as Levels 2a and 2b, respectively. (Permit Part II.B) The small MS4 levels are as follows:
  - (1) Level 1: Operators of traditional small MS4s that serve a population of less than 10,000 within an "urban area with a population of at least 50,000 people".

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- (2) Level 2a: Operators of traditional small MS4s that serve a population of at least 10,000 but less than 40,000 within an “urban area with a population of at least 50,000 people”.
  - (3) Level 2b: Operators of all non-traditional small MS4s such as counties, drainage districts, transportation entities, military bases, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of population served within the "urban area with a population of at least 50,000 people”, unless the non-traditional MS4 can demonstrate that it meets the criteria for a waiver from permit coverage based on the population served.
  - (4) Level 3: Operators of traditional small MS4s that serve a population of at least 40,000 but less than 100,000 within an “urban area with a population of at least 50,000 people”.
  - (5) Level 4: Operators of traditional small MS4s that serve a population of 100,000 or more within an “urban area with a population of at least 50,000 people”.
5. Impaired Water Bodies and Total Maximum Daily Load (TMDL)
    - a. Added language describing when permittees must update their SWMP and NOI to address when TCEQ has modified a TMDL waste load allocation (WLA) during the general permit term. (Permit Part III)
    - b. Clarified that permittees discharging to water quality impaired water bodies with a TMDL for bacteria must either refer to the approved TMDL Implementation Plan for BMPs, or implement proposed and approved alternative equivalent BMPs. (Permit Part III)
    - c. Added more specific BMPs and measurable goals for bacteria impaired water bodies with an approved TMDL to specify the clear, specific, and measurable: activities, goals, and deadlines that must be implemented, as appropriate, by permittees discharging to these water bodies. This is represented in the permit in a table. (Permit Part III)
  6. Obtaining Authorization
    - a. Revised general permit language throughout the permit to remove reference to SWMP submittal to TCEQ with NOIs or applications for review and approval. Although a SWMP must be developed and implemented, with a Comprehensive General Permit option, permittees are only required to submit an NOI.
    - b. Removed requirements for permittees to implement public notice requirements for NOIs, including SWMPs, and NOCs. With a Comprehensive General Permit option, permittees are not required to provide public notice for changes to the SWMP since the master general permit provides the required public notice of the defined terms and conditions for each small MS4 by specifying the required controls and schedules.

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7. Stormwater Management Program (SWMP)
  - a. Revised the list of minimum control measures (MCMs) in the general permit to separate *MCM 1 - Public Education, Outreach, and Involvement* to match the federal rules: *MCM 1 - Public Education and Outreach* and *MCM 2- Public Involvement/Participation* (see 40 Code of Federal Regulations (CFR) § 122.34(b)(1)-(6)). The remaining MCMs were renumbered as MCMs 3-8. (Permit Part IV.D)
  - b. Added a requirement for permittees to address specific target audiences and pollutants and sources for their MCM 1- Public Education and Outreach program based on their MS4 level and provided a list of target audiences and pollutants and sources for the MS4s to select and address. (Permit Part IV.D.1-2)
  - c. Added more specific BMPs and measurable goals for each MCM to specify the clear, specific, and measurable: activities, goals, and deadlines that must be implemented by permittees based on their MS4 level to comply with the Comprehensive General Permit approach. These are represented throughout the permit in the form of tables. (Permit Part IV.D.1-7)
8. MS4-Operated Construction Sites (Optional 8<sup>th</sup> MCM)
  - a. Added requirement for permittees to conduct observation and evaluation of dewatering controls on the days where dewatering discharges occur to be consistent with the TPDES Construction General Permit (CGP, TXR150000), issued on March 5, 2023. (Permit Part VII.E.11)
  - b. Clarified that inspections conducted within 24 hours of the end of a storm event of 0.5 inches must occur on the first and last day of a storm for multiday storm events and when the 24-hour inspection time frame occurs entirely outside of normal working hours, operators must conduct the inspection by the end of the next business day consistent with the 2022 EPA NPDES CGP and 2023 TPDES CGP. (Permit Part VII.F.10)
  - c. Added a requirement that inspections may be temporarily suspended for adverse conditions for consistency with other water quality general permits. Documentation of adverse conditions must be included in the Stormwater Pollution Prevention Plan (SWP3). (Permit Part VII.F.10)
  - d. Added requirement for permittees to submit Delegation of Signatory forms electronically using TCEQ's online State of Texas Environmental Electronic Reporting System (STEERS). (Permit Part VII.K.) This is required for compliance with the federal NPDES Electronic Reporting Rule.
9. Miscellaneous and Editorial Changes

Made changes throughout the permit to remove redundant information, improve readability, correct references and typographical errors, and consolidate similar information into similar sections where appropriate.

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**II. Executive Director's Recommendation**

The executive director has made a preliminary decision that this general permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the general permit be issued to expire five years from date of issuance following the requirements of Title 30 Texas Administrative Code (TAC) § 205.5(a).

**III. Permit Applicability and Coverage**

There are two ways that a small MS4 would be required to obtain permit coverage. First, the federal NPDES Phase II stormwater rules at 40 CFR § 122.32(a)(1) require authorization for the discharge of stormwater from small MS4s located fully or partially within an urban area with a population of at least 50,000 people as defined by the U.S. Census Bureau. These small MS4s are often referred to as *regulated* small (or Phase II) MS4s. In addition, TCEQ can *designate* a small MS4 as requiring coverage (see federal Phase II stormwater rules at 40 CFR §§ 122.32(a)(2) and 123.35(b)). There are two groups that fall into this category. First, the rules require that TCEQ develop and apply designation criteria to small MS4s located outside of an urban area with a population of at least 50,000 people that serve a jurisdiction with 10,000 or more people, and that have an average density of 1,000 or more people/square mile (See 40 CFR § 123.35(a)(2)). This assessment was required by December 9, 2002, and the TCEQ after assessing those small MS4s that met these criteria did not designate any additional small MS4s requiring permit coverage. Secondly, the rules require TCEQ to designate any small MS4 as a regulated small MS4 where the small MS4 substantially contributes pollutants to a physically interconnected regulated MS4. Small MS4s meeting either of these criteria would be referred to as *designated* small MS4s. The rules also allow the TCEQ to designate additional small MS4s at any time. The portion of the small MS4 required to meet the conditions of the proposed general permit is that portion located within an urban area with a population of at least 50,000 people, as well as any portion that is individually designated by the TCEQ. Maps detailing urban areas are available at: <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/urban-rural.html>.

The urban area maps were updated by the U.S. Census Bureau during 2023 based on the results of the 2020 Decennial Census.

In the preamble to the Phase II stormwater rules (See *Federal Register* (FR) 64, Number 235, page 68749), the EPA discusses instances where a municipal separate storm sewer may not be considered a system. The TCEQ agrees that certain complexes may have storm drainage structures that operate independently of each other (such as roof top drains flowing to the city street) rather than operating as a system. The TCEQ does not consider most elementary and secondary schools to operate a system, because each school building would normally drain to a city's MS4 rather than to a system of drains operated by a school district.

Similarly, a public office building complex may include roof and parking lot drains that flow to another entity's system. Universities, federal facilities, and many other public complexes do have a constructed drainage system, which would be defined as a small MS4, even if the drains eventually reach another MS4. In this general permit, the definition for small MS4 excludes storm drains associated with municipal (publicly owned) office and education complexes, where the complexes serve a nonresidential population, and where the buildings are not part of a larger MS4.

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**A. NPDES Small MS4 General Permit Remand Rule**

On December 9, 2016, EPA issued the *NPDES MS4 General Permit Remand Rule*, with an effective date of January 9, 2017, to respond to a remand from the United States Court of Appeals for the Ninth Circuit in *Environmental Defense Center, et al. v. EPA*, 344 F. 3d 832 (9<sup>th</sup> Cir. 2003). Under the rule, EPA revised the small MS4 regulations to ensure that states review BMPs to be used by MS4s to ensure that the small MS4s reduce the pollutant in the discharge from their systems to the maximum extent practicable (MEP) and that states provide public notice and the opportunity to request a hearing.

The rule establishes two alternative approaches that states can use to issue small MS4 general permits. The first option is to issue a general permit that includes all permit terms and conditions to require the MS4 operator to reduce the discharge of pollutants from its MS4 to the MEP to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act (CWA) in one comprehensive general permit.

The second option allows states to establish the necessary terms and conditions in two steps. The first step is to issue a base general permit that contains terms and conditions for all MS4s. The second step requires that MS4s develop individual terms and conditions in their SWMPs that states will review. Public notice, comment period, and opportunity to request a public hearing is available for both steps in the second option.

The rule also requires that permit terms and conditions be written in a language that is “clear, specific, and measurable” to avoid uncertainties as to what specific actions the small MS4 is expected to take, and therefore make it easier to comply with and assess compliance. The preamble (*Fed. Reg.* Vol. 81. No. 237, December 9, 2016. p. 89335) explains that permit requirements that include “caveat” language such as: “if feasible”, “if practicable”, “to the maximum extent practicable”, “as necessary”, or “as appropriate” unless defined would generally not qualify as “clear”, “specific”, and “measurable”.

TCEQ selected the Comprehensive General Permit option to implement in this new permit term. Previously, TCEQ implemented the Two-Step General Permit option (procedural approach) since the state had managed its small MS4 program in that manner since the issuance of the first TPDES Small MS4 General Permit in 2007.

