

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

I, the undersigned officer of the Board of Directors of Fort Bend County Municipal Utility District No. 50, hereby certify as follows:

1. The Board of Directors of Fort Bend County Municipal Utility District No. 50 convened in regular session on the 13th day of December, 2016, at the regular meeting place outside the boundaries of the District, and the roll was called of the members of the Board:

| | |
|-----------------------|--------------------------|
| Craig Lewis | President |
| Brian Dierschke | Vice President |
| Peter Lajoie | Secretary |
| Jerry Slatton | Assistant Vice President |
| Reginald Stubblefield | Assistant Secretary |

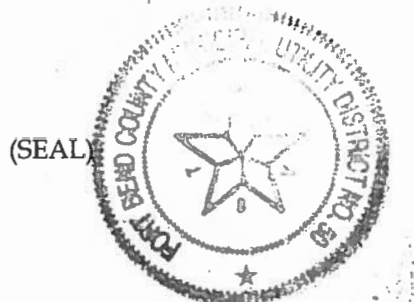
and all of said persons were present, except _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

RESOLUTION ESTABLISHING STORMWATER QUALITY RULES

was introduced for the consideration of the Board. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, the motion, carrying with it the adoption of the Resolution, prevailed and carried unanimously.

2. That a true, full and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that the Resolution has been duly recorded in the Board's minutes of the meeting; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; that the meeting was open to the public as required by law; and that public notice of the time, place and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on the 13th day of December, 2016.



Secretary, Board of Directors

RESOLUTION ESTABLISHING STORMWATER QUALITY RULES

WHEREAS, Fort Bend County Municipal Utility District No. 50 (the "District") has been duly created by the Texas Commission on Environmental Quality ("TCEQ") or its predecessor (the "Commission") and its Board of Directors has met and organized; and

WHEREAS, the District has constructed, owns, and operates a drainage and storm sewer system known as a Municipal Separate Storm Sewer System ("MS4"); and

WHEREAS, the TCEQ issued Permit No. TXR040000 (the "Permit") on December 13, 2013, and required the District to update, implement, and enforce a Storm Water Management Program ("SWMP") designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable to protect water quality; and

WHEREAS, the Permit and the District's SWMP collectively require the District to develop and reinforce prohibitions on illicit discharges, pollutant discharges from construction sites, and pollutant discharges from post-construction sites, as well as manage pet waste; and

WHEREAS, the Board of Directors of the District finds it necessary to adopt Stormwater Quality Rules in order to comply with the SWMP developed in order to comply with the Permit; and

WHEREAS, the District's Rate Order provides that the Board of Directors may enforce a penalty for the breach of the Stormwater Quality Rules of the District in an amount not to exceed \$10,000; Now, Therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50 THAT:

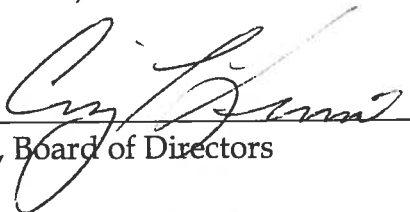
Section 1: The facts recited above are hereby declared to be true and correct.

Section 2: Pursuant to the Permit, the District hereby adopts, and considers appropriate and reasonable, the Stormwater Quality Rules attached hereto as **Exhibit "A"** (the "Rules"), effective January 1, 2017.


Section 3: Any person, corporation, or other entity violating the Rules may be subject to a fine of up to \$10,000 and/or disconnection of water service. Each day that a breach of the Rules continues shall be considered a separate breach.

Section 4: The District is hereby authorized to publish a substantive statement of these Rules and penalties, and such penalties described herein shall be effective and enforceable five days after publication.

PASSED, APPROVED this 13th day of December, 2016.



President, Board of Directors



Secretary, Board of Directors

(SEAL)



EXHIBIT "A"

EXHIBIT “A”

**FORT BEND COUNTY MUD 50
STORMWATER QUALITY RULES**

Including

**Illicit Discharge Detection and Elimination Program,
Construction Runoff Program,
Post Construction Runoff Controls, and
Pet Waste Management Requirements**

With

**Appendix A:
“Permanent Stormwater Quality
Design Criteria Manual”**

Adopted: December 13, 2016

I. INTRODUCTION AND BACKGROUND

In 1972, Congress amended the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act ("CWA")) to prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by an National Pollutant Discharge Elimination System ("NPDES") permit. The NPDES program is designed to track point sources and requires the implementation of controls necessary to minimize the discharge of pollutants.

