

WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY NOTICE OF SPECIAL MEETING

TO: THE BOARD OF DIRECTORS OF THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY AND TO ALL OTHER INTERESTED PERSONS:

Notice is hereby given that the Board of Directors of the West Travis County Public Utility Agency (“WTCPUA”) will hold a special meeting at 1:00 p.m. on Monday, October 5, 2020 at Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas **with limited attendance and remote access** in accordance with the Governor’s March 16, 2020 proclamation suspending certain open meetings statutes in response to the current COVID-19 pandemic and statewide disaster declaration.

Members of the public may listen to and participate in the meeting via video conference or conference call. To participate in the meeting, please dial toll-free 866-899-4679, and enter access code 501-087-429 when prompted or join from your computer, tablet or smartphone, <https://global.gotomeeting.com/join/501087429>.

If you sign up to speak, to minimize sound distortion for other listeners, we request that you use the provided phone number for the audio portion of the meeting. Alternately, if using your computer’s microphone, please utilize headphones or turn off your speaker while you are speaking.

All speakers must send a written request to jriechers@wtcpua.org 2 hours in advance of the meeting (October 5th by 11:00 A.M.) If you wish to speak during the meeting, please provide your name, phone number, and the agenda item(s) you wish to comment on.

Members of the public who wish to submit their written comments on a listed agenda item can submit their comments by emailing jriechers@wtcpua.org. Comments must be received by 11:00 A.M. on October 5th.

The following matters will be considered and may be acted upon at the meeting:

<i>Public comments will be accepted only during designated portions of the Board meeting. Speakers will be limited to three minutes to facilitate the opportunity to comment by all those so interested and to support the orderly flow of the meeting.</i>

- I. CALL TO ORDER**
- II. ESTABLISH QUORUM**
- III. PUBLIC COMMENT**
- IV. NEW BUSINESS (J. Riechers)**

A. Discuss, consider and take action regarding pending litigation, settlement offers, and agreement for settlement of litigation, relating to the following: (S. Albright):

1. *John Hatchett, Sandra Hatchett and JPH Capital, LLP v. West Travis County Public Utility Agency; in the 201st Judicial District Court, Travis County, Texas; Cause No. D-1-GN-18-001654.*
2. *John Hatchett, Sandra Hatchett and JPH Capital, LLP v. West Travis County Public Utility Agency, No. 03-18-00668-CV in the Court of Appeals for the Third District of Texas at Austin.*
3. *John Hatchett, Sandra Hatchett and JPH Capital, LLP v. West Travis County Public Utility Agency, Civil Action No. 1:19-CV-00260 in the United States District Court for the Western District of Texas, Austin Division.*
4. *Masonwood HP, Ltd v. West Travis County Public Utility Agency, in the 345th Judicial District Court, Travis County, Texas; Cause No. D-1-GN-20-002238.*
(These items under IV.A may be taken into Executive Session under the consultation with attorney exception).

B. Discuss, consider and take action on Approval of Compromise and Settlement Agreement with John Hatchett, Sandra Hatchett, JPH Capital, LLP, Masonwood HP, Ltd. and Travis County Municipal Utility District No. 22. (S. Albright)

(This item may be taken into Executive Session under the consultation with attorney exception).

C. Discuss, consider, and take action regarding Amendment to the WTCPUA Water and Sewer Service and Development Policies.

(This item may be taken into Executive Session under the consultation with attorney exception).

V. ADJOURNMENT

Dated: October 1, 2020



Jennifer Riechers
WTCPUA General Manager

The Board of Directors may go into Executive Session, if necessary, pursuant to the applicable section of Subchapter D, Chapter 551, Texas Government Code, of the Texas Open Meetings Act, on any of the above matters under the following sections: Texas Government Code Ann. 551.071 – Consultation with Attorney; Texas Government Code Ann. 551.072 – Real and Personal Property; Texas Government Code Ann. 551.074 – Personnel Matters. No final action, decision, or vote will be taken on any subject or matter in Executive Session.