With implementation of the comprehensive permitting approach, the statewide master general permit is a comprehensive document detailing all the required terms and conditions for the small MS4 operators to implement in clear, specific, and measurable terms to meet the MS4 permit standard. The general permit includes the specific BMPs and measurable goals for each MS4 operator to implement. In some cases, the MS4 operator has the opportunity to choose the appropriate BMPs for their small MS4 from a menu of BMPs. This approach makes it clear for the public and permittees the specific controls and schedules required to be followed by each permittee and removes the public notice requirements for NOIs, including SWMPs, and NOCs.

TCEQ established terms and conditions under state rule 30 TAC Chapter 213 (Edwards Aquifer Rule), which is outside the NPDES program, are not considered part of the Remand Rule, therefore, general permit language related to the Edwards Aquifer Rule remains unchanged.

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**B. Regulated Small MS4s Subject to Permitting**

The proposed general permit would continue to authorize the discharge of stormwater runoff and certain non-stormwater discharges from the following small MS4s:

1. Small MS4s located wholly or partially within an urban area with a population of at least 50,000 people as defined by the U.S. Census Bureau in the 2000, 2010, or 2020 Decennial Censuses, and
2. Small MS4s individually designated by the TCEQ as described in Section III.B of this fact sheet.

**C. Designated Small MS4s Subject to Permitting**

Certain small MS4s may be designated by the TCEQ as requiring permit coverage based on federal requirements at 40 CFR § 122.32(a)(2). The TCEQ has developed the following criteria, one or more of which may be considered in designating a small MS4:

1. Controls for discharges are determined to be necessary for source water protection of public drinking water resources based on the results of source water assessments by the TCEQ.
2. Controls for discharges are necessary to protect sea grass areas of Texas bays as delineated by the Texas Parks & Wildlife Department.
3. Controls for discharges are necessary to protect receiving waters designated as having an exceptional aquatic life use.
4. Controls are required for pollutants of concern expected to be present in discharges to a receiving water listed in the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies.
5. Discharges from an adjacent small MS4 are determined by TCEQ to be significantly contributing pollutants to the regulated MS4. The TCEQ would make this determination after receiving a written request by a regulated adjacent MS4 operator.
6. Additional factors relative to the environmental sensitivity of receiving watersheds.

Specific thresholds are not established for each of the designation criteria. Instead, designation must occur following a case-by-case consideration and is based on a finding that controls are necessary to protect water quality. If designated, the small MS4 operator will be notified by the executive director and required to apply for authorization under either the proposed general permit or an individual TPDES stormwater permit. The application for either permit must be submitted within 180 days of the notice.

In 2002, the TCEQ applied these designation criteria to the small MS4s located outside of an urban area with a population of at least 50,000 which served a jurisdiction with 10,000 or more people, and which had an average density of 1,000 or more people per square mile. At that time, the TCEQ did not designate any small MS4 or portion of a small MS4 that was not located within an urban area with a population of at least 50,000. The TCEQ may evaluate small MS4s again that meet these criteria, as well as other small MS4s. Small MS4s that are not located within an

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urban area with a population of at least 50,000 may be designated by TCEQ at any time in the future, and will be required to develop and maintain a SWMP and submit an NOI within 180 days of being notified in writing by TCEQ of that designation. TCEQ may also designate small MS4s as a result of a petition received based on 40 CFR § 123.35(c). According to the regulations, a determination would need to be made within 180 days of receiving such a written petition.

**D. Permit Waivers**

Two possible waivers from permitting requirements are provided in the federal rules at 40 CFR § 122.32 and are continued in the proposed general permit.

1. Waiver Option 1 - A small MS4 may qualify for a waiver if it serves a total population of less than 1,000 within an urban area or areas with a population of at least 50,000 people, and:
  - a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the TPDES or NPDES stormwater program (40 CFR § 122.32(d)); and
  - b. If the small MS4 discharges any pollutant(s) that have been identified as a cause of impairment of any water body to which the small MS4 discharges, stormwater controls are not needed based on waste load allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern.

To meet this waiver, the small MS4 operator must submit a letter requesting the waiver including the certifying statement that the above-described criteria for Waiver Option 1 are met. This waiver request must be submitted on a form approved by the TCEQ.

2. Waiver Option 2 – A small MS4 may qualify for a waiver if it serves a total population of less than 10,000 within an urban area or areas with a population of at least 50,000 people and meets all the following criteria:
  - a. The TCEQ has evaluated all Waters of the U.S., including small streams, tributaries, lakes, and ponds, which receive a discharge from the small MS4;
  - b. For all such waters, the TCEQ has determined that stormwater controls are not needed based on waste load allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern; and
  - c. The TCEQ has determined that future discharges from the small MS4 do not have the potential to exceed Texas Surface Water Quality Standards (TSWQS, 30 TAC Chapter 307), including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

The receiving waters evaluation for Waiver Option 2 is a TMDL-equivalent evaluation that may be performed by the small MS4 using TCEQ protocol with appropriate guidance from the TCEQ. The evaluation would need to include the pollutants of concern, including at a minimum: biochemical oxygen demand (BOD, 5-day); sediment (or a parameter that addresses sediment such as total suspended solids (TSS), turbidity, or siltation); pathogens; oil and grease; and any other pollutant that has been identified as a cause of impairment of any receiving water body. The small MS4 must coordinate with TCEQ Wastewater Permitting staff and Water Quality Assessment staff prior to initiating such a study.

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Because of the comprehensive nature of the required receiving water evaluation, and the necessary finding that future discharges from the small MS4 could not potentially exceed water quality standards, Waiver Option 2 will be difficult to obtain. However, this option is allowed by federal rules and is therefore included in the proposed general permit and made available to certain small MS4s. The small MS4 would need to first coordinate with the TCEQ to determine if a waiver is attainable under this option and must complete a TCEQ waiver form after completing all the necessary studies.

**E. Ineligible Discharges**

The following discharges are not eligible for permit coverage under the proposed general permit and must obtain coverage under either an individual or an alternative general TPDES permit:

1. Discharges from Phase I (medium and large) MS4s (Phase I MS4s are those that are located in a city or county with a residential population of 100,000 or more based on the 1990 Decennial Census);
2. Discharges from small MS4s that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses of receiving waters;
3. New sources or new discharges of the pollutant(s) of concern to impaired waters, unless otherwise allowable under TCEQ rules, applicable state law, and any TMDL and TMDL Implementation Plan (I-Plan) that exists for the applicable receiving water;
4. Stormwater discharges that combine with sources of non-stormwater, unless the non-stormwater source is an allowable non-stormwater discharge described in the proposed general permit, or the non-stormwater source is authorized under a separate TPDES permit;
5. Discharges otherwise prohibited under existing state rules; and
6. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat are not authorized by this general permit. Federal requirements related to endangered species apply to all TPDES permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved.

**F. Allowable Non-stormwater Discharges**

The following non-stormwater sources may be discharged from the small MS4 and are not required to be addressed in the small MS4's Illicit Discharge and Detection measure, or other MCMs, provided that they have not been determined by the MS4 operator or the TCEQ to be substantial sources of pollutants to the small MS4:

1. Water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated, and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources that do not violate TSWQS;
4. Diverted stream flows;
5. Rising ground waters and springs;

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6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air-conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;
12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges that do not violate TSWQS;
14. Street wash water excluding street sweeper wastewater;
15. Discharges or flows from emergency firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
16. Other allowable non-stormwater discharges listed in 40 CFR § 122.26 (d)(2)(iv)(B)(1);
17. Non-stormwater discharges that are specifically listed in the TPDES Multi-Sector General Permit (MSGP) TXR050000 or the TPDES CGP, TXR150000;
18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; and
19. Other similar occasional incidental non-stormwater discharges, such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.

Discharge of the waters listed above may contain pollutants that would need to be addressed by the small MS4. For example, discharges from water line flushing could contain levels of chlorine that could have an impact on aquatic life, in which case the small MS4 may need to require that controls be put on the discharge of chlorinated water line flushing.

**G. Discharges from Small MS4 Construction Activities**

The proposed general permit provides small MS4 operators an option to discharge stormwater runoff, and certain non-stormwater runoff, from construction sites under the authority of the small MS4 general permit, where the small MS4 is the operator of the construction activity.

For the MS4 operator to cover these activities under this general permit, an optional stormwater MCM must be developed and implemented to address these activities. The MCM must describe the general procedures the MS4 operator will develop to implement a stormwater pollution prevention plan (SWP3), with consideration for local weather and soil conditions, and the steps to be taken to meet and maintain the status as operator at small MS4 construction sites. The MS4 operator must also describe in the MCM the area within which construction related discharges will be authorized under this general permit. The permittee may choose to cover activities exclusively within the boundary of the urban area with a population of at least 50,000, within corporate limits or extra territorial jurisdiction (ETJ), within special districts, or within other similar jurisdictional boundaries of the permittee. However, discharges from construction activities outside of the regulated area, such as outside of the urban area with a population of at least 50,000 or outside of the area(s) designated by TCEQ, are only eligible for authorization under this general permit for

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those areas where the MS4 operator meets the requirements of Parts III.D.1. through III.D.7 of the general permit, related to MCMs. The NOI will require the permittee to provide information or a description on the boundary of coverage.

A separate detailed SWP3 must be developed and implemented for each regulated construction site. Contractors at a construction site where the small MS4 is the sole operator are not required to obtain separate authorization for stormwater discharges, provided the MS4 operator can meet and maintain the status of sole operator for the site, where the contractor does not meet the definition of operator for the site, and where the SWP3 is developed to address the activities of the contractor. If the contractor meets the definition of construction site operator, then the contractor would need to obtain authorization under the TPDES CGP or an individual permit.