In 1987, Congress amended the CWA to require implementation, in two phases, of a comprehensive national program for addressing stormwater discharges. The first phase of the program, commonly referred to as "Phase I," was promulgated by the U.S. Environmental Protection Agency ("EPA") on November 16, 1990 (*Federal Register*, Volume 55, Page 47,990 [55 FR 47990]). Phase I requires NPDES permits for stormwater discharge from a large number of priority sources, including municipal separate storm sewer systems ("MS4's") generally serving populations of 100,000 or more and several categories of industrial activity, including construction sites that disturb five or more acres of land.

EPA promulgated the second phase of the stormwater regulatory program, commonly referred to as "Phase II," on December 8, 1999 (64 FR 68722). Phase II regulations address stormwater discharges from certain MS4's serving populations of less than 100,000 people (called "small MS4's"). In summary, the regulations, which may be found in Title 40, Part 122, of the Code of Federal Regulations ("CFR") (40 CFR 122), require that all small MS4 operators located in *Urbanized Areas* (as defined by the latest U.S. Census) must "develop, implement and enforce a Stormwater Management Program ("SWMP") designed to reduce the discharge of pollutants from [the] MS4 to the maximum extent practicable, to protect water quality..."

EPA has delegated authority to issue MS4 stormwater discharge permits to the State of Texas. Under the authority of the Texas Water Code and the CWA, the Texas Commission on Environmental Quality ("TCEQ") is the regulatory body responsible for issuing permits regulating discharges from small MS4 systems to waters of the state. On August 13, 2007, the TCEQ issued the first round general permit for small MS4s, Permit No. TXR040000, which expired on August 12, 2012.

On December 13, 2013, the TCEQ issued their second round general permit for small MS4s. In summary, the second round permit requires that Fort Bend County Municipal Utility District No. 50 (hereinafter, the "District") comply with a number of administrative and legal requirements and to update, implement, and enforce a stormwater management program ("SWMP") designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable to protect water quality.

Specifically the permit and the District's SWMP requires the District to implement the four programs outlined below:

- **Illicit Discharge Detection and Elimination:** Develop, implement, and enforce a program to prevent illicit discharges to the maximum extent practicable and to detect, investigate, and eliminate illicit discharges into the small MS4. The program must include the development and implementation of an ordinance or other regulatory mechanism (such as the adoption of rules and regulations by the District), as well as sanctions to ensure compliance to the extent allowed under state, federal, and local law.
- **Construction Site Runoff Controls:** Develop, implement, and enforce a program requiring operators of small and large construction activities to select, install, implement, and maintain stormwater control measures that prevent the discharge of pollutants from construction sites to the MEP. The program must include the development and implementation of an ordinance or other regulatory mechanism, as well as sanctions to ensure compliance to the extent allowable under state, federal, and local law.
- **Post-Construction Stormwater Management Program:** Develop, implement, and enforce a program, to the extent allowable under state, federal, and local law, to control stormwater discharges from new development and redeveloped sites that discharge into the small MS4 that disturb one acre or more, including projects that disturb less than one acre that are part of a larger common plan of development or sale. The program must be established for private and public development sites. Use, to the extent allowable under state, federal, and local law and local development standards, an ordinance or other regulatory mechanism (such as the adoption of rules and regulations by the District) to address post-construction runoff from new development and redevelopment projects. Establish, implement, and enforce a requirement that owners or operators of new development and redeveloped sites design, install, implement, and maintain a combination of structural and non-structural BMPs appropriate for the community and that protects water quality.
- **Pet Waste:** For MS4s that discharge to a waterbody with an approved TMDL and Implementation Plan, include management programs to identify and target animal sources such as zoos, pet waste, and horse stables. The District SWMP obligates the District to develop and adopt a pet waste management regulation that will require residents to clean up pet waste.

This document sets forth the District's Rules required to implement the four programs outlined above.

II. DEFINITIONS

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

Certificate of Completion. A form provided by the District Engineer used by the owner or operator of a permitted site to self-certify that the site or facility has been constructed in accordance with the site's Stormwater Quality Approval and SWQMP.

