

Under city's General Permit they have
Karl

**City of Houston and Harris County
Storm Water Controls on New Development
and Significant Redevelopment
Draft Program**

I. Common Provisions

A. Definitions

1. Dwelling unit: A structure, or a portion of a structure, that has independent living facilities include provisions for nontransient sleeping, cooking and sanitation.
2. Impervious surface: Any hard-surfaced area that does not readily absorb or retain water, including, but not limited to, building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.
3. New development: Development on a currently undeveloped parcel of land five acres or larger without regard to the amount of land that will actually be disturbed, except for development on an existing undeveloped and undivided parcel of five acres or more of one single-family dwelling unit and/or the types of non-commercial building(s) typically associated with a single-family dwelling unit, including, but not limited to, a garage, carport or barn. If the occupancy for any structure excluded under the foregoing exception at any time changes to a commercial use, the owner of the property will at that time have to comply with all requirements of this program.
4. Significant redevelopment: Changes of one acre or more to the existing impervious surface on a five acre or larger parcel.

B. Requirements

1. All new development and significant redevelopment, as defined above, in the City of Houston and the unincorporated areas of Harris County must have a Storm Water Quality Permit ("SWQ Permit"). SWQ Permits for projects on parcels within the corporate limits of the City of Houston must be obtained from the City of Houston. SWQ Permits for projects on parcels within the unincorporated areas of Harris County, including projects within the City of Houston's extraterritorial jurisdiction, must be obtained from Harris County. If a parcel lies partly within the City of Houston and partly within the

unincorporated area of Harris County, the City and Harris County will decide on a case-by-case basis which entity will issue the SWQ Permit for that project.

2. The SWQ Permit will require the development and submission of a Storm Water Quality Management Plan (SWQMP) which must include a proposed inspection checklist, a maintenance plan and associated construction drawings. The SWQMP must comply with the City of Houston's Design Manual or Harris County's Rules, Regulations and Requirements Relating to the Approval and Acceptance of Improvements in Subdivisions or Re-Subdivisions, depending on which entity has jurisdiction over the project. The SWQMP must be sealed by a licensed professional engineer.
3. The SWQ Permit will require that an "as-built" certificate sealed by a professional engineer be submitted after all structural controls specified in the SWQMP have been installed. An official from the appropriate entity will then inspect the site to confirm installation. At the same time the "as-built" certificate is filed, the owner of the property must also submit an attestation that he has read the SWQMP and agrees to the maintenance schedule specified in it.
4. Each jurisdiction will provide a process for appealing the denial of a proposed SWQMP.
5. Maintenance
 - a. The current landowner will be responsible for ensuring that the SWQMP requirements are met.
 - b. This obligation to comply with the SWQMP requirements will be recorded in the real property records of Harris County for the affected property and will apply to all subsequent owners of the property.
 - c. Developers of single-family residential subdivisions will have to require that any homeowners association for the subdivision or other private entity that will have responsibility for compliance with the SWQMP have the authority to impose fees or otherwise generate monies to fund maintenance measures and bond requirements
 - d. Annually, the landowner must certify that all controls have been maintained as specified in the SWQMP. If non-vegetative structural controls are used, a licensed professional engineer must annually certify that all non-vegetative structural controls still meet the criteria

in the SWQMP.

6. Fees and Bonding

- a. There will be an initial fee that will cover the costs of SWQMP review and installation inspection. Further, an installation bond must be posted that the City or the County will be able to draw upon to ensure installation of control measures in the SWQMP.
- b. There will be an annual fee that will cover review of the annual certification and any subsequent inspection of the parcel. These annual fees may be graduated.
- c. There will be a revision fee for revisions made to the SWQMP that will cover review of the revised SWQMP and inspection of any altered controls. It is anticipated that the revision fee will be some percentage of the initial fee.

II. City of Houston Procedures

A. Definitions

1. Applicant: The owner of the land on which the New Development or Significant Redevelopment will occur, or his designee.
2. Building Permit: An official document or certificate issued by the building official authorizing performance of a specified activity under the Building Code of the City of Houston.
3. Design Manual: The Department of Public Works and Engineering Design Manual for Wastewater Collection Systems, Water Lines, Storm Drainage and Street Paving, as it may be amended from time to time.