40 CFR § 122.28(b)(2)(i), as adopted by reference in 30 TAC § 205.7, requires the submittal of an NOI to authorize certain discharges under a general permit. While 40 CFR § 122.28(b)(2)(v) allows some exceptions to this requirement, it does not exclude the permittee from the requirement to submit an NOI for authorization of discharges of stormwater runoff associated with industrial activity. Because federal rules at 40 CFR § 122.26(b)(14)(x) includes large construction sites in its definition of industrial activity, discharges of construction activity of five or more acres (including activities which are part of a larger common plan of development) are required to submit an NOI. Therefore, if a small MS4 operator seeks to obtain coverage for these discharges under the proposed general permit, then the small MS4 operator must include information on the construction activities on its NOI required under this general permit. The applicant must develop a SWP3 and include site-specific information on how construction activities will be conducted to control pollution. This information must be formalized as an MCM and incorporated as a part of the small MS4 operator's SWMP.

The NOI and SWMP must include this optional 8<sup>th</sup> MCM in order for the permittee's construction activities to be eligible for authorization under this general permit. The NOI will include a certification statement that the small MS4 must sign, where the MS4 operator agrees to comply with the conditions and requirements of this general permit for its construction activities. This certification on the NOI will satisfy the previously cited regulatory requirement regarding the NOI. Separate NOIs for each construction activity are not required, provided that the appropriate information is included in the optional control measure. The MS4 operator must subsequently develop a separate SWP3 for each large and small construction activity, and must post a construction site notice that includes a signed certification that a SWP3 was developed and is implemented according to the conditions and requirements of this general permit. The site notice would be considered a "report" for the purposes of this general permit, and therefore may be signed by a person properly authorized by the MS4 operator under 30 TAC § 305.128, regarding delegation of signatory authority for reports.

If the small MS4 operator determines that it does not wish to implement the optional 8<sup>th</sup> MCM at the time of original application under this general permit, and at a later date does choose to utilize this option, then an NOC will be equivalent to the NOI required under the rules.

If this optional 8<sup>th</sup> MCM is not developed by the small MS4 operator, then discharges of stormwater runoff from large and small construction activities must be authorized under the TPDES CGP or a TPDES individual permit. Additionally, if the MS4 operator either cannot or chooses not to meet and maintain the status as the sole

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operator for any specific construction activity, then authorization under a separate TPDES permit must be obtained for the additional operators during construction activities at that specific site. Finally, if the small MS4 operator chooses not to utilize this optional 8<sup>th</sup> MCM for one or more construction activities, then the small MS4 operator must obtain separate authorization for the site(s) under the TPDES CGP or a TPDES individual permit.

**IV. Permit Conditions and Effluent Limitations**

**A. Notice of Intent (NOI)**

The proposed general permit would require small MS4s to submit to the TCEQ an NOI to comply with the conditions of the general permit, along with a certification that a SWMP has been prepared according to the comprehensive general permit requirements.

**B. Stormwater Management Program (SWMP)**

The proposed SWMP requirements were developed based on:

1. The existing Phase II MS4 General Permit TXR040000 issued on January 24, 2019;
2. Input from the Stormwater Stakeholder Work Group;
3. Federal Phase II stormwater rules of 40 CFR §§ 122.28 and 122.32 - 122.35;
4. EPA *MS4 Permit Improvement Guide* (EPA, April 2010);
5. EPA *Compendium of MS4 Permitting Approaches* (EPA, 2016);
6. Federal *NPDES MS4 General Permit Remand Rule*, January 9, 2017;
7. Federal *NPDES Electronic Reporting Rule* of 40 CFR Part 127, December 21, 2015, and January 4, 2021 (Phase 2);
8. Federal *NPDES Small MS4 Urbanized Area Clarification Rule*, July 12, 2023; and
9. EPA approval letter on Small MS4 draft permit (June 9, 2023).

The proposed general permit allows small MS4s to share resources in meeting the responsibilities of the SWMP with other regulated MS4s that are either physically interconnected or that are located in the same watershed. This allowance will help to foster a more coordinated approach to resolving local water quality issues and to provide a more efficient use of local MS4 resources. MS4s may combine or share efforts necessary to meet the SWMP requirements of the general permit, but each MS4 must be separately authorized (individual NOIs are required). Additionally, individual SWMPs must be developed and maintained by each of the MS4s participating in the coalition. Each operator is separately responsible for compliance with the conditions of the general permit and the SWMP, even if efforts are combined or shared between or among the MS4s.

Small MS4s must develop a SWMP, according to the provisions of this general permit, to the extent allowable under state and local law, to address the portions of the small MS4 that are either located within the urban area with a population of at least 50,000 people or that are designated by the TCEQ, with discharges that reach Waters of the U.S. as defined in 40 CFR § 122.2.

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The SWMP is a comprehensive document that details the steps that the small MS4 will take to reduce or eliminate pollutants in stormwater discharges to the MEP. The phrase “to the extent allowable under local law”, as used in the paragraph above, means that small MS4s must develop any necessary ordinances, regulations, or other regulatory controls to meet the general permit requirements to the extent that their authority to make such ordinances is not prohibited by state or federal statutes or regulations.

Under the comprehensive general permitting approach, the small MS4 must implement, at a minimum, the BMPs and measurable goals identified in the general permit for each MCM. Operators may choose to implement more stringent measurable goals or additional BMPs to go beyond the minimum requirements of the general permit.

Operators of non-traditional small MS4s, such as counties, drainage districts, and transportation entities, may lack the authority to develop ordinances or to implement enforcement actions. For these MS4 operators, the general permit requires the permittee to enter into inter-local agreements with municipalities in which the small MS4 is located. These inter-local agreements must include procedures for enforcement and inspections to the extent necessary to meet the goals of the general permit. Where the permittee is unable to enter into an inter-local agreement, the permittee may report instances of non-compliance or possible illicit discharges to the appropriate TCEQ Regional Office for possible follow-up investigations or enforcements.

The general permit requires the small MS4 to ensure that it has adequate resources and funding necessary to meet all requirements of the permit.

The small MS4s must develop a SWMP to include the MCMs described below, which are based on federal rules at 40 CFR §§ 122.28, 122.34(b), and 122.26(d)(2)(iv). The MS4 must implement the required BMPs under each MCM along with the specified measurable goals that are used to determine the effectiveness of the SWMP. The general permit continues the tiered approach introduced in the Small MS4 General Permit issued on December 13, 2013, to meet the MCM requirements such that some categories, or Levels, of small MS4 operators are not required to implement all or all parts of the MCMs. The small MS4s continue to be categorized by the following four Levels:

- Level 1: Operators of small MS4s that serve a population less than 10,000 within an “urban area with a population of at least 50,000 people”;
- Level 2a: Operators of small MS4s that serve a population of at least 10,000 but less than 40,000 within an “urban area with a population of at least 50,000 people”;
- Level 2b: Operators of all non-traditional small MS4s such as counties, drainage districts, transportation entities, universities, colleges, correctional institutions, municipal utility districts and other special districts regardless of the population served within an “urban area or areas with a population of at least 50,000 people”;
- Level 3: Operators of small MS4s that serve a population of at least 40,000 but less than 100,000 within an “urban area with a population of at least 50,000 people”; and

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- Level 4: Operators of small MS4s that serve a population of 100,000 or more within an “urban area with a population of at least 50,000 people”.

The eight MCMs are separately described below and include:

**1. Public Education and Outreach**

The federal Phase II rules require regulated small MS4 operators to implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff (see 40 CFR § 122.34(b)(1)).

The general permit requires small MS4s to educate the public about the impact of stormwater discharges on receiving water bodies and what steps they can take to reduce the contamination of stormwater. The small MS4s are encouraged to use existing public materials in their program, such as using examples from the EPA’s Nonpoint Source Outreach Toolbox ([www.epa.gov/nps/toolbox](http://www.epa.gov/nps/toolbox)) or from other agencies and municipalities with similar public education goals.

**2. Public Involvement/Participation**

The federal Phase II stormwater rules require regulated small MS4 operators to implement a public involvement and participation program that complies with state and local public notice requirements (see 40 CFR § 122.34(b)(2)).

The SWMPs can be greatly improved by involving the community throughout the entire process of developing and implementing the program. Involving the community will benefit the permittee itself as well as the community. By listening to the public’s concern and coming up with solutions together, the permittee will gain the support of the public and the community will become invested in the program. The permittee will likewise gain even more insight into the most effective ways to communicate its messages.

The general permit requires the permittee to involve the public (for example, hosting a public meeting on the program implementation to solicit public comment) in the development of the program. Public input and involvement can include many different activities such as meeting with local land planners and provide input on land use code or ordinance updates, stream clean-ups, storm drain marking, and volunteer monitoring.

As a continued requirement in this general permit, small MS4s having a public website are required to post their SWMP and the annual report on their website to share information with the public.

Permittees are encouraged to work together with other entities that have an impact on stormwater to implement this MCM.

**3. Illicit Discharge Detection and Elimination (IDDE)**

The Phase II regulations require regulated small MS4 operators to develop, implement, and enforce a program to detect and eliminate illicit discharges into the MS4 (See 40 CFR § 122.34(b)(3)). Through the IDDE MCM, the permittee is required to respond to complaints about illicit discharges, illegal dumping, or spills and to actively investigate illicit discharges and behaviors that could result in illicit

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discharges such as illegal connection to the small MS4, improper disposal of wastes, or dumping of used motor oil or other chemicals.