Development. Any human-caused change to improved or unimproved real estate including, but not limited to, buildings, process equipment, structures, filling, dredging, mining, grading, paving, excavation, drilling operations, or storage of equipment or materials, and any activity that requires a subdivision plat or that is part of a subdivision plat approved by a county or municipality.

District Engineer. R.G. Miller Engineers, Inc., or its successor, as determined by the District's Board of Directors.

Engineer's As-Built Certification. A form provided by the District Engineer used by a professional engineer retained by the owner or operator of a permitted site to certify that a site with structural controls has been constructed in accordance with the site's construction plans, Stormwater Quality Approval, and SWQMP.

Final Inspection. Occurs after responsible party meets definition of final stabilization and files a Notice of Termination, if required by state or federal law, at which time the District may conduct a final inspection to verify compliance with final stabilization and removal of temporary best management practices has occurred.

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

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

(b) For individual lots in a residential construction site by either: (1) the homebuilder completing final stabilization as specified in condition (a) above; or (2) the homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization.

(c) For construction activities on land used for agricultural purposes (e.g. pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to a surface water and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

Household Hazardous Waste. Waste from materials utilized for residential or housekeeping purposes containing regulated substances which either singularly or by its interaction with other wastes or by its accumulation in the MS4 becomes injurious or potentially injurious to human, plant, or animal life, or property. For purposes of this chapter household hazardous wastes include, but are not limited to, paint, paint thinners, paint solvents, bleaches, drain cleaners, landscaping chemicals, pesticides, herbicides, and automotive fluids.

Illicit Discharge. Any discharge to a MS4 that is not composed entirely of stormwater except runoff of landscape watering, discharges pursuant to a National Pollutant Discharge Elimination System or Texas Pollutant Discharge Elimination System permit (other than the National Pollutant Discharge Elimination System or Texas Pollutant Discharge Elimination System permit for discharges from the municipal separate storm sewer), and discharges resulting from fire-fighting activities.

Large Construction Activity. Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also

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

Municipal Separate Storm Sewer System (MS4). The system of conveyances, including but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, creeks, streams, tributaries, man-made channels, or storm drains, which: (1) Provide collection or conveyance of stormwater, rain water, flood water, or other surface water; (2) Are located on public property; and (3) Are not designed and intended to be part of the collection system of a sanitary sewer system utilized by a publicly owned treatment works as defined in Title 40 C.F.R. 122.2.

New Development. Development after January 1, 2018 of an undeveloped parcel of land five (5) acres or larger without regard to the amount of land that will actually be disturbed, except for: (1) development on an existing undeveloped and undivided parcel of five acres or more of one single-family dwelling unit and one or more accessory structures; however, if the use of the property excluded under the foregoing exception at any time changes to a commercial use, including further subdividing of the property, the owner of the property shall comply with all applicable requirements of these regulations; (2) development of a single-family residential subdivision if: (a) each lot in the subdivision will have no more than 20% impervious cover; (b) no on-site detention for water quantity purposes is required by Fort Bend County, the Fort Bend County Drainage District, or by a Levee Improvement District; and (c) each lot in the subdivision will front on and will take direct access from an existing public road; (3) projects constructed within waters of the United States and not associated with subdivisions, roads, or other commercial development; and (4) development that results in no impervious surface on the land disturbed.

Non-Structural BMP. A stormwater quality control that relies on operations, education, housekeeping, signage, or similar approaches to reduce the generation of pollutants, reduce stormwater runoff contact with pollutants, or otherwise reduce the discharge of pollutants in stormwater runoff.

Notice of Intent. A form filed by a responsible party under Texas Commission on Environmental Quality Permit No. TXR150000 indicating that a new construction site is to be initiated and that permit coverage is required.

Non-Structural Controls. A maintenance, educational, or operational practice designed to prevent or reduce the potential for pollutants to be discharged in stormwater runoff.

Notice of Termination. A form filed by a responsible party under Texas Commission on Environmental Quality Permit No. TXR150000 indicating the final stabilization has been achieved and that permit coverage is no longer required.

Pet Owner. Any person who possesses, maintains, houses, harbors, or has full time or part time custody of any pet. This definition includes persons who provide caregiving services to pets owned by others.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or the legal representatives, agents, or assigns thereof.