**ORDER OF THE BOARD OF DIRECTORS OF THE WEST TRAVIS COUNTY
PUBLIC UTILITY AGENCY ADOPTING AMENDMENTS TO THE WATER AND
SEWER SERVICE AND DEVELOPMENT POLICIES**

THE STATE OF TEXAS §
 §
COUNTIES OF TRAVIS §
AND HAYS §

WHEREAS, West Travis County Public Utility Agency (the “WTCPUA”) is a public utility agency created by concurrent ordinance of Hays County, the City of Bee Cave and Lake Pointe Municipal District and governed by Chapter 572 of the Texas Local Government Code;

WHEREAS, the Board of Directors has previously adopted written policies to provide further detail and guidance regarding the processing of water and wastewater service and development requests (the “Service and Development Policies”);

WHEREAS, the Service and Development Policies require applicants for water service to adopt alternative water quality measures required of new development in the United States Fish and Wildlife Service (the “USFWS”), dated May 24, 2000 (the “MOU”) and the "Settlement Agreement and Stipulation of Dismissal" from the lawsuit, Hays County Water Planning Partnership, et al. vs. Lt. General Robert B. Flowers, U.S. Army Corps of Engineers, Thomas E. White, Secretary of the Army, Gale Norton, Secretary of the Department of the Interior, and Lower Colorado River Authority, W.D. Tex. 2002 (No. AOOCA 826SS) (the “Settlement Agreement”); and

WHEREAS, the Board of Directors desires to amend the Service and Development Policies regarding water quality measures to remove requirements that development comply with impervious cover; and

WHEREAS, the Service and Development Policies will continue to require compliance with alternative water quality measures, including requiring new development to comply with either (1) USFWS Recommendations for Protection of Water Quality of the Edwards Aquifer dated September 1, 2000; or (2) TCEQ optional enhanced measures, Appendix A and Appendix B to RG-348 (“OEM”); or (3) alternative water quality measures approved by USFWS through separate independent consultation.

NOW THEREFORE, it is ordered by the Board of Directors of the West Travis County Public Utility Agency as follows:

Section 1: The above recitals are true and correct and are incorporated into this Order for all purposes.

Section 2: The WTCPUA's Board of Directors adopts amendments to the Service and Development Policies, as more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes (the "Amendments").

Section 3: The Amendments shall be effective immediately.

Section 4: The WTCPUA's Board of Directors authorizes and directs the General Manager and WTCPUA general counsel to take all steps necessary to implement the Amendments as approved by this Order.

DRAFT

PASSED AND APPROVED this 5th day of October, 2020.

Scott Roberts, President
Board of Directors

ATTEST:

Walt Smith, Secretary
Board of Directors

DRAFT

EXHIBIT A

**AMENDMENTS TO WATER AND SEWER SERVICE AND DEVELOPMENT
POLICIES**

DRAFT

**WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (“WTCPUA”)
WATER AND SEWER SERVICE AND DEVELOPMENT POLICIES**

June 19, 2014

Amended ~~October 45, 2020~~ January 18, 2018

A. Water Service and Development Policies

1. **Existing Commitments.** Honor water service commitments in existing wholesale and retail water service contracts and agreements.
2. **Wholesale Service.** No new wholesale service (i.e., WTCPUA will provide only retail water service) in the WTCPUA’s “Water Service Area.”¹
3. **Standard Service.** Provide Standard Water Service upon application from a person or entity with an existing service agreement with the WTCPUA or located within WTCPUA Water certificate of convenience and necessity (“CCN”) No. 13207, in accordance with WTCPUA Schedule for Rates, Charges, and Terms and Conditions of Water and Wastewater Services.
4. **Planning Service Level/Service Level A.** Apply a base level of service for planning purposes throughout the Water Service Area that is consistent with the WTCPUA’s Land Use Assumptions and Capital Improvements Plan. This base level of service shall be defined as “Service Level A” and shall be no greater than one (1) living unit equivalent (“LUE”) per acre “Gross Site Area” ~~and development limited to 20% “Impervious Cover” “Net Site Area”~~.²
5. **Approval by General Manager.** The General Manager may approve or deny any Preliminary Finding of Capacity to Serve letter (“PFCS”) and/or any Non-Standard Service Agreement (“NSSA”) for 10 LUEs or less of service capacity for applicants for Non-Standard Water Service. All other applications for service or NSSAs shall be presented to the Board for approval or denial.
6. **General Requirements for New Non-Standard Service.** For applicants for Non-Standard Water Service that are in the Water Service Area and WTCPUA do not have an

¹ “Water Service Area” shall mean and include (1) the area that is within WTCPUA’s water CCN No. 13207, as may be amended from time to time, and (2) the area that can be served by the WTCPUA’s Water Transmission System, as constructed on September 26, 2013 (regardless of whether such area is within the boundaries of water CCN No. 13207), without the need to construct additional central facilities other than those identified in the WTCPUA’s Water Capital Improvements Plan; and Water Service Area is more particularly depicted in Attachment 1, attached hereto and incorporated herein for all purposes.