The general permit requires the permittee to have an up to date MS4 map. Level 4 permittees are required to identify areas with a high-risk for illicit discharges and illegal dumping, and these areas must be prioritized for more frequent investigations. Priority areas could include: (1) Areas with older infrastructure that are more likely to have illicit discharges; (2) Industrial, commercial, or mixed use areas; (3) Areas with a history of illegal dumping; (4) Areas with a history of illegal discharges; (5) Areas with onsite sewage disposal systems; (6) Areas with older sewer lines or with a history of sanitary sewer overflows (SSOs) or cross-connections; (7) Areas that discharge to sensitive waterbodies; and (8) Areas within sensitive watersheds.

The CWA § 402(p)(3)(B)(ii), requires MS4 permits to “effectively prohibit non-stormwater discharges into the storm sewers”. The general permit implements this requirement, in part by requiring the development of procedures to investigate and eliminate illicit discharges and illegal dumping. Standard Operating Procedures (SOPs) with necessary forms provide guidance to investigators and ensure that consistent investigations occur of every illicit discharge incident.

The public must have a central contact point, such as a stormwater hotline, to report observed illicit incidents. An incident could be anything from an overturned gasoline tanker to sediment leaving a construction site or a sanitary sewer overflow entering the storm drain.

The general permit requires the permittee to implement a method for informing or training field staff, who may come into contact or observe illicit discharges or illegal dumping, on the identification and proper procedures for reporting illicit discharges or illegal dumping at least once per year. Field staff to be trained may include, but are not limited to, municipal maintenance staff, inspectors, and other staff whose job responsibilities regularly take them out of the office and into areas within the MS4 area. Permittee field staff is out in the community on a day-to-day basis and are in the best position to locate and report spills, illicit discharges, illegal dumping, and potentially polluting activities. With proper training and information on reporting illicit discharges easily accessible, these field staff can greatly expand the reach of the IDDE program.

The general permit requires small MS4s serving a population more than 100,000 (Level 4 small MS4s) to develop a dry weather screening program. The program consists of field observations and field screening monitoring. Visually screening outfalls during dry weather and conducting field tests, where flow is occurring, will assist permittees in determining the source of illicit discharges and illegal dumping. For example, the presence of surfactants is an indicator that sewage could be present in the discharge and the parameters specific conductivity, ammonia, surfactant, pH and other chemicals may similarly be indicative of industrial sources.

Under this general permit, Level 4 small MS4s are also required to develop a program to reduce the discharge of floatables (for example, litter and other human-generated solid refuse) in the MS4. The MS4 will be required to implement the BMPs described in Table 8 of the general permit such as maintain at least two locations where floatable material can be removed before the stormwater is discharged to or from the MS4. This program has been in place for similar size MS4s under the federal Phase I MS4 regulations that were issued in 1990 and defined Phase I MS4s as MS4s located in an incorporated place with a population of 100,000 or more but less than 250,000 as determined by the 1990 Decennial Census. (40 CFR § 122.26(b)(7)(i)). It is

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therefore appropriate to include these requirements for these similar size MS4s regulated under this general permit.

**4. Construction Site Stormwater Runoff Control**

The Phase II regulations require regulated small MS4s to develop, implement, and enforce a program to reduce pollutants in stormwater runoff to the MS4 from construction activities that result in a land disturbance of one acre or greater (*See* 40 CFR § 122.34(b)(4)). In this general permit, the definition for construction activity is clarified to also include construction related activities such as stockpiling of fill material and demolition.

The general permit requires the permittee to ensure that construction site operators use appropriate erosion and sediment controls to reduce or eliminate impacts on receiving water bodies.

The permittee is required to implement procedures to conduct inspections of large and small construction projects. Level 3 and 4 small MS4s are further required to maintain an inventory of construction sites in their area. This will help the permittee to effectively know where the construction activities are occurring. A construction site inventory could track information such as project size, disturbed area, distance to any water body or flow channel, when the erosion and sediment control or stormwater plan was approved by the permittee, and whether the project is covered by the TPDES CGP. Such information will help the permittee to track and target its inspection.

The permit requires the permittee to develop and implement site plan review procedures, which describes which plans will be reviewed as well as when an operator may begin construction. The permittee is required to develop SOPs to perform the site plan reviews to ensure that the review process is consistent. The site plan review also provides the permittees with a way to track construction sites.

The general permit requires the permittee to implement procedures for performing inspections of construction sites. Inspection frequencies must be based on the evaluation of factors that are a threat to water quality such as soil erosion potential, site slope, proximity to receiving waters, and water quality status of the receiving water. The sites must be inspected during the active construction phase, to ensure that stormwater controls are maintained.

For inspections to be successful the permittee is required to develop inspection and enforcement procedures. The permit language includes minimum requirements that construction site inspections must include. Also, the permittee must ensure MS4 staff is trained to perform the inspections.

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

The Phase II stormwater regulation requires regulated small MS4s to develop, implement, and enforce a program to address stormwater discharges from new development and redevelopment sites that disturb one acre or more, and requires that the program ensure controls are in place that would prevent or minimize water quality impacts (*See* 40 CFR § 122.34(b)(5)).

Developed land changes the hydrology of sites, potentially leading to higher stormwater discharge volume and higher pollutant loads. Frequently, the volume,

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duration, and velocity of stormwater discharges can cause degradation to aquatic systems.

The general permit requires that MS4 operators have owners and developers install and maintain stormwater control measures appropriate for the community. In addition, permittees are required to maintain all long-term post-construction stormwater control measures. In many cases, controls will be located on private property, and it will be necessary to establish some provisions to assure the responsibility and accountability for the operation and maintenance of these controls.

Structural controls may include practices such as rainwater harvesting, rain gardens, permeable pavement, and vegetated swales, which are considered low impact development practices or green infrastructure BMPs.

The permittees are required to inspect post-construction controls to ensure that control measures are operating correctly and are being maintained. Without maintenance, stormwater controls will not be able to properly protect water quality.

For the purpose of this general permit "Redevelopment" does not include routine maintenance activities and linear utility installation. Examples of linear utility installation are construction activities that maintain the original line, grade, and hydraulic capacity of the surrounding areas, such as the installation of underground gas lines, fiber-optic cable, cable TV, electric, telephone, sewer mains, and water mains. Routine maintenance activities are construction activities that are performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility, including but not limited to: (1) Re-grading of gravel roads or parking lots; (2) Stream bank restoration projects (does not include the placement of spoil material); (3) Cleaning and shaping of existing roadside ditches and culverts that maintains the approximate original line and grade, and hydraulic capacity of the ditch; (4) Placement of aggregate shoulder backing that makes the transition between the road shoulder and the ditch or embankment; (5) Full depth milling and filling of exiting asphalt pavements, replacement of concrete pavements slabs, and similar work that does not expose soil or disturb the bottom six inches of subbase material; (6) Long-term use of equipment storage areas at or near highway maintenance facilities; (7) Removal of sediment from the edge of the highway to restore a previously existing sheet-flow drainage connection from the highway surface to the highway ditch or embankment; and (8) Replacement of curbs, gutters, sidewalk and guard rail posts.

## **6. Pollution Prevention and Good Housekeeping for Municipal Operations**

The stormwater Phase II regulations require operators of regulated small MS4s to develop and implement an operation and maintenance program that includes a training component with the ultimate goal of preventing or reducing pollutant runoff from municipal operations (*See* 40 CFR § 122.34(b)(6)).

The general permit requires the small MS4 operator to maintain an inventory of municipal facilities and stormwater controls. Municipally owned facilities serve as hubs of activity for a variety of municipal staff from many different departments. Some municipalities will have one property where all activities take place (for example, the municipal maintenance yard), whereas others will have several specialized facilities. An inventory of facilities will assist staff responsible for stormwater compliance build a better awareness of their locations within the small MS4 service area and their potential contribution to stormwater pollution. The

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facility inventory will also serve as a basis for setting up periodic facility assessments and developing, where necessary, facility stormwater pollution plans.

The general permit requires Level 3 and Level 4 permittees to perform, once per permit term, an assessment of its facilities to identify which of the facilities are most likely to contribute stormwater pollutants and that need stormwater controls. Those facilities with a high potential to generate stormwater pollutants must be described as *high priority* facilities and this category of facilities are required to have facility specific stormwater management SOPs. Developing and maintaining site-specific SOPs for each facility will help ensure that employees responsible for facility operation are aware of the stormwater controls required for the site.

The general permit requires Level 3 and Level 4 permittees to develop an inspection program to perform inspections of, at a minimum, high priority municipal facilities and to document the results of the inspections. Regular inspections will allow inspectors to observe different types of operations that occur at different times of the year (e.g., landscape maintenance crews are less active in the winter) and ensure that corrective action can be taken where necessary to improve stormwater controls.

The general permit includes requirements for MS4 operation and maintenance (O&M) activities, such as maintaining the storm sewer system, maintaining roads, and managing chemical applications. Level 3 and Level 4 small MS4s are required to develop an O&M program to reduce the collection of pollutants in catch basins and other surface drainage structures. Catch basins collect and trap stormwater pollutants such as sediments, metals, hydrocarbons, bacteria, pesticides, trash, and other pollutants. Since these basins collect solids, they need to be cleaned out on a regular basis to prevent pollutants from being discharged to water bodies. The materials removed from catch basins need to be treated and disposed of in a manner so that they do not reenter the small MS4.