Pet. A domesticated animal kept for amusement or companionship.

Pet solid waste. Waste matter expelled from the bowels of a pet including feces or excrement.

Pollutant. Any substance introduced into the environment that adversely affects a resource. Pollutant includes, but is not limited to, soil, soil material, sediment, human waste, other wastes, and debris generated at construction sites.

Responsible Party. Any person or legal entity, individual or corporate, including an owner, operator, contractor, or subcontractor, any or all of whom may be engaged in, consent to, or actually perform a construction project or construction activity.

Rules. These Stormwater Quality Rules adopted by the District on December 13, 2016, as may be amended from time to time.

Significant Redevelopment. An increase in the total amount of impervious surface on a previously developed five-acre or larger parcel so that the total resulting impervious surface is one acre or larger. Only additions of impervious surface after January 1, 2018 shall be totaled and counted toward the one-acre threshold.

Significantly Amended. A change to a site's engineering design plans pertaining to site activities, final drainage system elements, the site's Stormwater Quality Management Plan, or landscaping that is likely to change the volume of, or pollutant levels in, site runoff to the MS4.

Site Operations and Maintenance Plan. The portion of the *Stormwater Quality Management Plan* which describes the activities (and the frequency of their occurrence) that must be conducted by the owner or operator of a New Development site or a Significant Redevelopment site to keep site stormwater BMPs functioning as planned, designed, and implemented.

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

Stormwater Associated with Construction Activity. Stormwater runoff from a construction activity where soil disturbing activities (including clearing, grading, excavating) will result in the disturbance of one (1) or more acres of total land area, or smaller areas that are part of a larger common plan of development or sale that will result in disturbance of one (1) or more acres of total land area.

Stormwater Management Program (SWMP). The state required plan that defines the District’s schedule of BMPs to be implemented to reduce the discharge of pollutants in stormwater runoff from the District’s MS4 to the maximum extent practicable.

Stormwater Pollution Prevention Plan (SWPPP). The state required plan that defines a site operator’s schedule of BMPs to be implemented to reduce the discharge of pollutants in stormwater runoff from Large or Small Construction Activity sites to the maximum extent practicable.

Stormwater Quality Approval. A letter issued to a particular development site, by the District Engineer, indicating that the drainage system, Stormwater Quality Management Plan, Site Operations and Maintenance Plan, and stormwater quality controls presented in the application for approval have been designed to meet or exceed the provisions of the District’s “*Permanent Stormwater Quality Design Criteria Manual*” attached hereto as **Appendix A**, as may be amended from time to time, and appear to reduce the discharge of pollutants to the maximum extent practicable.

Stormwater Quality Management Plan (SWQMP). A plan prepared by an engineer licensed in the State of Texas that defines both the structural and non-structural BMPs to be used at a development or significant redevelopment site to reduce the discharge of pollutants in stormwater runoff to the maximum extent practicable. The SWQMP also includes the Site Operations and Maintenance Plan.

Structural BMP. A stormwater quality control that relies on physical facilities, canopies, treatment devices, landscaping, vegetation, grading, drainage or detention systems, or similar approaches to reduce the generation of pollutants, reduce stormwater runoff contact with pollutants, remove pollutants from runoff via treatment, or otherwise reduce the discharge of pollutants in stormwater runoff.

TCEQ. Texas Commission on Environmental Quality.

Temporary Stabilization. A condition where exposed soils or disturbed areas are provided a protective cover, which may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place.

Texas Pollutant Discharge Elimination System (TPDES). A program to issue authorizations to discharge pollutants into waters of the state if certain conditions are met.

III. Municipal Separate Storm Sewer System Permit

To manage stormwater runoff and to reduce the potential for structural flooding of facilities located within its boundaries, the District has constructed, owns and operates a drainage and storm sewer system (collectively, a “Municipal Separate Storm Sewer System” or “MS4”). The District has obtained coverage under TCEQ Permit No. TXR040000, which requires the District to reduce the discharge of pollutants to waters of the United States to the maximum extent practicable, requires the district to develop and implement a Stormwater Management Program, requires the district to develop and enforce prohibitions on illicit discharges, pollutant discharges from construction sites, pollutant discharges from post-construction sites, and manage pet waste.