B. Timing: When the SWQ Permit must be obtained will vary depending on the type of development.

1. For subdivisions for single family residences: The SWQ Permit must be obtained prior to approval of the final subdivision plat. During the preliminary platting or general plan process, the City will advise developers that their development will be subject to these requirements.
2. For all other private New Development or Significant Redevelopment: The SWQ Permit must be obtained prior to approval of the Building Permit.

C. Review process

1. For subdivisions for single family residences: Every application for a subdivision plat for single family residences must obtain a Letter of Utility Availability ("LOA"). The LOA will state whether the subdivision must comply with NPDES storm water requirements. If the subdivision must comply with NPDES storm water requirements, the Applicant must develop a SWQMP. The Applicant will submit the SWQMP to the City's Department of Public Works and Engineering ("PWE") at the same time he files his final design drawings and specifications. The SWQMP will then be reviewed by PWE. PWE will then submit its final plat review comments (which will include its comments on the SWQMP) to the City's Planning and Development Department ("P&D") and the Applicant. If acceptable, PWE will accept the SWQMP and issue the SWQ Permit at the same time it signs the final design drawings releasing the final plat. Construction may then commence for roads, utilities and structural storm water quality controls. Upon completion of the storm water structural controls, the Applicant will file its engineer's "as-built" certification and owner's attestation. The City will then inspect and approve the structural work. Upon approval, other construction may commence. One year after the approval date and every year on the anniversary date thereafter, the annual certifications will be submitted and the annual fees will be paid.

+TJAE

2. For all other private New Development and Significant Redevelopment: All other private New Development and Significant Redevelopment must obtain and comply with the requirements of a LOA before a Building Permit will be issued. The LOA will state whether the development must comply with NPDES storm water requirements. If the development must comply with NPDES storm water requirements, the Applicant must develop a SWQMP. The Applicant must submit the SWQMP with its building plans to P&D as part of its application for a building permit. P&D will then route the SWQMP to PWE for review and comment. Once the SWQMP is accepted by PWE and the building plans approved by P&D, the SWQ Permit and Building Permit will be issued. Upon completion of the storm water structural controls, the Applicant will file its engineer's "as-built" certification and owner's attestation. The City will then inspect and approve the structural controls. One year after the approval date and every year on the anniversary date thereafter, the annual certifications will be submitted and the annual fees will be paid..

D. Effective date

1. For subdivisions for single family residences in the City of Houston: New

rules will not apply to any project for which a completed and unexpired application for a preliminary or final subdivision plat has been filed prior to the effective date of the ordinance. ✓

2. For all other New Development and Significant Redevelopment in the City of Houston: New rules will not apply to any project for which a completed and unexpired application for a development plat or a building permit has been filed prior to the effective date of the ordinance. ✓

E. Penalties

Penalties may include stop-work orders, criminal penalties of up to \$2000 for each violation (with each day of non-compliance constituting a separate violation), and civil injunctive relief. Further, if failure to comply with the provisions of this program causes a violation of the Texas Water Code, the City may seek civil penalties of up to \$25,000 for each day of violation (with each day of a continuing violation being a separate violation).

III. Harris County Procedures

A. Definitions

1. Applicant: The owner of the land on which the New Development or Significant Redevelopment will occur, or his designee.
2. Development permit: An official document or certificate issued by the County Engineer authorizing performance of a specified activity under the Regulations of Harris County for Flood Plain Management.
3. Design Manual: The Harris County Public Infrastructure Rules, Regulations and Requirements relating to the Approval and Acceptance of Improvements in Subdivisions or Re-subdivisions, as amended.

B. Timing: When the SWQ Permit must obtained will vary depending on the type of development.

1. For New Development or Significant Redevelopment exclusively in a county right of way: The SWQ Permit must be obtained in conjunction with signature by the manager of permits on the final mylar construction plans.
2. For all other New Development or Significant Redevelopment the SWQ permit must be obtained prior to or in conjunction with the development permit(s) for the specific project.