The O&M of roads may, for Level 3 and Level 4 small MS4s, include a street sweeping program. Street sweeping removes both fine and large particles from streets and therefore has a positive effect on water quality. Some small MS4s have roads without curbs and gutters, and are therefore not suitable for street sweeping. In these cases, source controls or inlet protection measures, to minimize pollutant discharges to storm drains and creeks, can be used in place of sweeping.

The general permit includes requirements for Level 4 small MS4s for managing public spaces, such as addressing the application of pesticides, herbicides, and fertilizers. The general permit language encourages non-chemical solutions, such as using native plants that are adapted to local conditions and therefore requires fewer chemicals and to replace pesticide use with manual insect and weed removal thereby reducing chemical exposure to stormwater.

The Phase II regulations found at 40 CFR § 122.34(b)(6) specifically requires that small MS4s develop a "training component" that trains employees "to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance. The general permit requires the permittee to develop a training program to train all appropriate employees involved in implementing pollution prevention and good housekeeping practices at least once per year.

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The general permit includes language for situations where small MS4s use third-party contractors to conduct municipal maintenance activities. Contractors must be held to the same standards as the permittee.

The general permit includes a requirement for Level 4 small MS4s to assess their flood control projects for their impacts on receiving waters and determine if existing structures could be retrofitted. New flood control projects must be designed, constructed, and maintained to provide erosion control and pollutant removal from stormwater. This program has been in place for similar size MS4s under the Phase I MS4 program since the federal Phase I stormwater regulations were issued in 1990, and it is therefore appropriate to add these requirements to these similar sized MS4s regulated under this general permit.

### **7. Industrial Stormwater Sources**

The Phase I stormwater regulations, found at 40 CFR §§ 122.26(d)(2)(i)(B, C, E, and F), 122.26(d)(2)(iv), and 122.26(d)(2)(iv)(A), require permittees to develop and implement an inspection and oversight program to monitor and control pollutants in stormwater discharges from industrial facilities.

The general permit continues the Industrial Stormwater Sources MCM for small MS4s that serve a population of 100,000 or more within a UA. EPA's *MS4 Improvement Guide* recommends this MCM be included in Phase II permits, and TCEQ determined that it is appropriate to include it for those Phase II MS4s regulated under this general permit that have similar populations as the Phase I MS4s.

The general permit requires the permittee to identify and control pollutants in stormwater discharges to small MS4s from industrial or commercial sites that contributes a substantial pollutant loading to the small MS4. The general permit language under this MCM is similar to language in some Phase I MS4 individual permits.

### **8. Authorization for Construction Activities Where the MS4 is the Site Operator**

The small MS4 operator may develop an optional 8<sup>th</sup> MCM for discharges from construction activities, and may obtain authorization under the general permit for discharges from construction activities where the MS4 is the operator. In order to qualify for this provision, MS4 operators must maintain control over the plans and specifications of the construction activity, or must maintain the status of the operator with day-to-day operational control over the construction site, to the extent necessary to meet the requirements of the SWP3 for that site.

Implementation of this optional 8<sup>th</sup> MCM allows the small MS4 to obtain the necessary authorization under the terms of this five-year term general permit and replaces the requirement to seek separate permit coverage for each construction activity that it conducts. Where the small MS4 is able to demonstrate it is the sole operator for these activities, by meeting both criteria listed in the definition of "construction site operator", contractors would not have to seek separate authorization. This provision is allowed for construction activities located in the regulated area, such as within an urban area with a population of at least 50,000 people or within an area designated by TCEQ.

Small MS4s are required to summarize in the annual report pertinent information related to the construction activities performed in the previous year. Small MS4s

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electing this provision must notify the TCEQ when submitting the NOI. Utilization of the optional 8<sup>th</sup> MCM does not preclude a small MS4 from obtaining coverage under the TPDES CGP, TXR150000, or under a TPDES individual permit.

**C. SWMP Implementation**

The SWMP will be implemented on a scheduled stepwise basis throughout the term of the general permit. Permittees must implement the elements following the clear, specific, and measurable goals described in the general permit or follow a more stringent schedule than the general permit describes.

Implementation must be initiated upon receipt of written approval of the NOI from the TCEQ. The general permit contains provisions that allow non-substantial revisions to the SWMP throughout the term of the general permit, without immediate notification to the TCEQ, so that SWMPs can be adjusted based on experiences and findings to become more effective and efficient. Schedules for SWMP implementation, the status of the implementation schedules, and modifications to the SWMP must be summarized in the annual report. These general permit provisions allow small MS4s to develop and implement SWMPs according to available funding, manpower, and ability, and allow for revisions where more efficient or effective BMPs are identified. Complete implementation of the SWMP is required within five years from the date of issuance of the general permit.

Existing permittees must implement the SWMP that was approved by TCEQ under the previous 2019 Small MS4 General Permit term, and will have five years to implement new portions of the SWMP.

Federal rules at 40 CFR § 123.35(g) require permitting authorities to issue a menu of BMPs to assist small MS4s in complying with the Phase II regulations. TCEQ has adopted the EPA menu of BMPs by including that menu as a resource to small MS4s through a link on the TCEQ stormwater webpage at:

<https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#edu>

The TCEQ may develop additional guidance during the term of this general permit and will make any guidance available on the TCEQ's webpage at:

<https://www.tceq.texas.gov/permitting/stormwater/ms4>

and

<https://www.tceq.texas.gov/assistance/water/stormwater/sw-ms4.html>

**D. Reporting Requirements**

1. The proposed general permit requires small MS4s to provide documentation on the development, implementation, and evaluation of the SWMP. The documentation must be included as a part of the SWMP and may be required to be submitted in the annual report. The preparation and review of the annual report by the small MS4 may ensure progressive improvement of stormwater controls and reduce pollutants to the maximum extent practicable. At a minimum, the documentation must include:

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- a. A list of all small MS4 operators contributing to the development and implementation of the SWMP, including a clear description of the role and responsibilities of each MS4 operator, if applicable;
  - b. A list of any public or private entities assisting with the development or implementation of the SWMP, including a clear description of the relationship, role, and responsibilities of each entity, if applicable;
  - c. A list of all activities/BMPs and measurable goals for each of the MCM;
  - d. A schedule for the implementation of all SWMP requirements;
  - e. A description of how each measurable goal will be evaluated; and
  - f. A rationale statement that addresses the overall program, including how the activities/BMPs and measurable goals were selected.
2. Additionally, the small MS4 must evaluate the following items and must include the information in an annual report:
    - a. Program compliance;
    - b. The appropriateness of the chosen BMPs; and
    - c. Progress toward achieving identified measurable goals.
  3. On December 21, 2015, EPA issued the NPDES Electronic Reporting Rule (40 CFR Part 127) requiring NPDES regulated entities to report electronically. On November 2, 2020, EPA issued the NPDES Electronic Reporting Rule – Phase II Extension extending the date for compliance with the rule. (See *Federal Register*, Vol. 80, No. 204, October 22, 2015, and Vol. 85, No. 212, November 2, 2020.) Therefore, TCEQ requires small MS4s to submit applications and annual reports electronically by using the EPA’s NPDES electronic permitting and reporting system for the MS4 program, NeT-MS4.

**V. Changes from Existing General Permit**

The major changes to the general permit include the following:

1. Removed the regulatory language in the definition of Waters of the United States in Part I., and instead cited 40 CFR § 122.2 because the definition in the general permit was outdated.
2. Added a description of the small MS4 designation criteria from the federal and state rules. (Part II.A.2 in the permit)
3. Updated language throughout the general permit to comply with the *NPDES MS4 General Permit Remand Rule* issued on December 9, 2016, to make the language consistent with the Comprehensive General Permit option.
4. Updated language throughout the general permit to comply with the *NPDES Small MS4 Urbanized Area Clarification Rule* issued on June 12, 2023, to refer to the phrase “urban area with a population of at least 50,000” instead of “Urbanized Area (UA)”.

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5. Updated language for the small MS4s eligible for coverage under the general permit to encompass newly regulated MS4s based on urban areas with a population of at least 50,000 people as determined by the 2020 Decennial Census by the U.S. Census Bureau. (Part II.A. in the permit)
6. Added that the levels of small MS4s for this general permit are based on the current population served within the 2020 urban area with a population of at least 50,000 people and is based on the most recent Decennial Census at the time of general permit issuance. (Part II.B. in the permit)
7. Updated the small MS4 levels to separate current Level 2 into Level 2a for traditional MS4s serving a population between 10,000 and 40,000 and Level 2b for all non-traditional MS4s and created new section for Categories of Regulated Small MS4s. (Part II.B. in the permit)
8. Clarified the description of “population served” for the purposes of obtaining a waiver from permit coverage. (Part II.C. in the permit)
9. Separated “application deadlines” from “application for coverage” to create a new item under Section F. (Obtaining Authorization). (Part II.F.2. in the permit)
10. Revised application deadlines to clarify requirements for newly regulated small MS4 operators. (Part II.F.2.(b) in the permit)
11. Revised to specify home-rule municipality as established in ‘Texas statute’ instead of the specific rule to ensure flexibility to accommodate future rule and citation changes. (Part II.E.6 in the permit)
12. Added additional items to the “Contents of the NOI” description to identify the additional information that must be provided with the Comprehensive General Permit option and electronic annual reporting and moved the section below “Application Deadlines” and “Late Submission of the NOI”. (Part II.F.4 in the permit)
13. Revised language throughout the general permit to specify that applications and annual reports must be submitted electronically through EPA’s NPDES electronic permitting and reporting system for the MS4 program known as NeT-MS4 unless the permittee obtains an electronic reporting waiver.
14. Added a section describing how operators may request and obtain an Electronic Reporting Waiver. (Part II.E.11 in the permit)
15. Removed references throughout the general permit to SWMP submittal and review in the application or change processes for this general permit consistent with the comprehensive permit option.
16. Clarified that applicants must pay a fee with the submittal of a complete NOI. (Part II.F.1. in the permit)
17. Consolidated information about application deadlines by moving all related information to Part II.F.2 (Application Deadlines). (Part II.F.2. in the permit)
18. Clarified that the SWMP must be developed prior to submitting an NOI. (Part II.F.5 in the permit)