IV. Prohibition Against Illicit Discharges

A. It is hereby prohibited to discharge in any manner unauthorized materials such as liquids, solids, household hazardous wastes, grass and yard clippings, trash, litter, construction materials, oils, or greases into any portion of the District’s MS4. Only runoff composed entirely of stormwater or certain allowable non-stormwater shall be discharged into the MS4. Allowable non-stormwater discharges include:

1. Water line flushing (excluding discharges of hyper-chlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
2. Runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
3. Discharges from potable water sources that do not violate Texas Surface Water Quality Standards;

4. Diverted stream flows;
5. Rising ground waters and springs;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped ground water;
8. Foundation and footing drains;
9. Air conditioning condensation;
10. Water from crawl space pumps;
11. Individual residential vehicle washing;
12. Flows from wetlands and riparian habitats;
13. Dechlorinated swimming pool discharges that do not violate Texas Surface Water Quality Standards;
14. Street wash water excluding street sweeper waste water;
15. Discharges or flows from emergency 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 CPR § 122.26(d)(2)(iv)(B)(1);

17. Non-stormwater discharges that are specifically listed in the TPDES Multi Sector General Permit (“MSGP”) TXR05000 or the TPDES Construction General Permit (“CGP”) TXR150000;
 18. Discharges that are authorized by a TPDES or NPDES permit or that are not required to be permitted; or
 19. Other similar occasional incidental non-stormwater discharges such as spray park water, unless the TCEQ develops permits or regulations addressing these discharges.
- B. Any individual, responsible party, or entity, who discharges or deposits, or is responsible for the discharge or deposit, of any pollutant or any item that might potentially impede the free flow of stormwater runoff ("Prohibited Discharges") in MS4 will be responsible for (1) removing such Prohibited Discharges and restoring the MS4 to their prior condition or (2) reimbursing the District for all costs of removal and restoration if the District opts, at its sole discretion, to perform such work.

V. Construction Stormwater Runoff

- A. Construction Stormwater Runoff: It is prohibited for any person to engage in any large or small construction activity without employing Best Management Practices (BMPs) necessary to protect the District’s MS4 from run-off or other media capable of transporting sediment, soil, soil material, and pollutants of any type into the District’s MS4. The responsible party shall use Best Management Practices to prevent sediment, soils, soils materials, and pollutants from entering the District’s municipal separate storm sewer system from all small and large construction sites. Best management practices shall be selected using engineering judgment and must be installed and maintained in accordance with the designer’s intent and the manufacturer’s instructions.
- B. Compliance with TPDES General Permit No. TXR150000: The Construction Site Operator is required to be compliant with TPDES General Permit No. TXR150000 issued by the TCEQ. A stormwater pollution prevention plan (“SWP3”) with a descriptive narrative of the project, a site

plan, and proposed Best Management Practices (“BMPs”), as such term is defined in the General Permit, must be prepared at least seven (7) days prior to commencement of soil disturbing activities. The Notice of Intent (“NOI”), as such term is defined in the General Permit, must be submitted by the Construction Site Operator to the TCEQ at least seven (7) days prior to commencement of soil disturbing activities, or as required by the General Permit. The Construction Site Operator will be responsible for the required General Permit inspections by qualified personnel and the implementation and regular maintenance of all BMPs listed in the SWPPP as required under the General Permit. Construction Site Operator is also required by the District to provide a copy of the NOI to the District, make the SWPPP available to District representatives upon reasonable request, and provide a copy of the filed Notice of Termination (“NOT”) to the District after final stabilization has been achieved.

- C. Enforcement. The District retains the authority to inspect construction sites upon reasonable notice. If construction activities are found to violate the provisions of these regulations, the construction site operator may be held responsible for removing sediment or mud from streets or other public areas and restoring areas to their prior condition. Should the construction site operator fail to cure the deficiencies within a reasonable time period (as determined by the District), the District may, at its sole option, perform the necessary work and invoice the construction site operator for the full amount of the work performed.

