

WILLOW FORK DRAINAGE DISTRICT RULES AND REGULATIONS

WHEREAS, Willow Fork Drainage District (the "District") operates a drainage system to provide service to residential and commercial establishments within the District (the "System"); and

WHEREAS, it is the District's intent to adopt and enforce reasonable rules and regulations to preserve the sanitary condition of all water controlled by the district, prevent waste or the unauthorized use of water controlled by the district, and regulate privileges on any land or any easement owned or controlled by the district; and

WHEREAS, the Board of Directors deems it necessary to adopt these rules and regulations ("Rules and Regulations"); Now, Therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF WILLOW FORK DRAINAGE DISTRICT THAT:

Section 1: Definitions. The following words or phrases shall have the meanings indicated below:

- A. "Construction Site Operator" - means any party performing soil disturbing activities within the District. This includes developers, builders, contractors, subcontractors, and all trades.
- B. "Non-Single Family Residential User" - means any user of the District's System other than a Single Family Residential User including, but not limited to, apartments, multi-family dwelling units, and commercial establishments.
- C. "Non-Taxable User" - means any user of the District's System other than a Single Family Residential User or a Non-Single Family Residential User that is exempt from ad valorem taxation by the District under the State Property Tax Code, including, but not limited to, schools and churches.
- D. "Notice of Violation" - means a notice issued by the District to a Storm Sewer User that identifies any violations of this Rate Order by the Storm Sewer User.
- E. "Public Space User" - means any user of the District's System for public or homeowner association esplanades, lakes, recreational areas or green spaces ("Public Spaces").

- F. "Single Family Residential User" - means a user of the District's System that consists of one residence designed for use and occupancy by a single family unit.
- G. "Storm Sewer User" - means a user of the District's storm drainage system, including, without limitation, Construction Site Operators.

Section 2: Discharges to the Storm Drainage System.

A. Construction Site Operator Responsibilities:

- (1) Compliance with TPDES General Permit No. TXR150000. The Construction Site Operator is required to be compliant with TPDES General Permit No. TXR150000 (the "General Permit") issued by the Texas Commission on Environmental Quality (TCEQ). A storm water pollution prevention plan (the "SWPPP") with a SWPPP narrative, 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. A 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 General Permit required inspections by qualified personnel and the implementation and regular maintenance of all BMPs listed in the SWPPP as required under the General Permit.
- (2) Other Construction Site Operator Responsibilities. The Construction Site Operator is responsible for the management, and SWPPP compliance of all of their subcontractors, trades, suppliers, and agents.
- (3) Post-Construction Runoff. Plans for redevelopment or new development greater than or equal to one (1) acre must be approved by the District Engineer. The plans must adequately address post-construction runoff. This includes use of Structural Controls (as such term is defined in the General Permit) as well as non-structural controls.

- (4) Failure to Comply. Failure of a Construction Site Operator to comply with these Construction Site Operator responsibilities will be considered a violation of these Rules and Regulations and will subject the Construction Site Operator to penalties as outlined below (in addition to all other legal remedies available to the District, including all penalties and remedies set out in these Rules and Regulations):
- (a) Failure to obtain permit coverage under the General Permit:
\$1000 Fine
 - (b) Failure to prepare a SWPPP as required under the General Permit: **\$500 Fine**
 - (c) Notice of Violation for failure to install or maintain BMPs: **\$100 Fine per incident***

*The District reserves the right to charge the Construction Site Operator for any and all expenses incurred while inspecting or correcting the deficiencies listed in the Notice of Violation.

B. District Storm Sewer User Responsibilities:

- (1) For the purpose of providing drainage capacity and services to drain the land located within its boundaries, the District has constructed, owns and operates drainage ditch and storm sewer system (collectively, the "Drainage Facilities"). It is essential that the District maintain the Drainage Facilities and ensure that they are kept clear of any objects or debris that may block them and interfere with their intended purpose or affect the quality of the storm water discharged by the District.
- (2) Storm Sewer User Responsibilities. Pursuant to Title 30, Chapter 311 of the Texas Administrative Code and Title 40, Chapter 122 of the Code of Federal Regulations, the District adopts the following storm sewer regulations, which apply to all Storm Sewer Users.
- (3) Illicit Discharge. Only runoff composed entirely of storm water or certain allowable non-storm water shall be discharged to the District's storm sewer system. Other

discharges are not authorized. A list of allowable non-storm water discharge is as follows:

- water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, re-use water, or surface water sources;
- discharges from potable water sources;
- diverted stream flows;
- rising ground waters and springs;
- uncontaminated ground water infiltration;
- uncontaminated pumped ground water;
- foundation and footing drains;
- air conditioning condensation;
- water from crawl space pumps;
- individual residential vehicle washing;
- flows from wetlands and riparian habitats;
- dechlorinated swimming pool discharges;
- street wash water;
- discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- other allowable non-storm water discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1);
- non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the General Permit; and
- other similar occasional incidental non-storm water discharges, unless the Texas Commission on Environmental Quality develops permits or regulations addressing these discharges.

