

**ORDER ADOPTING RULES FOR CONSTRUCTION ACTIVITY TO BE CONDUCTED  
WITHIN LAKESIDE WATER CONTROL AND IMPROVEMENT DISTRICT  
NOS. 1, 2B, 2C, AND 2D**

THE STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS           §

**WHEREAS**, Lakeside Water Control and Improvement District No. 2B (the “District”) is a political subdivision of the State of Texas, created under Article XVI, Section 59 of the Texas Constitution, and operating pursuant to Chapters 49 and 51 of the Texas Water Code;

**WHEREAS**, the District owns and operates a Phase II, level 2 municipal separate storm sewer system (“MS4”), regulated by the Texas Commission on Environmental Quality under the provisions of Texas Pollutant Discharge Elimination System General Permit No. TXR040000 (the “MS4 General Permit”);

**WHEREAS**, the District is party to that certain Shared Stormwater Management Plan (“SWMP”) of the Lakeside Water Control and Improvement District Nos. 1, 2B, 2C, and 2D (the “Districts”), pursuant to which the Districts combine efforts to meet the requirements of the MS4 General Permit;

**WHEREAS**, the SWMP requires the Districts to develop and implement rules and/or standard operating procedures for construction activities completed within their collective boundaries;

**WHEREAS**, under Section 49.211 of the Texas Water Code, the Board of Directors of the District (the “Board”) may adopt rules for construction activity to be conducted within the District;

**WHEREAS**, the Districts’ Stormwater Committee developed those certain Rules for Construction Activity to be Conducted within Lakeside Water Control and Improvement District Nos. 1, 2B, 2C, and 2D (the “*Rules*”), attached hereto as **Attachment 1**, requiring operators of small and large construction activities, as defined in Part I of the MS4 General Permit, to select, install, implement, and maintain stormwater control measures that prevent illicit discharges;

**WHEREAS**, the Districts’ Stormwater Committee has presented such Rules to the Board and recommended that they be approved and adopted; and

**WHEREAS**, the Board has reviewed the Rules and desires to adopt them as the proper stormwater control measure to prevent illicit discharges associated with construction sites within the District.

**NOW, THEREFORE, IT IS ORDERED BY THE BOARD OF DIRECTORS OF LAKESIDE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2B AS FOLLOWS:**

- Section 1:** The above-listed recitals are true and correct and are incorporated into this Order for all purposes.
- Section 2:** The Board hereby adopts the Rules for Construction Activity to be Conducted within Lakeside Water Control and Improvement District Nos. 1, 2B, 2C, and 2D, as provided in **Attachment 1**.
- Section 3:** The Board authorizes its Engineer and General Counsel to take all actions necessary to implement the Rules and the provisions of this Order.
- Section 4:** The Rules adopted hereby are effective as of the date set forth below.

**PASSED AND APPROVED** this 11th day of January, 2021.

  
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**Marilyn Hornet, President**  
**Board of Directors**

ATTEST:

  
\_\_\_\_\_  
**Kenneth Whittier, Secretary**  
**Board of Directors**

**RULES FOR CONSTRUCTION ACTIVITY TO BE  
CONDUCTED WITHIN LAKESIDE WATER CONTROL  
AND IMPROVEMENT DISTRICT NOS. 1, 2B, 2C, AND 2D**

1. **Definitions.** For purposes of these Rules for Construction Activity to be Conducted within Lakeside Water Control and Improvement District Nos. 1, 2B, 2C, and 2D (the “*Rules*”), the following terms have the meanings indicated:
  - A. “*Best Management Practices*” (“*BMPs*”) means schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. *BMPs* also includes treatment requirements, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.
  - B. “*Construction Activity*” means soil disturbance, including clearing, grading, excavating, and other construction-related or construction support activities (e.g., stockpiling of fill material and demolition); and not including routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated Construction Activity is defined in terms of Small Construction Activity and Large Construction Activity.
  - C. “*Developer*” means any builder, property developer, contractor, utility company, or other person or entity who disturbs the surface of the ground within Lakeside Water Control and Improvement District Nos. 1, 2B, 2C, and 2D (the “*Districts*”).
  - D. “*Dewatering*” means the act of draining rainwater or groundwater from building foundations, vaults, and trenches.
  - E. “*Discharge*” means the drainage, release, or disposal of pollutants in stormwater and certain non-stormwater from areas where soil-disturbing activities (e.g., clearing, grading, excavation, stockpiling of fill material, and demolition), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck wash out, fueling), or other industrial activities directly related to the construction process are located.
  - F. “*Large Construction Activity*” means Construction Activity that results in land disturbance of equal to or greater than five (5) acres of land. Large Construction Activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land.