- D. Exemptions. The following situations and activities are allowed without obtaining TXR1500000 coverage:
 - 1. Grading in emergency situations involving immediate danger to life and property or substantial fire hazards;

 - 2. Grading of one (1) acre or less on a single lot, under one ownership, for the purpose of construction, landscaping, and/or associated improvements for a single-family residence;

3. Any non-residential activity where the total volume of material disturbed, stored, disposed of, or used as fill does not exceed 100 cubic yards or the area disturbed does not exceed 1,000 square feet provided it does not obstruct a water course or a portion of the MS4; and,
4. Grading practices associated with normal agricultural crop operations, excluding timber cutting.

VI. Post-Construction Stormwater Quality Management in New Development and Significant Redevelopment

A. Stormwater Quality Approval Required. All new development or significant redevelopment within the District must obtain a Stormwater Quality Approval issued by the District. Non-structural or structural BMPs or both, shall be required in accordance with these regulations, and the latest edition of the District's "*Permanent Stormwater Quality Design Criteria Manual*" attached hereto as **Appendix A**, as may be amended from time to time.

B. Application for Stormwater Quality Approval.

1. Unless previously approved by the District Engineer, an application along with the required plans, documentation, and fee for a Stormwater Quality Approval shall be submitted in accordance with these Rules.
2. The following general application procedures shall apply:
 - a. The owner/developer shall submit a Stormwater Quality Approval application prior to the commencement of construction activities. The application packet shall include:
 - i. A completed application form;
 - ii. Construction plans for the finished facility or project;

iii. Stormwater Quality Management Plan (SWQMP) documenting the proposed structural BMPs (if any), nonstructural BMPs, and the Site Operations and Maintenance Plan; and,

iv. Application fee of \$300.

b. If structural BMPs are used, the owner/developer shall submit *Engineer's As-Built Certificate* within sixty (60) days of completion of construction activities. If structural BMPs are not used, the owner/developer shall submit a *Certificate of Completion* within sixty (60) days of completion of construction activities.

3. Development activity under the Stormwater Quality Approval must begin within one hundred eighty (180) days from the date of issuance. Extensions to the period of validity of the Stormwater Quality Approval prior to the start of development activities must be requested by the permittee in writing to the District Engineer.

4. Approved plans shall not be significantly amended without authorization of the District Engineer.

5. The Stormwater Quality Approval may be suspended or revoked by the District because of incorrect information supplied or for any violation of the provisions of these Rules.

6. Execution of the acceptance contained in the application for Stormwater Quality Approval and submittal of said application indicates the owner/operator's acknowledgement of an ongoing obligation to operate and maintain **structural BMPs** in accordance with these Rules and the Site Operations and Maintenance Plan. Failure to do so may result in penalties as set forth in Section IX hereof.

C. Exemptions. With the approval of the District Engineer, the following activities may be exempted from the provisions of this subchapter/section:

1. Any project that has received an initial construction plan review from the District Engineer before the adoption of these Rules, provided the project is substantially underway one (1) year from the adoption of these Rules.
2. Any linear projects such as underground pipelines, utilities, or drainage where the resulting impervious surface is limited to less than three thousand six hundred (3,600) square feet. Plans and drawings showing the total resultant impervious surface must be submitted to the District Engineer to obtain this exemption. Future extensions or changes to the impervious surface shall be counted toward the three thousand six hundred (3,600) square feet threshold.
3. Any new development or redevelopment project that has or will have permit coverage under the Texas Pollutant Discharge Elimination System Industrial Stormwater Permit issued by the TCEQ. In lieu of the Stormwater Quality Approval, the owner/developer/operator shall submit one (1) of the following:
 - a. A copy of the application for an individual permit from the TCEQ or the U.S. EPA for Stormwater Discharges Associated with Industrial activity at the facility;
 - b. A copy of the permit issued by the TCEQ or EPA for Stormwater Associated Industrial Activity at the facility;
 - c. A copy of the NOI for coverage under a general permit for Stormwater Discharges Associated with Industrial Activity issued by the TCEQ, or the No Exposure Certification (“NEC”) for Stormwater Discharges Associated with Industrial Activity;
 - d. A statement of commitment to file an application for an individual permit from the TCEQ for Stormwater Discharges Associated with Industrial Activity at the facility; or

- e. A statement of commitment to file an NOI for coverage under a general permit for Stormwater Discharges Associated with Industrial Activity issued by the TCEQ.