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19. Clarified that updating contacts included in the NOI requires an NOC. (Part II.F.6 in the permit)
20. Clarified that change in operational control of a small MS4 requires submittal of an NOC and updates to the SWMP. (Part II.F.8 in the permit)
21. Moved Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements section from Part II. (Limitations on Permit Coverage) to new Part III. (Impaired Water Bodies and Total Maximum Daily Load (TMDL) Requirements). (Part III. in the permit)
22. Revised the required description of targeted controls for discharges to water quality impaired water bodies with an approved TMDL to further describe the minimum categories for these controls to address. (Part IIIA.1. in the permit)
23. Added language describing when permittees must update their SWMP to address when TCEQ has modified a WLA. (Part III.A.3.(a) in the permit)
24. Added a table with BMPs and measurable goals for bacteria impaired water bodies with an approved TMDL to specify the clear, specific, and measurable activities, goals, and deadlines that must be implemented by MS4s discharging to these water bodies, as appropriate. (Part III.A.5. in the permit)
25. Clarified that permittees discharging to water quality impaired water bodies with a TMDL for bacteria must either refer to the TMDL I-Plan for BMPs, or implement alternative equivalent BMPs identified in the permit. Permittees must use the table of BMPs and measurable goals identified in this section to implement alternative equivalent BMPs or when the TMDL I-Plan BMPs do not currently address all the items. (Part III.A.5. in the permit)
26. Clarified requirements for newly regulated small MS4s to develop and implement a SWMP. (Part IV.C.1 in the permit)
27. Consolidated information about developing and reviewing the SWMP by moving sections for "SWMP Review" and "SWMP Updates Required by TCEQ" under the SWMP section of the permit. (Part IV in the permit)
28. Moved "SWMP General Requirements" before "Minimum Control Measures." (Part IV.C.7. in the permit)
29. Moved information about transfer of ownership, operational authority, or responsibility to be under the SWMP section of the permit. (Part IV.C.1.(c) in the permit)
30. Clarified that existing MS4 operators must implement their previously approved SWMP until their renewal NOI is approved. (Part IV.C.1.(a) in the permit)
31. Clarified SWMP requirement to include a summary of written procedures describing how the permittee will implement the general permit by providing examples. (Part IV.C.2 in the permit)
32. Clarified that the SWMP requirement to include a rationale statement may be fulfilled with an overall statement rather than a statement for each BMP. (Part IV.C.7.(f) in the permit)

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33. Revised the list of MCMs in the general permit to separate “Public Education and Outreach” from “Public Involvement/Participation”. The MCMs are renumbered as MCMs 1-8. (Part IV.D.1. and 2. in the permit)
34. Added that municipal utility districts and other special districts must address residents served in their target audience for MCM 1. (Part IV.D.1(a)(1)b.(iv) in the permit)
35. Added a requirement for permittees to address specific target audiences for their Public Education and Outreach program based on their small MS4 level and provided a list of target audiences for the small MS4s to select and address in their SWMP. (Part IV.D.1 in the permit)
36. Added a requirement for permittees to address specific pollutants and sources in their Public Education and Outreach program based on their small MS4 level and provided a list of pollutants and sources for the small MS4s to select and address in their SWMP. (Part IV.D.1 in the permit).
37. Added tables with activities/BMPs and measurable goals for each MCM to specify the clear, specific, and measurable: activities, goals, and deadlines that must be implemented by small MS4s based on their small MS4 level to comply with the Comprehensive General Permit approach. (Part IV.D.1-7 in the permit)
38. Clarified that illegal dumping must be addressed in the required items for Illicit Discharge Detection and Elimination. (Part IV.D.3. in the permit)
39. Clarified that permittees must include in their SWMP documentation for the role, responsibilities, and relationship between the permittee and other entities or other MS4 operators contributing to the development and implementation of the SWMP. (Part IV.C.7. in the permit)
40. Clarified that permittees may maintain a copy of the general permit in their SWMP either physically or electronically. (Part V.A in the permit)
41. Revised available annual reporting year options to only allow for one reporting year schedule as required by the EPA electronic reporting system, NeT-MS4. All permittees are required to report on the Calendar Year schedule. (Part V.B.2 in the permit)
42. Clarified that a summary of actions taken to address impaired water bodies in the annual report is only required for small MS4 operators discharging to impaired water bodies and should include sampling results if sampling was conducted. (Part V.B.2 in the permit)
43. Moved information about force majeure to the Standard Permit Conditions section of the permit. (Part VI.J. in the permit)
44. Clarified that small MS4 operators implementing MCM 8 may develop and implement a shared SWP3 with other operators. (Part VII.D. in the permit)
45. Moved Contents of the SWP3 to be directly after SWP3 Requirements in Authorization for Municipal Construction Activities – Applicable only if the Optional 8<sup>th</sup> MCM is selected. (Part VII.E. in the permit)
46. Clarified for permittees implementing optional MCM 8 that inspections conducted within 24 hours of the end of a storm event of 0.5 inches must occur

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on the first and last day of a storm for multiday storm events and when the 24-hour inspection time frame occurs entirely outside of normal working hours, operators must conduct the inspection by the end of the next business day consistent with the 2022 EPA NPDES CGP and 2023 TPDES CGP. (Part VII.F.10 in the permit)

47. Added for permittees implementing Optional MCM 8 a requirement that inspections may be temporarily suspended for adverse conditions for consistency with other water quality general permits. Documentation of adverse conditions must be included in the SWP3. (Part VII.F.10 in the permit)
48. Added requirement for permittees implementing optional MCM 8 to conduct observation and evaluation of dewatering controls on the days where dewatering discharges occur consistent with the 2023 TPDES CGP. (Part VII.E.11 in the permit)
49. Added requirement for permittees implementing optional MCM 8 to submit Delegation of Signatory forms electronically in STEERS unless an electronic reporting waiver is obtained. (Part VII.K in the permit)
50. Made additional changes throughout the permit to remove redundant information, improve readability, and consolidate similar information into one section where appropriate.

**VI. Addresses**

Questions concerning this proposed general permit should be sent to:

TCEQ, Stormwater Team Leader  
Wastewater Permitting Section (MC-148)  
P.O. Box 13087  
Austin, Texas 78711-3087  
(512) 239-4671  
swgp@tceq.texas.gov

**Comments regarding the proposed general permit during the public comment period must be submitted either by mail to the following address, by facsimile (fax) followed by mail, or electronically as described below (please refer to the public notice for official instructions):**

By Mail:

TCEQ, Office of the Chief Clerk (OCC) (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

By Fax: (512) 239-3311\*

\*Fax must be followed by hard copy in mail to OCC at address above within three days of fax date.

Electronically:

<https://www14.tceq.texas.gov/epic/eComment/>

**Questions Regarding Public Comments Should Be Directed to OCC: (512) 239-3300**

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**VII. Legal Basis**

Texas Water Code (TWC) Section (§) 26.121 makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission. TWC, § 26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC, § 26.040 provides the commission with authority to amend rules adopted under TWC § 26.040 prior to amendment of the statute by House Bill (HB) 1542 in 1997, and to authorize waste discharges by general permit. On September 14, 1998, TCEQ and EPA executed a memorandum of agreement (MOA) delegating to TCEQ administration of the NPDES program, which is operated as the TPDES program in the state.

The CWA, §§ 301, 304, and 401 (33 United States Code (U.S.C.), §§ 1331, 1314, and 1341) include provisions that state that NPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability; (2) comply with EPA-approved state water quality standards; and (3) comply with other state requirements adopted under authority retained by states under CWA, § 510 and 33 U.S.C., § 1370.

**VIII. Regulatory Background**

The 1972 amendments to the Federal Water Pollution Control Act, later referred to as the CWA, prohibit the discharge of any pollutant to navigable waters of the U.S. from a point source unless the discharge is authorized by an NPDES permit. Efforts to improve water quality under the NPDES program traditionally have focused on reducing pollutants in industrial process wastewater and municipal sewage treatment plant discharges. Over time, it has become evident that more diffuse sources of water pollution, such as stormwater runoff from small MS4s, are also significant contributors to water quality problems. EPA developed permit requirements for small MS4s that are intended to improve water quality by reducing the quantity of pollutants that stormwater discharges into storm sewer systems during storm events.

In 1990, EPA promulgated rules establishing Phase I of the NPDES stormwater program. Phase I addresses discharges from medium and large MS4s, which are those MS4s with a population of 100,000 people or more, based on the 1990 Decennial Census. Phase I MS4s were required by the EPA to obtain individual NPDES permits. No additional Phase I MS4s will be created by later census results.