- (3) Detection and Elimination. The District's consultants may perform random testing and/or inspection when the District has reason to believe that an illicit connection to the District's storm sewer system exists or that an illicit discharge to the District's storm sewer system is occurring. The cost of such inspection will be the sole responsibility of

the Storm Sewer User. In connection with the inspection, the Storm Sewer User shall allow its property and/or the property under its control to be inspected by the District's consultants during normal business hours for possible illicit connections to the District's storm sewer system and other unacceptable discharges to the District's storm sewer system which violate this Rate Order. Thereafter, the District may, at the discretion of the District or the District's consultants, periodically inspect a Storm Sewer User's drainage system during normal business hours for the purpose of identifying possible illicit connections and other unacceptable discharges which violate these Rules and Regulations.

- (4) Failure to Comply. The failure of a Storm Sewer User to comply with these Storm Sewer User Responsibilities will be considered a violation of these Rules and Regulations and will subject the Storm Sewer User to penalties as outlined below (in addition to all other legal remedies available to the District, including all penalties and remedies set out in these Rules and Regulations):

- (a) Notice of Violation for Illicit Discharge to District Facilities:
\$500 Fine per incident*

*The District reserves the right to charge the Storm Sewer User for any and all expenses incurred while inspecting or correcting the deficiencies listed in the Notice of Violation.

C. District Responsibilities:

- (1) Construction Site Inspection. The District may perform construction site inspections within the District's boundaries. The District may issue a notice of inspection (a "Notice of Inspection") if there are deficiencies found with any BMP described in the SWPPP. If seven (7) or more days pass and the issues noted in the Notice of Inspection have not been addressed, the District will issue a Notice of Violation for all outstanding deficiencies. The District, at its sole option, may have the deficiencies repaired at the Construction Site Operator's expense.

(2) Illicit Discharge Inspection. The District will perform inspections of Storm Sewer User activity that may pose a serious threat to the integrity of the District's waters or storm drainage system. A Notice of Violation will be issued to the Storm Sewer User responsible for the illicit discharge. The District, at its sole option, may have the illicit discharge remedied at the Storm Sewer User's expense.

D. Penalty for Violation. The failure of a Storm Sewer User to comply with the terms of this Section will be considered a violation of these Rules and Regulations. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's waters or storm drainage system, the District, in its sole option, may, in addition to all other legal remedies available to it, including those fines, penalties and remedies set out in these Rules and Regulations, or at the Storm Sewer User's sole cost and expense, install the fixtures or assemblies necessary to correct the illicit connection or unacceptable discharge. Any and all expenses associated with the enforcement of this Section shall be billed to the Storm Sewer User.

Section 3: Damage to District Facilities .

Any person who damages any of the District's facilities, property or easements directly or indirectly must pay to the District the District's cost for repairing such District facilities, property or easements. If the District's facilities, property or easements are damaged by a person hired by a builder, property owner or renter in connection with the provision of services to the builder, property owner or renter, the builder, property owner or renter will be responsible for paying to the District the cost of repairing such District facilities, property or easements. Additionally, any person who damages District facilities, property or easements and any builder, property owner or renter who hires a person who creates such damage is subject to the penalties described in the section entitled Penalties for Violation.

Section 4: Unauthorized Operation of Motor Vehicles On or Near Public Facilities.

The unauthorized operation of any motor vehicle, as defined in section 49.217 of the Texas Water Code, on a levee, in a drainage ditch, or on land adjacent to a levee, canal, ditch, exposed conduit, pipeline, pumping plant, storm water facility, or other facility for the transmission, storage, treatment or distribution of

storm water owned or controlled by the District is prohibited. Any person who operates a motor vehicle in violation of this section shall pay the District the cost of repairing any damage done to the District's facilities, property or easements. Any person who violates this section is subject to the penalties described in the section entitled Penalties for Violation. Pursuant to Section 49.217 of the Texas Water Code, the violation of this section may also result in a Class C misdemeanor, except that subsequent offenses may result in a Class B misdemeanor.