D. Standards and Evaluation Criteria. The current standards for evaluating the applications for Stormwater Quality Approval, including design guidelines for nonstructural and structural controls, may be found in the District’s “Permanent Stormwater Quality Design Criteria Manual” attached hereto as **Appendix A**, as may be amended from time to time. Stormwater Quality Approval will be generally be issued if the SWQMP (and associated Site Operations and Maintenance Plan) are consistent with District guidance and will result in the reduction in the discharge of pollutants in stormwater runoff to the maximum extent practicable.

E. Enforcement. The District retains the authority to inspect sites with Stormwater Quality Approvals upon reasonable notice. If sites are found to not be operating in accordance with their Stormwater Quality Approval or SWQMP or to be violating the provisions of these regulations, the site owner/operator may be held responsible for correcting site deficiencies. Should the site owner/operator fail to cure the deficiencies within a reasonable time period (as determined by the District), the District may, at its sole option, perform the necessary work and invoice the site owner or operator, as applicable, for the full amount of the work performed.

VII. Pet Waste Management

Pet owners and caregivers are required to immediately remove solid pet waste from any public or private property not owned or possessed by that person. Pet waste shall be properly disposed of by placement in a designated waste receptacle or other sealed container and discarded in a garbage or trash receptacle which is regularly emptied, or by placement into a domestic sewage system. Disposal of any pet waste or associated material into a storm drain or stormwater management system is prohibited.

VIII. District Contractor Compliance

- A. Contracts (or amendments thereto) entered into after January 1, 2017, with Contractors providing services to the District that have the potential to discharge pollutants in stormwater runoff are required to comply with these rules and to prevent the discharge pollutants in stormwater runoff to the maximum extent practicable. These services may include, but are not limited to, the following:
1. Water and wastewater operations and maintenance;
 2. Landscaping;
 3. Trash and solid waste management;
 4. Construction;
 5. Paving; or,
 6. Painting.
- B. In addition to the foregoing, such contract language will require the contractor, as appropriate to: (i) contain and report spills; and (ii) comply with District stormwater control measures, good housekeeping practices and procedures, facility specific operating procedures relating to the reduction of pollutants in stormwater.

IX. Penalties

Any Person who violates these Rules shall be subject to the possible imposition of a penalty of up to \$10,000.00 (to be determined in the sole discretion of the District) and/or disconnection or water service for each breach of the provisions set forth herein consistent with the terms of the District's Rate Order, as may be amended from time to time. Each day that a breach of any provision hereof continues shall be considered a separate breach. This penalty shall be in addition to the other penalties provided by the laws of the State of Texas and any other legal rights and remedies of the District as may be allowed by law.

APPENDIX A

**PERMANENT STORMWATER
QUALITY DESIGN CRITERIA MANUAL**

FOR

FORT BEND COUNTY MUD 50

Adopted: December 13, 2016

1.0 INTRODUCTION

This document provides design criteria for non-structural and structural controls to address stormwater quality in *New Development* or *Significant Redevelopment* within Fort Bend County Municipal Utility District No. 50 (the “District”). *New Development* and *Significant Redevelopment* are terms defined in Section II of the District’s Stormwater Quality Rules.

2.0 NON-STRUCTURAL CONTROLS

One or more of following non-structural controls are required for all New Development or Significant Redevelopment in the District:

- Implement ongoing source controls on the subject property; and,
- Install and maintain inlet markers.

Each non-structural control is described in more detail below.

2.1 Source Controls

Source controls include:

- Placement and maintenance of dumpsters and garbage receptacles with covers and with plugged drain holes;
- Careful application of pesticides, herbicides, and fertilizers in accordance with their manufacturer’s instructions;
- Use of landscaping and yard care practices that do not discharge material to the storm sewer or street;
- Storage of equipment, materials, or other items in a manner that is not exposed to stormwater; or,
- Discharge of wash water from operations and maintenance of equipment or supplies to the sanitary sewer not the storm sewer.

Source controls must be implemented on a continuous basis. Approval of the use of source controls will be granted if the source controls are described in the SWQMP and the associated Site Operations and Maintenance Plan as defined in the District Rules.

2.2 Inlet Markers

Inlet markers are permanent and legible symbols or text placed on, cast in, or placed near storm sewer inlets or grates that inform the public and anyone viewing the marker that storm sewers discharge to nearby bayous, creeks, or bays without treatment and that waste or pollutants should not be placed in the storm sewer system. Inlet markers must be placed on or near all stormwater inlets. Markers must be inspected at least annually and must be replaced or repaired if found to be damaged or missing.