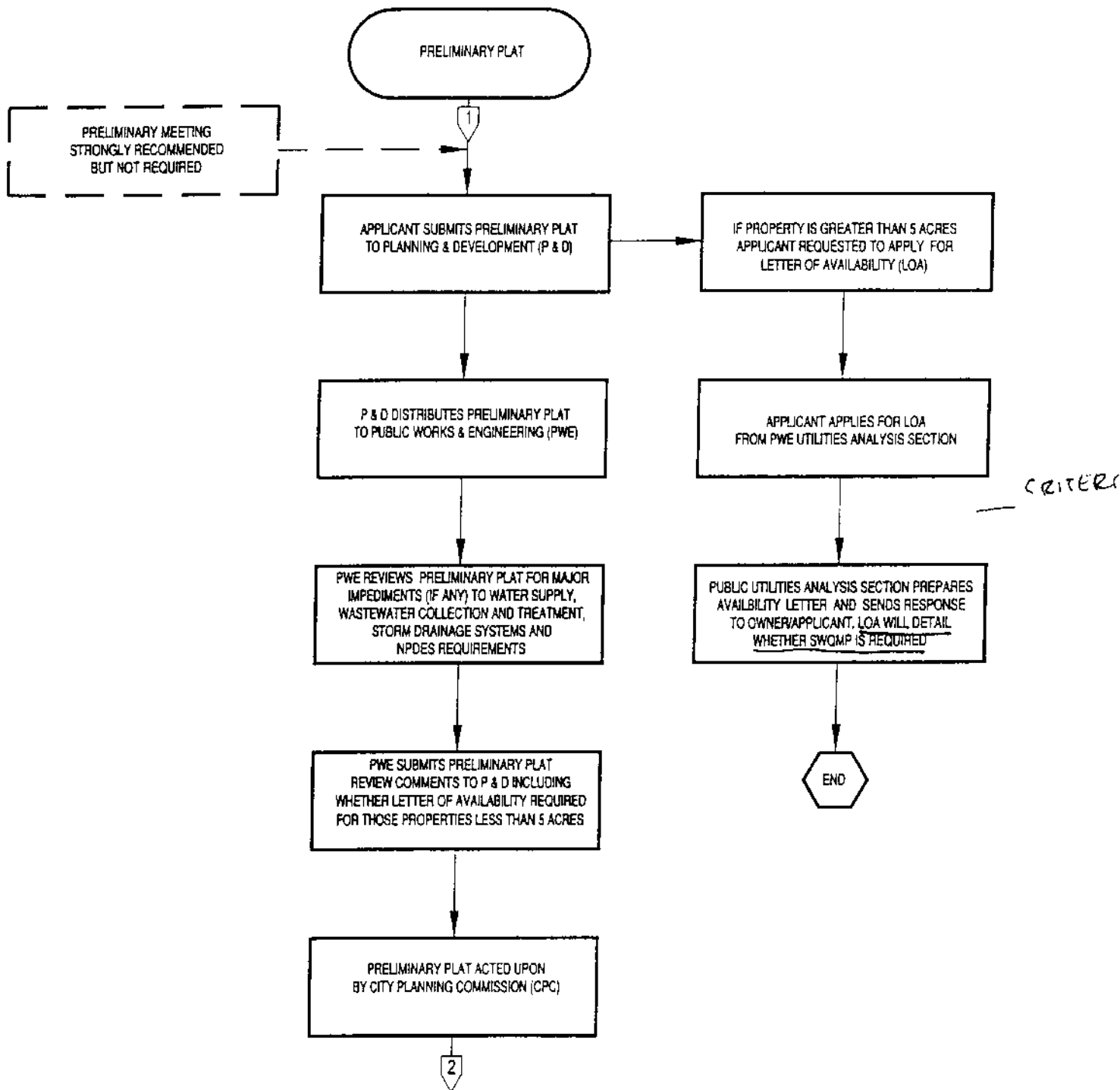
C. Review Process

1. SWQM Plans will be reviewed in conjunction with the construction plans for the proposed development, to insure compliance with the Design Manual. The SWQMP will be included as part of the plan set reviewed by the Harris County Flood Control District, and Harris County. The plans will be submitted to the "one stop shop" following the same process that is currently in place. The "express" review sheet will be revised to accommodate SWQMP information and plan approval. This sheet which currently expedites review, will become a required submittal. Its purpose is to expedite and standardize the review process. The permanent measures (including vegetation) must be in place prior to the release of the bond and/or acceptance of any street, and/or storm sewers into the county system for maintenance
2. The applicant may submit SWQM plans for conceptional review prior to submitting the complete construction plans.