² “Gross Site Area” means the total amount of acreage in a development. ~~“Impervious Cover” means all man-made improvements which prevent the infiltration of water into the natural soil, or prevent the migration of infiltration of water into the natural soil, or prevent the migration of the infiltration as base flow and is more fully defined at Attachment 2-A.~~ “Net Site Area” means the difference obtained by subtracting the Development’s Gross Site Area minus the area located within undisturbed native vegetative buffers and sensitive environmental features as described in the September 1, 2000 USFWS Recommendations

existing service agreement with the WTCPUA, the Board may consider extension of service under the following conditions:

- a. Applicant submits a conceptual site plan or approved preliminary plat or plan demonstrating compliance with ~~with the appropriate Service Level as established by these Policies, the Impervious Cover requirement and the appropriate Service Level as established by these Policies. (The plat or site plan must delineate stream and critical environmental feature buffers, tabulate impervious cover and provide information required by the WTCPUA)~~
 - b. Annual non-reimbursable payment of Water Reservation Fees for unused LUEs, as follows:
 - i. The initial, annual non-reimbursable Water Reservation Fees for any unset water services (i.e., LUEs) shall be due and payable within 6 months of the effective date for the WTCPUA's written service commitment;
 - ii. Subsequent annual non-reimbursable Water Reservation Fees for any unset water services shall be due and payable upon each annual anniversary date of the WTCPUA's written service commitment; and
 - iii. The Non-Standard Service Agreement may be terminated if any reservation fees are not paid for all or any portion of the unset LUEs.
 - c. Pre-Payment of 100% of impact fees for each development phase upfront prior to final plat or earlier if required to fund construction of capital improvements needed to provide service and required by the WTCPUA in its sole discretion.
 - d. Payment or funding of capital projects needed to serve the project that are not included in the WTCPUA approved Capital Improvements Plan upfront or provision of a financial guarantee for such funds in a form acceptable to the WTCPUA.
 - e. Phase water demands of the project in unison with WTCPUA approved Capital Improvements Plan.
 - f. Project has no substantive impacts to its approved Capital Improvements Plan, including no impact to the calculation of impact fees as determined by the WTCPUA.
 - g. Project has no substantive impact to rates to current customers from extending service to the project as determined by the WTCPUA.
 - h. Project has no substantive impacts to system operations as determined by the WTCPUA.
 - i. Provide water service, following the 75% - 90% Guideline,³ to the extent existing capacity is available.
7. **Service Level Determination.** Service levels for a new project in the Water Service Area will be determined as follows:

³ When a WTCPUA central facility reaches 75% of rated or design capacity, the WTCPUA will commence planning and design of needed central facility improvements to expand such facility and when a WTCPUA central facility reaches 90% of rated or design capacity, the WTCPUA will commence construction of needed central facility improvements

a. Applicants for Non-Standard Water Service who (i) are located outside of the corporate limits and extra-territorial jurisdiction ("ETJ") of the City of Bee Cave (as such ETJ boundaries exist on January 9, 2014); (ii) who are located outside of the City of Dripping Springs corporate limits; and (iii) who do not have an existing service agreement with the WTCPUA will be required, as a matter of policy, to adopt one of the alternative water quality measures required of new development as specified in that certain "Memorandum of Understanding" between LCRA and the United States Fish and Wildlife Service (the "USFWS"), dated May 24, 2000 (the "MOU") and the "Settlement Agreement and Stipulation of Dismissal" from the lawsuit, Hays County Water Planning Partnership, et al. vs. Lt. General Robert B. Flowers, U.S. Army Corps of Engineers, Thomas E. White, Secretary of the Army, Gale Norton, Secretary of the Department of the Interior, and Lower Colorado River Authority, W.D. Tex. 2002 (No. AOOCA 826SS) (the "Settlement Agreement") to establish the service capacity level including:

- U.S. Fish and Wildlife Service Recommendations for Protection of Water Quality of the Edwards Aquifer dated September 1, 2000 ("2000 USFWS Recommendations");
- TCEQ optional enhanced measures, Appendix A and Appendix B to RG-348 ("OEM"); or
- Alternative water quality measures approved by USFWS through separate independent consultation.