The federal Phase II stormwater regulations extended permitting requirements to certain small MS4s, and required that a more general SWMP be developed than was required for medium and large MS4s under Phase I of the stormwater regulations. The Phase II stormwater regulations were published on December 8, 1999, in the *Federal Register*, requiring affected small MS4s to obtain permit coverage by March 10, 2003. The Phase II stormwater regulations are identified in federal rules at 40 CFR §§ 122.30 through 122.37, which were adopted by the TCEQ at 30 TAC § 281.25(b). This proposed TPDES general permit offers the necessary authorization for these small MS4 discharges.

In 2016, EPA issued the *NPDES MS4 General Permit Remand Rule*, which is a federal rule to promote greater public engagement through clear requirements on the opportunities for public participation in the permitting process for small MS4s. This rule was published in the *Federal Register* (Vol. 81, No. 237, December 9, 2016) with an effective date of January 9, 2017. The Phase II stormwater regulations were revised in 40 CFR §§ 122.33 and 122.34 and a new paragraph (d) was added to 40 CFR §

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122.28 requiring permitting authorities to select a permitting approach from one of two general permit options. This proposed TPDES Comprehensive General Permit includes the terms and conditions to meet the clear, specific, and measurable requirements to regulate the discharges from small MS4.

In 2015, EPA issued the *NPDES Electronic Reporting Rule* (40 CFR Part 127) requiring NPDES regulated entities to report electronically. This rule was published in the *Federal Register* (Vol. 80, No. 204, October 22, 2015) with an effective date of December 21, 2015. In 2020, EPA issued the *Updates to NPDES eRule Data Elements to Reflect MS4 General Permit Remand Rule* to update the data elements in the original eRule to be consistent with the current MS4 regulations that were revised as a result of the *NPDES MS4 General Permit Remand Rule*. This rule was published in the *Federal Register* (Vol. 85, No. 73, April 15, 2020) with an effective date of May 15, 2020. Later in 2020, EPA issued the *NPDES Electronic Reporting Rule – Phase II Extension* extending the date for compliance with the rule to December 21, 2025. This extension was published in the *Federal Register* (Vol. 85, No. 212, November 2, 2020). Additionally, the general permit requires use of the EPA’s NPDES electronic permitting and reporting system, NeT-MS4, to comply with the *NPDES Electronic Reporting Rule* deadline.

In 2023, EPA issued the *NPDES Small MS4 Urbanized Area Clarification Rule* to clarify the designation criteria for small MS4s following the U.S. Census Bureau’s 2020 Decennial Census urban area mapping revisions. This rule was published in the *Federal Register* (Vol. 88, No. 112, June 12, 2023) with an effective date of July 12, 2023. The final rule clarifications were necessary due to the U.S. Census Bureau’s March 24, 2022 publication of final program criteria in the *Federal Register* (Vol. 87, No. 57, March 24, 2022) that retired the term “urbanized area” and discontinued its practice of publishing the location of “urbanized areas” along with the 2020 Decennial Census and future censuses. The clarifications in the final *NPDES Small MS4 Urbanized Area Clarification Rule* replaced the term “urbanized area” in the Phase II stormwater regulations with the phrase “urban areas with a population of at least 50,000”, which is the U.S. Census Bureau’s longstanding definition of the term urbanized areas. This final rule retained the existing threshold for automatic designation of small MS4s for regulation under the Phase II stormwater regulations. The threshold for automatic designation was used following the 2000 and 2010 Decennial Censuses and is based on the MS4 being in an urbanized area of 50,000 or more people. This final rule maintains the threshold for automatic designations of small MS4s and ensures that the designation of new small MS4s will continue as originally required under the Phase II stormwater regulations.

### **IX. Permit Coverage**

1. The proposed general permit would apply to discharges of stormwater runoff associated with small MS4s. The guidelines for small MS4s were published in the *Federal Register* on December 8, 1999 (64 FR 68722).
2. Applicants seeking authorization to discharge stormwater runoff from small MS4s under the conditions and requirements of the proposed general permit must submit a completed NOI by the deadlines specified in the permit. The NOI form will include at minimum, the legal name and address of the owner and operator, the facility name and address, a specific description of its location (including the street address, if applicable, and county), the type of facility and discharge, the name of the receiving water, information on impaired waters, the boundary of the area where construction activities are covered under the general permit (if the optional MCM is developed), and other information requested by

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the TCEQ. The NOI must be signed according to TCEQ rules at 30 TAC § 305.44, which establishes requirements regarding who may sign an application for a permit, and requires that a legal certification be made regarding the permit application. The specific language in this rule can be found at:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=3&ti=30&pt=1](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=30&pt=1)

by selecting Chapter 305, Subchapter C (related to Application for Permit).

Small MS4 operators can locate information regarding the classified segment(s) receiving the discharges from the MS4 in the Surface Water Quality Segment and Data Viewers found at the TCEQ web address at:

<https://www.tceq.texas.gov/waterquality/monitoring/index.html>

Small MS4 operators can find the latest EPA-approved list of impaired water bodies (the Texas 303(d) List) and the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)*, which lists the category 4 and 5 water bodies, at the following TCEQ web address:

<https://www.tceq.texas.gov/waterquality/assessment>

Small MS4 operators need to use the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)* which lists the category 4 and 5 water bodies to search for impaired water bodies with an approved TMDL, since those water bodies no longer are listed on the CWA 303(d) list.

If a waterbody with a TMDL eventually meets water quality standards, it is moved to category 1 and will be removed from the *Texas Integrated Report of Surface Water Quality for Clean Water Act (CWA) Sections 305(b) and 303(d)*. However, if the TMDL is still in place for the waterbody, MS4s must continue to follow the TMDL implementation plan for that waterbody to ensure that water quality standards are met.

3. Submission of an NOI is an acknowledgment by the regulated small MS4 that the conditions of this general permit are applicable to the proposed discharges and that the applicant agrees to comply with the conditions of the general permit. Discharge authorization begins when the applicant is notified by TCEQ that the NOI has been administratively and technically reviewed. The documents must be submitted electronically via the online NeT-MS4 e-permitting system, unless the permittee requested and obtained an electronic reporting waiver.

Following review of the NOI, the executive director may: 1) determine the submission is complete and confirm coverage by providing a notification and an authorization number; 2) determine that the NOI is incomplete, deny coverage, and require that a new complete NOI be submitted; or 3) determine that the NOI needs revisions, provide a written description of the required revisions along with any compliance schedule(s), and approve the NOI after revisions are complete; or 4) deny coverage under this general permit and provide a deadline by which the MS4 operator must submit an application for an individual permit.

Denial of coverage under the general permit is subject to the requirements of 30 TAC § 205.4(c). After receiving written approval from the TCEQ, the applicant must implement their updated SWMP in accordance with the terms and conditions of the general permit.

4. Applicants that fail to submit an NOI by the deadlines specified in the general permit will be subject to enforcement actions for any unpermitted discharges. All applicants which miss the application deadlines must submit an NOI

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immediately, including newly regulated small MS4 operators based on the 2020 Decennial Census.

5. If the operational control of the small MS4 changes, the present operator must submit an NOT and the new operator must submit an NOI to obtain authorization under this general permit. The NOT and NOI must be submitted concurrently no greater than 10 days after the change occurs.
6. A permittee must submit current information to the executive director by submitting an NOC within 30-days from the time the permittee becomes aware of a change in information previously provided to the executive director within an NOI.

An NOC is also required for changes to the SWMP that are made after TCEQ has approved the NOI.

Updates to the SWMP during the general permit term may be made by submittal of an NOC unless the changes are non-substantial in which case no NOC is required. The general permit includes: 1) a list of changes that do not require an NOC; and 2) a list of changes that require an NOC.

An NOC must be signed according to TCEQ rules at 30 TAC § 305.44. The general permit also includes information regarding time frames for implementing changes requested in an NOC.

7. A discharger may terminate coverage under the general permit by submitting a Notice of Termination (NOT) form to the executive director electronically via the online NeT-MS4 e-permitting system available through the TCEQ website. The NOT must be signed according to TCEQ rules at 30 TAC § 305.44. Authorization to discharge terminates 24 hours following confirmation of receipt of the electronic NOT by TCEQ.

For paper NOTs submitted with an approved Electronic Reporting Waiver, authorization to discharge terminates at midnight on the day that an NOT is postmarked for delivery to the TCEQ.

**X. Technology-Based Requirements**

The conditions established by the general permit are based on CWA § 402(p)(3)(B) that mandates that a permit for discharges from MS4s must:

1. Effectively prohibit the discharge of non-stormwater to the MS4; and
2. Require controls to reduce pollutants in discharges from the MS4 to the MEP including BMPs, control techniques, and system, design and engineering methods, and such other appropriate provisions.

The conditions of the proposed general permit were developed to comply with the technology-based standards of the CWA. The draft general permit includes a SWMP requirement that includes MCMs utilizing a series of BMPs, rather than numeric effluent limitations, to address the minimization of pollutants in stormwater discharges to Waters of the U.S. The Federal Phase II regulations define a small MS4 SWMP as a program comprising of at least seven MCMs that collectively are expected to result in significant reductions of pollutants discharged into receiving water bodies. Implementation of the MEP standard will require the development and implementation of the BMPs listed in the general permit and the achievement of measurable goals specified for each BMP in the general permit to satisfy each of the seven MCMs. TCEQ considers that the clear, specific, and measurable requirements

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of this general permit, if properly implemented, will meet the MEP standard required in the federal rules at 40 CFR § 122.34.

A statement is continued in the permit that indicates that the BMPs included in this general permit, which are required to be included in the small MS4’s SWMP, constitute effluent limitations for the purposes of compliance with 30 TAC Chapter 319, Subchapter B.