- D. Effective Date (Note: For consistency in the unincorporated area of Harris County, the effective date of these rules will differ from the City of Houston).

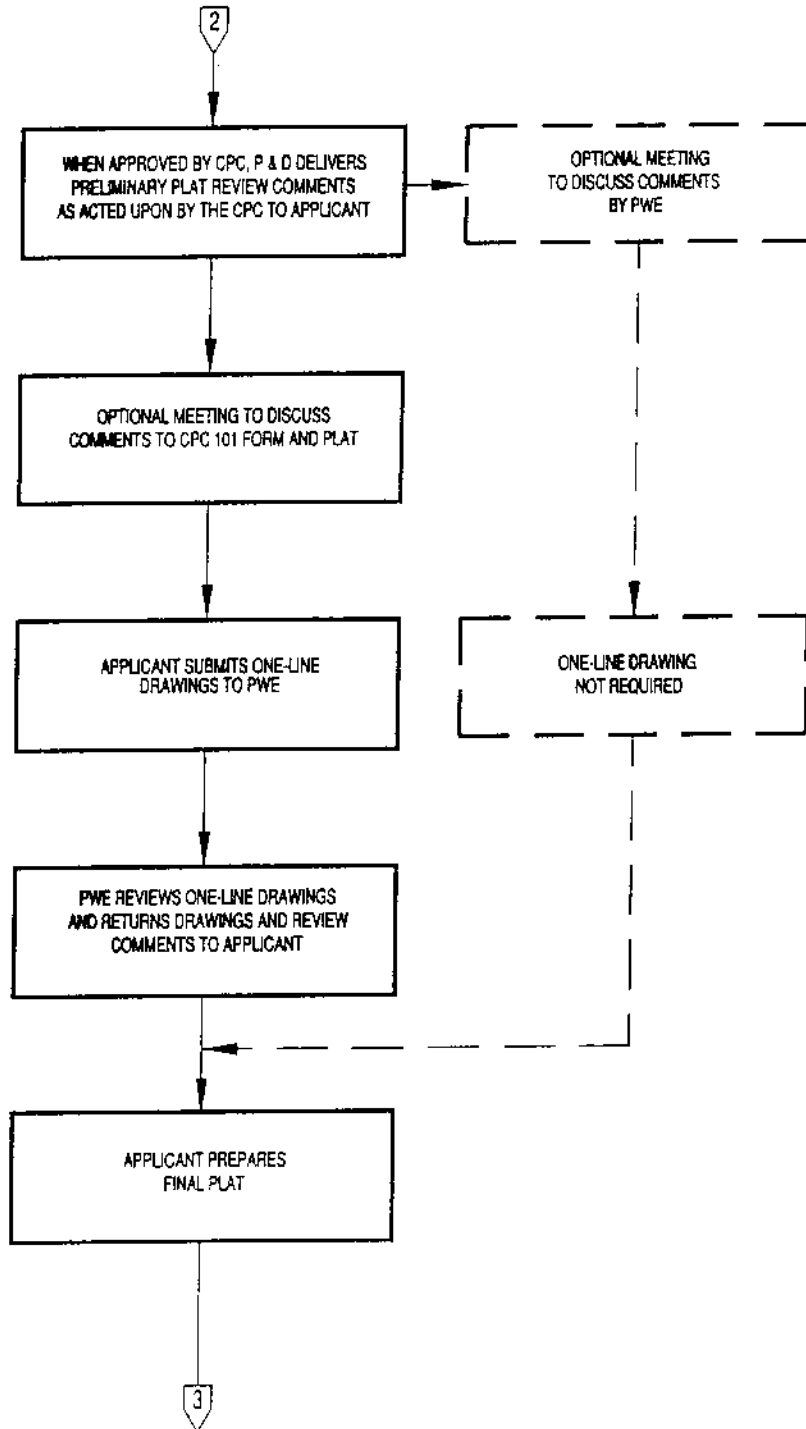
The rules for storm water controls on new development and significant redevelopment shall not apply to those projects that have received at least a preliminary plan review prior to the effective date of the Commissioners' Court Order; provided, however, that development permits must be issued and construction commenced within two years of the effective date.