For the purposes of this Policy, Service Level A is equivalent to the 2000 USFWS Recommendations. Service exceeding Service Level A, to be defined as "Service Level B," is that service level that may be obtained for a project by compliance with OEM or separate USFWS consultation/approval.

i. The Board may consider a commitment to Service Level B for projects greater than five acres Gross Site Area if the following additional conditions are met (in addition to the General Requirements of Paragraph 6 above):

~~(A) The project will not exceed 20% Impervious Cover Net Site Area~~

~~(A) Applicant submits a conceptual site plan or approved preliminary plat or plan demonstrating compliance with the Impervious Cover requirement and one of the three alternative measures outlined above either OEM or alternative water quality measures approved by USFWS through separate consultation.~~

~~(B) Applicant provides the WTCPUA with written confirmation of TCEQ OEM approval for each development phase prior to construction of each respective project phase and Non-Standard Service Agreement may be terminated if approval not obtained within a reasonable time.~~

~~(C) Applicant provides the WTCPUA with certification of OEM compliance and 20% Impervious Cover requirement by an~~

independent third party engineer (retained by the WTCPUA and to be paid for by the Applicant) for pre and post construction.⁴

- ii. The Board may consider a commitment to Service Level B for projects equal to or less than five acres Gross Site Area if Applicant submits a conceptual site plan or approved preliminary plat or plan demonstrating compliance of the project with OEM.⁵ The WTCPUA Engineer shall review the plat or plan for OEM compliance.
 - b. Applicants for Non-Standard water service who (i) are located inside the corporate limits or ETJ City of Bee Cave (as such ETJ boundaries exist on January 9, 2014) and (ii) who do not have an existing service agreement with the WTCPUA will be required, as a matter of policy, to follow water quality protection measures in compliance with City of Bee Cave water quality requirements. Any applicant requesting non-standard water service for a project in the City of Bee Cave corporate limits or ETJ shall have service levels approved by the WTCPUA and determined in consideration of City of Bee Cave water quality, zoning, platting and site plan requirements.
 - c. Applicants for Non-Standard water service who (i) are located inside the corporate limits of the City of Dripping Springs and (ii) who do not have an existing service agreement with the WTCPUA will be required, as a matter of policy, to follow water quality protection measures in compliance with City of Springs water quality requirements. Any applicant requesting non-standard water service for a project in the City of Dripping Springs corporate limits shall have service levels approved by the WTCPUA and determined in consideration of City of Dripping Springs water quality, zoning, platting and site plan requirements.
- 8. Expand Uplands Regional Water Treatment Plant (within its current footprint) and Lake Austin Raw Water Intake and Raw Water Transmission System to the maximum day capacity of 32.5 mgd, subject to the Board approval of the findings of a WTCPUA Preliminary Engineering Report of these two (2) central facilities, once complete.
 - 9. Obtain additional LCRA Contract Raw Water, as necessary, to match maximum Uplands Regional Water Treatment Plant capacity.
 - 10. Commence investigating supplemental alternative water supplies of no more than 7.5 mgd maximum capacity, including but not limited to:
 - a. In cooperation with Hays County entities, investigate groundwater importation alternatives.
 - b. Purchase wholesale water from the City of Austin and/or other entities.
 - 11. Plan and estimate capital improvements necessary to provide water service at “build-out” level within the Water Service Area.

⁴ Certification forms are included at Attachment 2-B.

12. Secure a process for the exercise of eminent domain authority.
13. Negotiate memorandums of understanding/interlocal agreements with the cities of Austin, Bee Cave, and Dripping Springs, and Travis and Hays Counties, for coordinating the site review and approval processes, and for conducting plumbing inspections.

B. Sewer Service and Development Policies

1. Adopt an interlocal agreement between the WTCPUA, City of Bee Cave and WTCMUD 5 pertaining to the provision of retail sewer service within Bee Cave corporate and extra-territorial jurisdiction (“ETJ”) boundaries, providing for:
 - a. Provisions for retail sewer service
 - b. Development densities and sewer service level
 - c. Coordinated platting and service extension request processes
 - d. Needed City and developer contributions (e.g., capital, land, 210 treated effluent reuse, and pre-paid fees and charges)
 - e. No wholesale sewer service, unless approved by WTCPUA
 - f. Considerations for developer installed and maintained on site sewer facilities and/or Alternative Sewer Treatment Systems
 - g. WTCPUA maximum sewer treatment and treated effluent disposal in a quantity not to exceed 1.8 mgd
2. WTCPUA planning for maximum sewer treatment and treated effluent disposal -shall not exceed 1.8 mgd.
3. Do not provide retail or wholesale sewer service outside of “Sewer Service Area.”⁵
4. Developer install and maintain sewerage treatment facilities for property located outside of Sewer Service Area.
5. For applicants for non-standard sewer service within WTCPUA sewer Service Area:
 - a. Require annual non-reimbursable payment of Wastewater Reservation Fees for unset LUEs, as follows:
 - i. The initial, annual non-reimbursable Wastewater Reservation Fees for any unset wastewater services (i.e., LUEs) shall be due and payable within 6 months of the effective date for the WTCPUA’s written service commitment; and
 - ii. Subsequent annual non-reimbursable Wastewater Reservation Fees for any unset wastewater services shall be due and payable upon each annual anniversary date of the WTCPUA’s written service commitment.