- G. **“Municipal Separate Storm Sewer System” (“MS4”)** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a public body having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, that discharges to surface water in the state; that is designed or used for collecting or conveying stormwater; that is not a combined sewer; and that is not a publically owned treatment works.
- H. **“Pollutant”** includes, but is not limited to, sediment; dredged soil; solid waste; incinerator residue; sewage; garbage; sewage sludge; filter backwash; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; industrial, municipal and agricultural waste; and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from an MS4. Pollutant does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland.
- I. **“Small Construction Activity”** means Construction Activity that results in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small Construction Activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.
- J. **“Stormwater Pollution Prevention Plans” (“SWP3”)** means a description of the implementation of practices that will be used by Developers to minimize the discharge of pollutants in stormwater associated with Construction Activity in compliance with Texas Pollutant Discharge Elimination System (“TPDES”) Construction General Permit No. TXR150000 (the **“Construction General Permit”**) and serves as a road map for how the Developer will comply with the effluent limits and other conditions of the Construction General Permit. This includes discharges to MS4s and privately owned separate storm sewer systems that drain into surface water in the state or waters of the U.S.
2. **Construction Plan Review Procedures.** Developers must comply with all site plan review procedures imposed by state, federal, and local law.
3. **SWP3 Requirements.** For Construction Activities within the Districts, each Developer is required to develop and implement an SWP3 in accordance with the Construction General Permit, as may be renewed or amended from time to time. Upon request, each Developer must provide a copy of the SWP3 to a representative of the Districts. The SWP3 must also be available for a Texas Commission on Environmental Quality (“TCEQ”) investigator to review upon request. Each Developer must also maintain a copy of the SWP3 at the construction site where it is readily available for viewing prior to commencing construction activities and until completion of the construction activities and final stabilization of the site.

4. **Inspections and Monitoring.** Any Developer must allow a designated representative of the Districts to enter onto the construction site in order to inspect and monitor conditions on the site during all periods of development and construction. This construction site observation will include confirmation that these Rules, the SWP3, and all construction stormwater runoff controls thereunder, are being implemented and functioning as they were designed and intended.
  
5. **Additional Builder Responsibilities.**
  - A. Developers must install and maintain effective erosion and sediment controls to minimize the discharge of pollutants. All erosion controls required by the Construction General Permit or applicable SWP3 must be installed prior to the initiation of site development or construction activity. All erosion control devices must be maintained in place and in good working condition at all times during development or construction. These devices will be subject to periodic inspection by the Districts. The Districts may also conduct inspections if they are notified of erosion issues by any other governmental entity, including the City of Pflugerville or Travis County. The cost of any such inspections may be back-charged by the Districts to the responsible party.
  
  - B. Soil stabilization of disturbed areas must be initiated immediately whenever any clearing, grading, excavating or other earth disrobing activities have permanently ceased on any portion of the site, or have temporarily ceased and will not resume within 14 days. Stabilization must be completed as soon as practicable, but no more than 14 days after the initiation of soil stabilization measures.
  
  - C. A construction dumpster or other sufficient, secure containers for the disposal of refuse must be maintained on-site or in immediate proximity to the site at all times during any construction activity on property within the Districts. All construction debris, litter, and other refuse must be placed within the approved containers and expressly may not be dumped, disposed of, or left unsecured upon any property within the Districts. Any debris from the cutting of lumber must promptly be removed from the site and placed in a designated trash receptacle. No concrete may be placed or disposed of within the Districts except as permitted by the Construction General Permit or applicable SWP3. Concrete from the washout of delivery trucks or equipment and waste concrete is considered construction debris, and all such debris must be removed from the Districts.
  
  - D. Each builder will be responsible for ensuring that the street in front of its lots remains free from the accumulation of trash, sediment, dirt, and all other debris. Street cleaning will be done by street scraping or by using a vacuum sweeper. Washing sediment into the Districts' storm sewer inlets is prohibited.

- E. Upon completion of construction or development, all containers and construction debris and rubbish, including residual stockpiles of fill material, must be removed from the site and disposed of in accordance with 30 Texas Administrative Code, Chapters 330 or 335, as applicable. Any damage to the Districts' easements, drainage systems, or facilities must be repaired, and the land returned to its original condition, at the expense of the Developer. The Developer must regrade to maintain the original line and level of the Districts' easements or facilities and allow for the proper drainage of water. Large rocks, rubbish, and discarded construction materials, such as bricks, wood, rebar, etc., may not remain in the soil used to regrade upon completion of construction.

6. **Protection of Drainage Systems.**

- A. The Districts' drainage systems including all drainage easements, channels, storm sewer facilities, and all other facilities owned, maintained, or controlled by the Districts for the purpose of collecting, controlling, storing, managing, or distributing storm and flood waters or run-off, will be protected from abuse in order to ensure the proper functioning of such facilities for the benefit of all property owners and residents of the Districts.
- B. No foreign materials or debris (including, without limitation, motor oil, grass, leaves, tree clippings, or trash and construction debris) may ever be placed, thrown, disposed of, deposited, discharged, or allowed to migrate into the Districts' drainage systems. The following discharges from Construction Activities are prohibited:
  - 1. Wastewater from washout of concrete and water well drilling operations, unless managed by an appropriate BMP control, as approved by the TCEQ;
  - 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
  - 4. Soaps or solvents used in vehicle and equipment washing;
  - 5. Toxic or hazardous substances from a spill or other release; and
  - 6. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate BMPs, as approved by the TCEQ.

7. **Violations.** Failure to comply with these Rules, the Construction General Permit, an applicable SWP3 requirement, and/or the protection of the Districts' drainage systems may result in a written notice thereof to the City of Pflugerville, Travis County, or TCEQ Field Operations Support Division, as deemed appropriate, by the Districts. The offending party may also be liable for any costs incurred by the Districts in connection with any inspection, re-inspection, remedial action, repair, or correction necessitated by any such violation.
  
8. **Notice.** The District has published notice of the adoption of these Rules in accordance with Section 51.129 of the Texas Water Code.