FIGURE 4.1
REVIEW AND APPROVAL PROCESS
FOR PLATS AND DRAWINGS



DRAFT

FIGURE 4.1
REVIEW AND APPROVAL PROCESS
FOR PLATS AND DRAWINGS (CONTINUED)



DRAFT

FIGURE 4.1
REVIEW AND APPROVAL PROCESS
FOR PLATS AND DRAWINGS (CONTINUED)

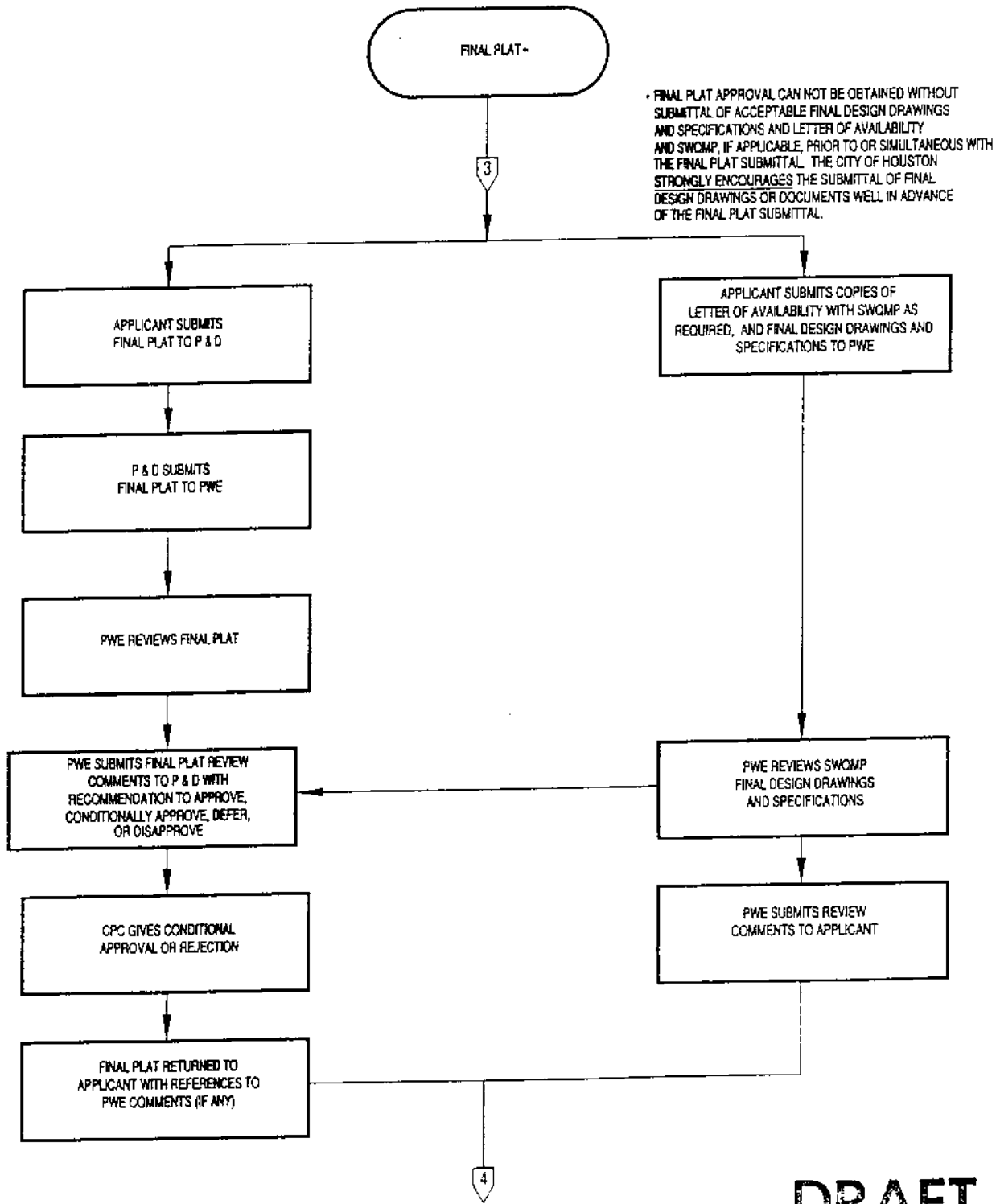
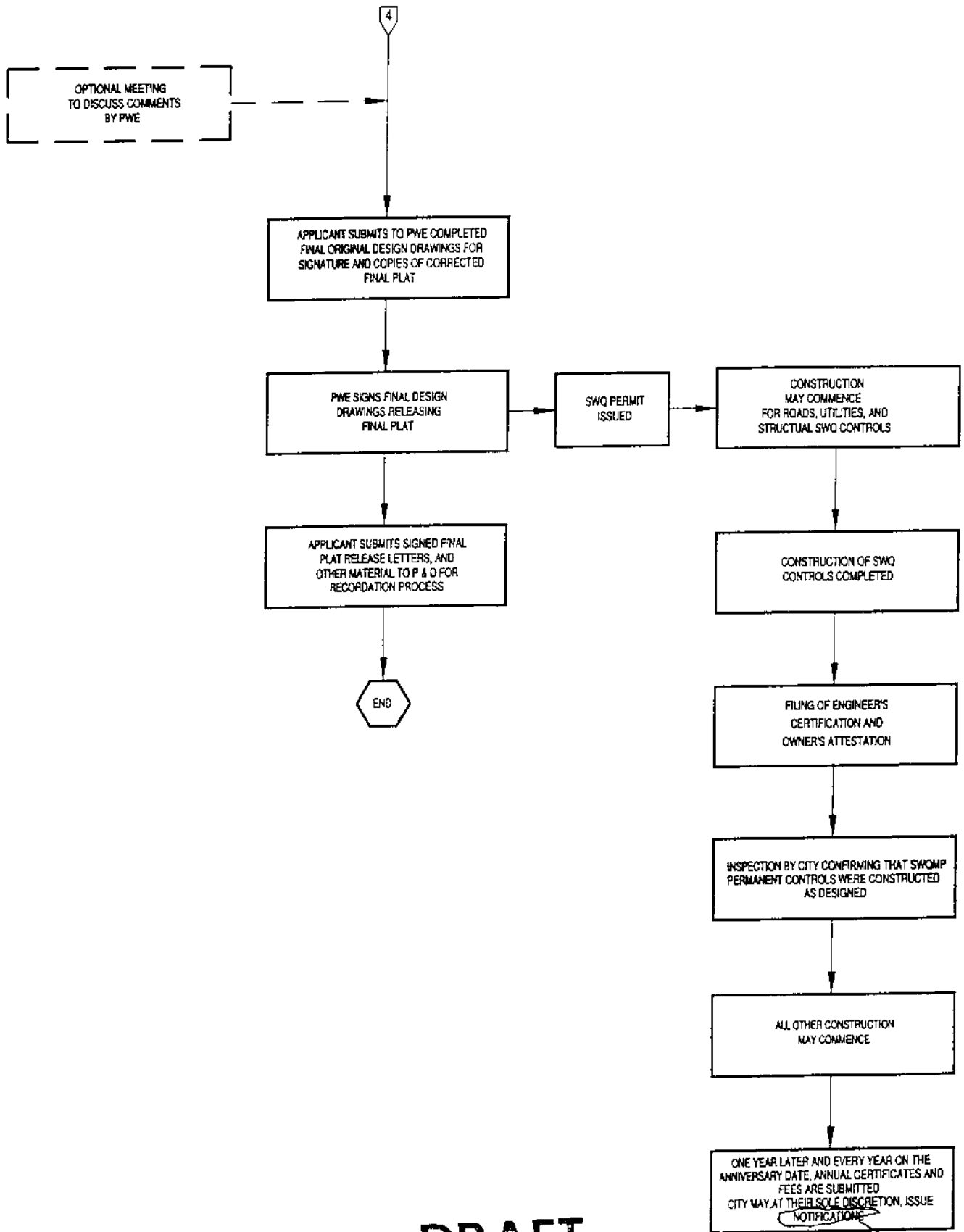
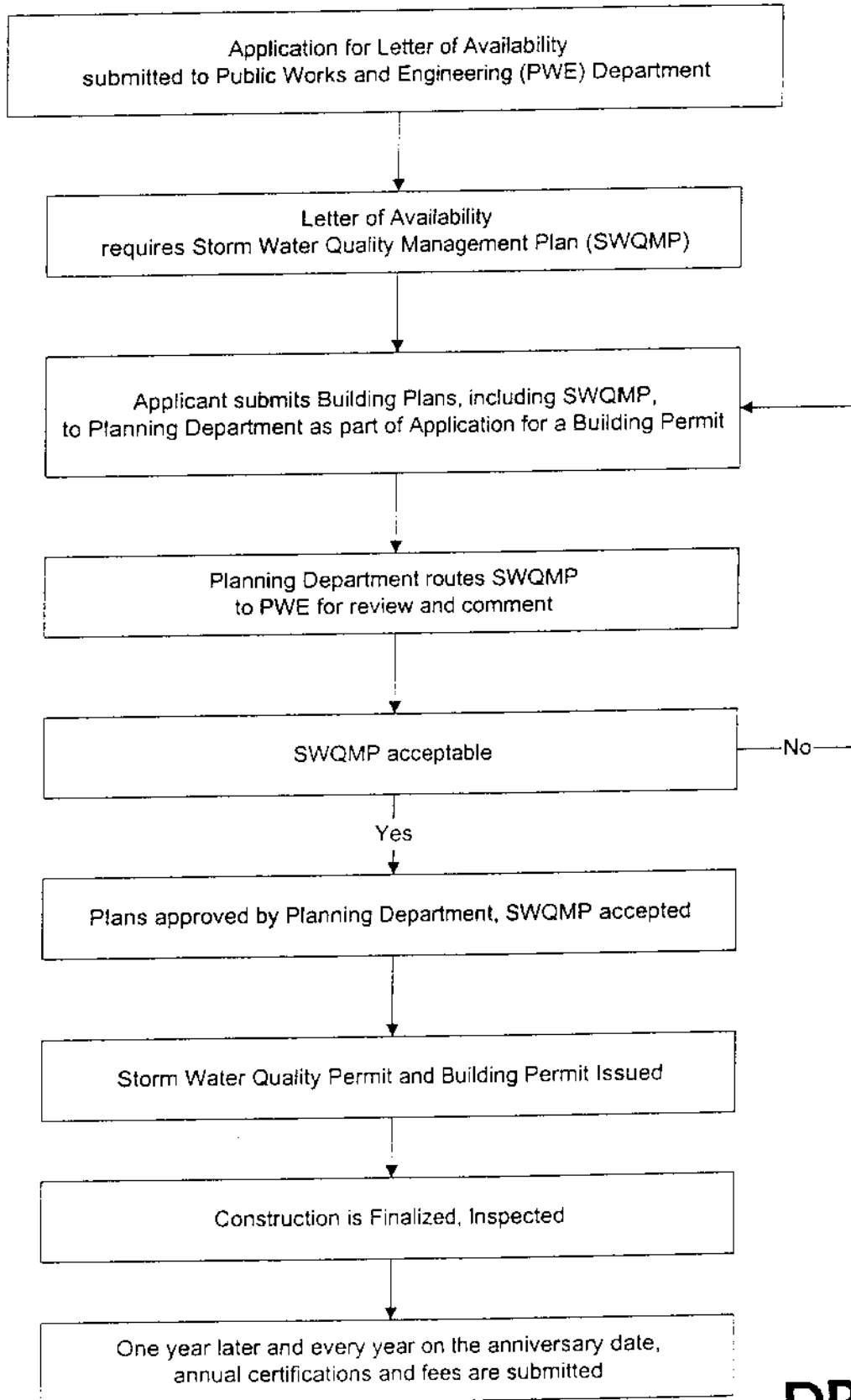