The general permit provides for development of an optional 8<sup>th</sup> MCM that would authorize a small MS4 to discharge stormwater runoff from construction activities disturbing one or more acres where it is the operator. This provision allows the small MS4 the option of separate coverage for these construction activities under TPDES Small MS4 General Permit, TXR040000, rather than the TPDES CGP, TXR150000. Discharges for stormwater runoff from construction support activities including concrete batch plant, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas may be authorized under the general permit. The following proposed limitations and monitoring frequencies are applicable to stormwater discharges from concrete batch plants authorized as a support activity at regulated construction sites:

**Table 1: Benchmark Monitoring for Concrete Batch plants**

<b>Benchmark Parameters</b>	<b>Benchmark Value</b>	<b>Sampling Frequency</b>	<b>Sample Type</b>
Oil and Grease	15 mg/L	1/Quarter	Grab
Total Suspended Solids	50 mg/L	1/Quarter	Grab
pH	6.0-9.0 S.U. <sup>1</sup>	1/Quarter	Grab
Total Iron	1.3 mg/L	1/Quarter	Grab

<sup>1</sup> Standard Units

**XI. Water Quality-Based Requirements**

The Texas Surface Water Quality Standards (TSWQS) found at 30 TAC Chapter 307 state that “surface waters will not be toxic to man, or to terrestrial or aquatic life.” The methodology outlined in the “*Procedures to Implement the Texas Surface Water Quality Standards*” is designed to ensure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to ensure that no source will be allowed to discharge any waste which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation that threatens human health.

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional conditions are included in TPDES permits, which may include discharge limitations. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity databases to determine the adequacy of technology-based permit limits and the need for additional water-quality-based controls.

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As previously stated, TPDES stormwater permits do not typically contain water-quality-based effluent limits (WQBELs). As stated in 30 TAC § 307.8(e), controls on the quality of permitted stormwater discharges are largely based on implementing BMPs and/or technology-based limits in combination with instream monitoring to assess standards attainment and to determine whether additional controls on stormwater are needed. Also, according to EPA rules at 40 CFR § 122.34(a), narrative effluent limitations requiring implementation of BMPs are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the MEP) and to protect water quality for small MS4s. It was preliminarily determined that where permit requirements are properly implemented no significant degradation is expected and existing uses will be maintained and protected.

**XII. Monitoring**

If the small MS4 discharges stormwater from a construction project authorized under this general permit that includes a supporting concrete batch plant, compliance monitoring is required. Discharges from the concrete batch plant must be sampled at a minimum frequency of once per quarter (1/quarter).

The small MS4 operator may additionally sample discharges from the small MS4 in order to assess the effectiveness of stormwater MCMs, measure the effectiveness of BMPs, to detect illicit discharges to the small MS4, or for other similar reasons.

The permittee may also be required to identify sources of pollutant(s) of concern where the small MS4 discharges directly to a water body that is impaired for a pollutant present in the discharge. Examples of pollutants of concern that may be present in stormwater discharges are bacteria and sediment.

**XIII. Procedures for Final Decision**

The MOA between EPA and TCEQ provides that EPA has no more than 90 days to comment, object, or make recommendations to the draft general permit before it is proposed for consideration by the Commissioners of the TCEQ. According to 30 TAC Chapter 205, when the initial draft general permit is submitted for public comment prior to being proposed to the Commission of the TCEQ, notice must be published, at a minimum, in at least one newspaper of statewide or regional circulation and the *Texas Register*. The commission may also publish notice in additional newspapers of statewide or regional circulation. Mailed notice must also be provided to the following:

1. The county judge of the county or counties where the discharges under the general permit are located;
2. If applicable, state and federal agencies whose notice is required in 40 CFR, § 124.10(c);
3. Persons on a relevant mailing list kept under 30 TAC § 39.407, relating to Mailing Lists; and
4. Any other person the executive director or chief clerk may elect to include.

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After notice of the general permit is published in the *Texas Register* and a newspaper in statewide or regional circulation, there will be a 30-day public comment period to allow the public to provide comment on the proposed general permit.

Any person, agency, or association may request a public meeting on the proposed general permit before the end of the public comment period. A public meeting will be held if the executive director determines, on the basis of requests that a significant degree of public interest in the draft general permit exists. A public meeting is for the purpose of receiving public comment and is not a contested case proceeding under the Administrative Procedure Act.

If the executive director decides to hold a public meeting, notice of the date, time, and place of the meeting will be published in the *Texas Register* a minimum of 30 days prior to the meeting, as required by commission rules. The public notice for the draft general permit and for the public meeting(s) may be combined. The public comment is automatically extended until the conclusion of all public meetings on the draft general permit. The executive director will prepare a response to all significant public comments on the draft general permit raised during the public comment period. The proposed general permit will then be filed with the commission to consider issuance of the general permit. The executive director’s response to public comment will be made available to the public and filed with the chief clerk at least ten days before the commission acts on the proposed general permit, per commission rules.

TCEQs commissioners will consider issuance of the general permit at a regularly scheduled Commission Agenda. If issued, notice of the re-issued general permit will be published in the *Texas Register*. For additional information about this general permit, contact the Stormwater Team at (512) 239-4671.

**XIV. Administrative Record**

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

A. Code of Federal Regulations (CFR) and *Federal Register* (FR) Citations:

40 CFR Part 122

*Federal Register* dated February 17, 1998 (Volume 63, No. 31, Pages 7858-2906)

*Federal Register* dated December 8, 1999 (Volume 64, No. 235, Pages 68722-68851)

*Federal Register* dated October 22, 2015 (Volume 80, No. 204, Pages 64064-64158)

*Federal Register* dated December 9, 2016 (Volume 81, No. 237, Pages 89320-89352)

40 CFR Part 127

*Federal Register* dated April 15, 2020 (Volume 85, No. 73, Pages 20873-20885)

*Federal Register* dated November 2, 2020 (Volume 85, No. 212, Pages 69189 - 69206)

*Federal Register* dated March 24, 2022 (Volume 87, No. 57, Pages 16706-16715)

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*Federal Register* dated June 12, 2023 (Volume 88, No. 112, Pages 37994 - 38000)

B. Letters/Memoranda/Records of Communication:

Memorandum from the U.S. EPA (Hanlon) dated April 16, 2004, from, "Implementing the Partial Remand of the Stormwater Phase II Regulations Regarding Notices of Intent & NPDES General Permitting for Phase II MS4s".

Stakeholder comments provided to the TCEQ in September 2022.

Memo from the Water Quality Standards Team of the Water Quality Assessment Section of the TCEQ dated November 22, 2022.

EPA approval letter on June 9, 2023.

Conference calls and emails between EPA and TCEQ on September 8, 2022; September 13, 2022; September 14, 2022; October 3, 2023; and October 13, 2023.

C. Miscellaneous:

*MS4 Permit Improvement Guide*, U.S. EPA, Office of Water. Office of Wastewater Management, Water Permits Division, April 2010 (EPA 833-R-10-001).

*Compendium of MS4 Permitting Approaches*, U.S. EPA, Office of Wastewater Management, Water Permits Division, November 2016.

*NPDES Municipal Separate Storm Sewer System General Permit Remand Rule*, 81 *Fed. Reg.* 237 [89320-89352], December 2016.

*NPDES Electronic Reporting Rule*, 80 *Fed. Reg.* 204 [64064-64158], October 22, 2015, and 85 *Fed. Reg.* 212 [69189-69206], November 2, 2020.

*NPDES Small MS4 Urbanized Area Clarification Rule*, 88 *Fed. Reg.* 112 [37994-38000], June 12, 2023.

U.S. Environmental Protection Agency's Fact Sheet No. 2.0, "Stormwater Phase II Final Rule - Small MS4 Stormwater Program Overview", January 2000 (EPA 833-F-00-002).

U.S. Environmental Protection Agency's Fact Sheet No. 2.1, "Stormwater Phase II Final Rule – Who's Covered? Designation and Waivers of Regulated Small MS4s", January 2000 (EPA 833-F-00-003).

U.S. Environmental Protection Agency's Fact Sheet No. 2.2, "Stormwater Phase II Final Rule - Urbanized Area - Definition and Description", December 1999 (EPA 833-F-00-004).

The Clean Water Act, 33 U.S.C. Chapter 26.

Quality Criteria for Water (1986), EPA 440/5 86 001, May 1, 1986.

The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Natural Resource Conservation Commission, December 1996.

Texas Surface Water Quality Standards, 30 TAC Sections 307.1-307.10 (47 *TexReg* 6216, effective September 29, 2022).

*Procedures to Implement the Texas Surface Water Quality Standards*, Texas Commission on Environmental Quality, June 10, 2010.

30 TAC Chapters 39, 205, 213, 281, 311, 305, 307, 309, 319, 321, and 331.

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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#### **AGENDA ITEM #6 – Future Agenda Items**

**Item Description:**

The Board may propose future agenda items for discussion at upcoming meetings.

**Background:**

This item allows the Board to identify and request topics for future meetings, ensuring continued oversight and proactive management of district affairs.

**Recommended Motion:**

No motion required.

# SEIS LAGOS UTILITY DISTRICT

## BOARD OF DIRECTORS MEETING

### AGENDA ITEM COVER SHEET

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#### **AGENDA ITEM #7 – Adjournment**

**Item Description:**

The Board will consider adjourning the meeting upon completion of all scheduled business.

**Background:**

Once all agenda items have been addressed, the Board will formally adjourn the meeting.

**Recommended Motion:**

"I move to adjourn the meeting."