Section 5: Failure to Comply.

Failure to comply with the terms of this section will be considered a violation of these Rules and Regulations and will subject the violator to the penalties set forth in the section entitled Penalties for Violation. Further, the District, at its sole option, may perform or have performed any clean-up necessitated by the violation of this section and backcharge the builder for the cost of the clean-up. A person's first violation of this section shall result in a warning from the District rather than the imposition of a penalty as set forth in the section entitled Penalties for Violation. However, such a warning shall not relieve the person who violated this section from the person's responsibility for performing any clean-up necessitated by the violation of this section or reimbursing the District for such clean-up, if the District opts, in its sole discretion, to perform the work.

Section 6. Prohibition of Dumping.

The unauthorized dumping of trash, sediment, dirt, and all other debris in or on District facilities, property, easements and rights-of-way is prohibited. A person who violates this section and developers, builders and property owners who hire such a person are subject to the penalties described in the section entitled Penalties for Violation. In addition, the District reserves the right to remove the unauthorized materials and backcharge the person who dumped such material and the builder, developer or property owner who hired such person the cost of removing such unauthorized material.

Section 7: Violations and Penalties for Violation.

Any person, corporation or other entity who:

- A. Violates any section of these Rules and Regulations; or
- B. Makes unauthorized use of District facilities; or
- C. Causes damage to District facilities by using such facilities in a manner or for a purpose contrary to the purpose for which such facilities were designed; or

- D. Disposes unauthorized material into the District's storm sewer system; shall be subject to a penalty of up to \$10,000 for each breach of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate violation.

This penalty shall be in addition to the other penalties, fees and charges provided by these Rules and Regulations and the Laws of the State of Texas and any other legal rights and remedies of the District as may be allowed by law.

In addition to the civil penalties described in this section, the violation of a regulation adopted by the District may result in a Class C misdemeanor.

Section 9: Payment Method.

All payments required by these Rules and Regulations must be made by check, automatic bank draft, cashier's check, or money order unless otherwise specified in these Rules and Regulations.

Section 10: Assessment of Penalties.

Any person who violates any provision of these Rules and Regulations shall be subject to the penalties set forth in the section entitled Penalties for Violation; provided, however, that prior to assessing penalties for such violation, the District shall give written notice, by first class United States mail or otherwise, to such person of the pending assessment of a penalty and shall give such person the opportunity to be represented by counsel and contest, explain, or correct the violation of these Rules and Regulations at a meeting of the Board of Directors of the District. The notice shall be deposited, postpaid, in a post office or official depository under the care and custody of the United States Postal Service at least ten (10) days prior to the date of the scheduled meeting of the Board of Directors. A written statement by the District's operator or other District consultant that the notice was so mailed and a certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of same. If the person appears before the Board in person or in writing at the scheduled meeting specified in the notice, the Board shall hear and consider the matter and inform the person of the Board's determination by sending written notice by first class United States mail to the person at the address to which the notice was mailed.

Section 11: Appeal.

Any determination by the District's operator or the District's Engineer or any authorized agent of the District or any dispute regarding the terms and

provisions of these Rules and Regulations may be appealed to the Board of Directors of the District, which shall conduct a hearing on the matter. The District's operator and/or attorney shall provide the customer with information regarding the appeals and hearing procedures upon the customer's request.

Section 12: Amendments.

The District's Board of Directors has and specifically reserves the right to change, alter or amend any rate fee or provision of these Rules and Regulations at any time.

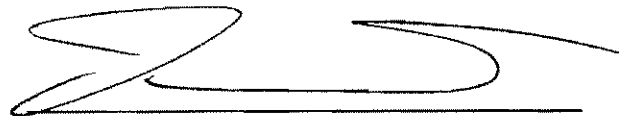
Section 13: Provisions Severable.

The provisions of these Rules and Regulations are severable, and if any provision or part of these Rules and Regulations or the application thereof to any person or any circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of these Rules and Regulations and the application of such provision or part of these Rules and Regulations to other persons or circumstances shall not be affected thereby.

Effective Date.

These Rules and Regulations are effective as of the date of adoption.

ADOPTED this 8th day of July, 2010.



Asst. Vice President, Board of Directors

ATTEST:


Secretary, Board of Directors