FIGURE 4.1
REVIEW AND APPROVAL PROCESS
FOR PLATS AND DRAWINGS (CONTINUED)

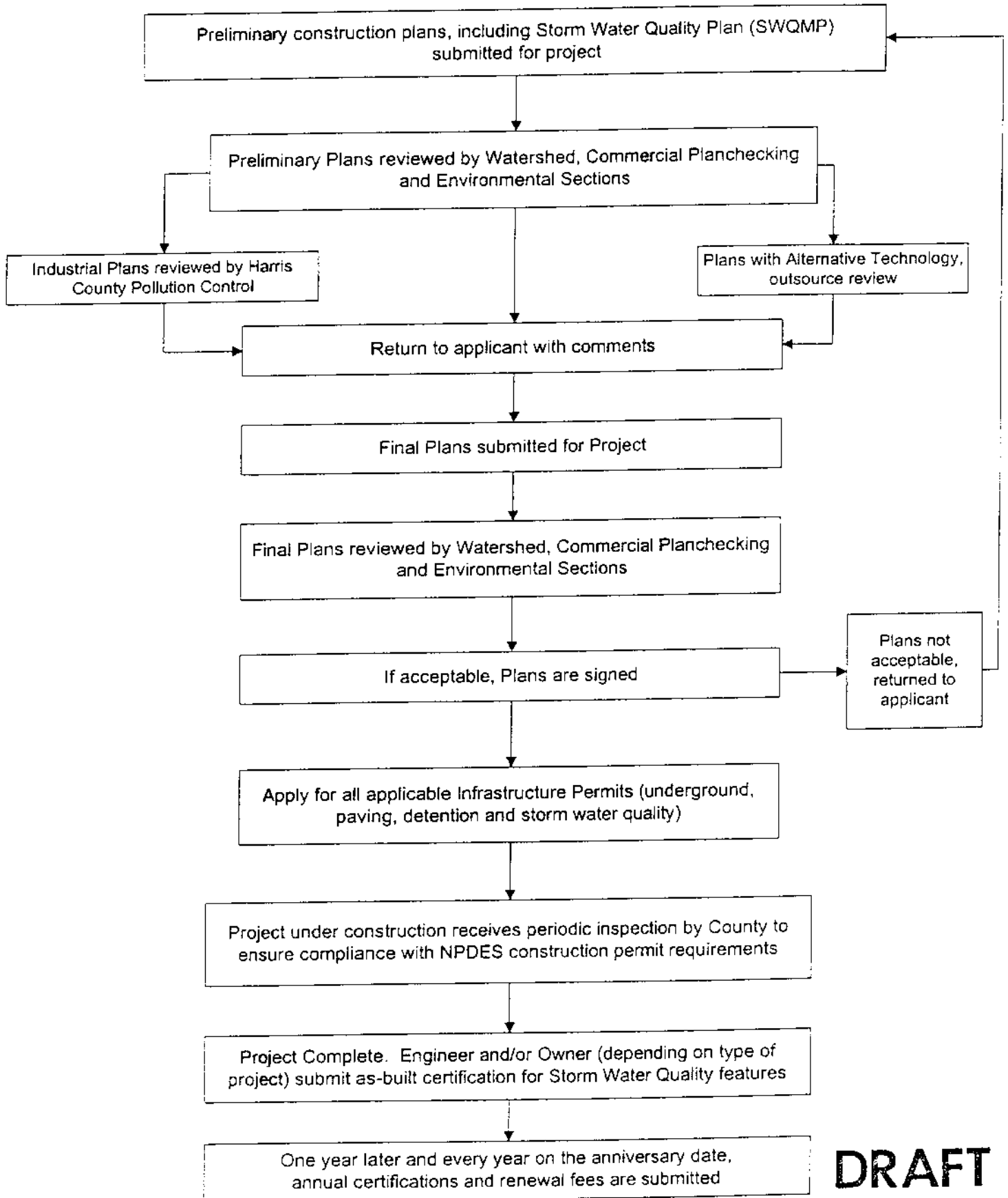


**DRAFT CITY OF HOUSTON
PROCESS FOR REVIEW OF NEW DEVELOPMENT AND SIGNIFICANT REDEVELOPMENT PROJECTS
OTHER THAN SINGLE-FAMILY SUBDIVISIONS FOR STORM WATER QUALITY REQUIREMENTS**



DRAFT

**DRAFT HARRIS COUNTY
PROCESS FOR REVIEW OF NEW DEVELOPMENT AND SIGNIFICANT REDEVELOPMENT PROJECTS**



DRAFT