Approval of the use of inlet markers will be granted if the inlet marker locations are clearly defined in the submitted construction drawings, all drainage areas with the potential to contribute pollutants to stormwater are served by a marker inlet, and the ongoing inspection, replacement or repair of the markers is adequately described in the Site Operations and Maintenance Plan as defined in the District Rules.

3.0 STRUCTURAL CONTROLS

Structural controls are not yet required for New Development or Significant Redevelopment within the District, except as may be required by the City of Houston or Fort Bend County Drainage District.

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50 APPLICATION FOR STORMWATER QUALITY APPROVAL

Instructions:

Please complete the form and submit the form and all required attachments to Fort Bend County Municipal Utility District No. 50, c/o R. G. Miller Engineers, Inc., Attn. Mr. Michael Bloom, P.E., 16340 Park Ten Place, Suite 350, Houston, TX 77084 or via email to mbloom@rgmiller.com. If there are questions about this process, please contact him via email or via phone at 281.921.8487. Guidance on each portion of the form is provided below.

Part I. Project Information: Provide the project name used in marketing or external communications. Indicate the date the application is being submitted to the District Engineer. Provide the address or a detailed physical description. Indicate the land use as either commercial, industrial, or residential. Indicate the area of the parcel of land owned by the project sponsor that is planned for development.

Part II. Project Developer/Owner: Provide the name of the project development company or entity and a contact person familiar with the project in the District.

Part III. Civil Engineering Firm: Provide the name of the engineering firm that has designed the site drainage system. Provide the name of the project manager or person in responsible charge of the design work.

Part IV. Proposed Non-Structural Controls: Check the applicable boxes.

Part V. Proposed Structural Controls: Check the applicable boxes.

Part VI. Attachment Checklist: Check all boxes and attach all required items. Required items include:

- **Completed Application for Stormwater Quality Approval:** Provide a completed and signed version of this form.
- **Construction Plans for the Project:** Provide sealed engineering plans of the site drainage system and associated details illustrating the location and content of all inlet markers.
- **Stormwater Quality Management Plan (SWQMP) with included Site Operations and Maintenance Plan:** Provide document that includes the required items as defined in the District Rules.
- **Application Fee:** Include check in the amount of \$300.00 made payable to Fort Bend County Municipal Utility District No. 50.

Part VII. Acknowledgment and Signature: Sign in blue ink and fill-in all associated fields. A color scanned version of this form is acceptable.

I. Project Information

Project Name: _____ Application Date: _____

Project Location/Address: _____

Proposed Land Use: _____ Project Size (Acres): _____

II. Project Developer/Owner

Company: _____ Contact Name: _____

Contact Phone: _____ Contact Email: _____

III. Civil Engineering Firm

Company: _____ Contact Name: _____

Contact Phone: _____ Contact Email: _____

IV. Proposed Non-Structural Controls

Check all that are being implemented:

- Inlet Markers
- Source Controls

V. Proposed Structural Controls

None required at this time.

VI. Attachment Checklist

Please be sure to include all required attachments in your submittal.

- Completed Application for Stormwater Quality Approval
- Construction Plans for the Project
- Stormwater Quality Management Plan (SWQMP) with included
Site Operations and Maintenance Plan
- Application Fee

VII. Acknowledgements and Signature

The undersigned acknowledges the following:

1. Commence construction within one hundred eighty (180) days from the date of Stormwater Quality Approval issuance.
2. Construct facilities in accord with the approved plans. If plans need to be amended, send them to the District Engineer for review and approval prior to construction.
3. Submit *Certificate of Completion* within sixty (60) days of completion of construction activities if no structural controls are used in the project; otherwise submit *Engineer's As-Built Certificate* within sixty (60) days of completion of construction activities.
4. Submittal of this application for Stormwater Quality Approval indicates the owner/operator's acceptance of an ongoing obligation to operate and maintain the site controls in accordance with the District's Stormwater Quality Rules (the "Rules") and the Site Operations and Maintenance Plan. Failure to do so may result in penalties as set forth in the Rules.

Printed Name: _____ Title: _____

Signature: _____ Company: _____