⁵ “Sewer Service Area” shall mean and include the area that can be served by the WTCPUA’s wastewater system, as constructed on September 26, 2013 without the need to construct additional central facilities except those included in the WTCPUA’s Wastewater Capital Improvements Plan; and such area is more particularly depicted in Attachment 3, attached hereto and incorporated herein for all purposes.

- b. Consider providing retail sewer service, if feasible and if in the best interests of the WTCPUA as determined by the WTCPUA in its sole discretion, and:
 - i. Prepayment if 100% of impact fees for each development phase upfront prior to final plat, or earlier if required to fund construction of capital improvements needed to provide service and required by the WTCPUA in its sole discretion.
 - ii. Payment or funding of capital projects needed to serve the project that are not included in the WTCPUA—approved Capital Improvements Plan upfront or provision of a financial guarantee for such funds in a form acceptable to the WTCPUA.
 - iii. Provide sewer service, following the 75% - 90% Requirement described in TCEQ Texas Land Application Permit No. WQ0013594-001, to the extent existing capacity is available.
- 6. **Approval by General Manager.** The General Manager may approve or deny any PFCS and/or any NSSA for 10 LUEs or less of service capacity for applicants for Non-Standard Wastewater Service. All other applications for service or NSSAs shall be presented to the Board for approval or denial.
- ~~7.~~
- ~~8.7.~~Secure a process for the exercise of eminent domain authority.
- ~~9.8.~~Negotiate memorandums of understanding/interlocal agreements with the cities of Austin and Bee Cave, and Travis County, for coordinating the site review and approval processes, and for conducting plumbing inspections.

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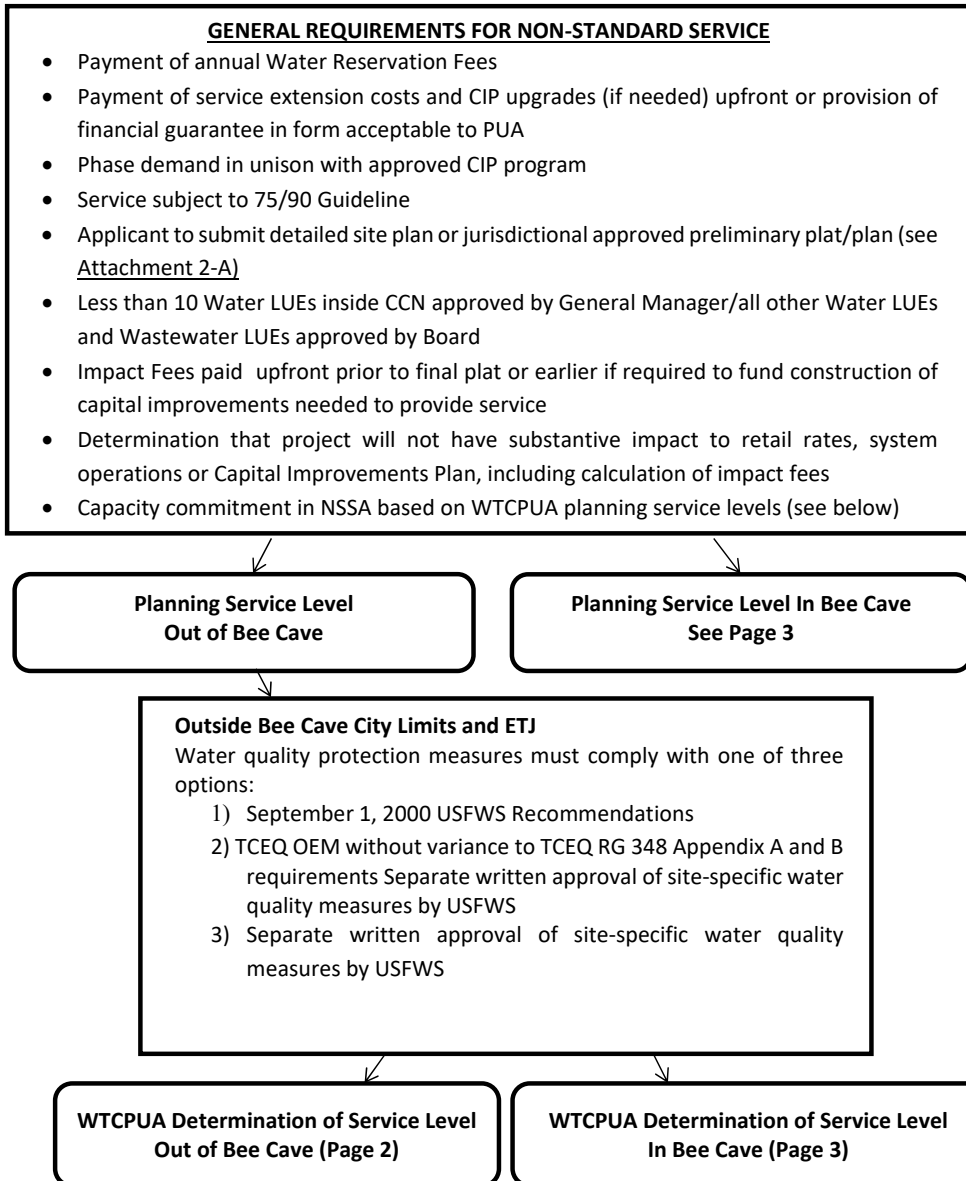
ATTACHMENT 1
WATER SERVICE AREA

ATTACHMENT 2

WATER AND SEWER DEVELOPMENT POLICY FLOWCHART AND FORMS

ATTACHMENT 2

WATER AND SEWER DEVELOPMENT POLICY FLOWCHART AND FORMS NON-STANDARD SERVICE/NO EXISTING AGREEMENT



**WTCPUA Determination of Service Level
Out of Bee Cave**
(Choose EITHER Service Level A OR Service Level B)

WTCPUA to conduct Feasibility Review of Service Level Request

- WTCPUA Engineer to review Site Plan/Preliminary Plat for compliance with applicable water quality, zoning and platting requirements

Service Level A (NSSA):

- Sept 1 2000 USFWS Recommendations are implemented:
 - ~~○ Limit development to 20% impervious cover net site area; AND~~
 - 1 LUE per gross site acre

Service Level B (NSSA) -

- For projects greater than 5 acres, Board **may** consider approving an NSSA for increased capacity beyond Service Level A if Applicant:
 - provides written TCEQ OEM approval for each development phase, without variance to TCEQ RG 348 Appendix A and B requirements for project; OR
 - provides separate written approval of site-specific water quality measures by USFWS; AND
 - ~~○ project complies with 20% Impervious Cover limitation; AND~~
 - provides certification of OEM compliance ~~and 20% Impervious Cover requirement~~ by an independent third party engineer (retained by the PUA and to be paid for by the Applicant) for pre and post construction (See forms at Attachment 2-B)
- For projects less than 5.0 acres: review by WTCPUA District Engineer for compliance with TCEQ RG 348 Appendix A & B requirements

**WATER AND SEWER DEVELOPMENT POLICY FLOWCHART
NON-STANDARD SERVICE/NO EXISTING AGREEMENT
(IN BEE CAVE)**

**Planning/Water Quality Measures
In Bee Cave Limits and ETJ**

- Water quality protection measures must be in compliance with Bee Cave water quality requirements
- Service level determined in consideration of compliance with Bee Cave water quality, zoning, platting and site plan requirements

ATTACHMENT 2-A

SITE PLAN/PRELIMINARY PLAT REQUIREMENTS

ATTACHMENT 2-A

(Site Plan/Preliminary Plat Requirements)

Final Plat / Site Plan Requirements

For every submittal review of either a preliminary plat or site plan, Applicant shall submit ~~Net Site Area Calculations along with planned itemized impervious cover for the tract(s). The~~ preliminary plat or site plan ~~must also that~~ shows buffers and all planned improvements/features demonstrating conformance with water quality measures.

Water Quality Controls shall be based on Lower Colorado River Authority's Water Quality Management Guidance Manual dated July 1, 2007, as amended or updated from time to time.

~~The following requirements for impervious cover calculations shall apply:~~

~~(a) Impervious cover shall include all man-made improvements which prevent the infiltration of water into the natural soil, or prevent the migration of the infiltration as base flow. The following shall be considered as impervious cover:~~

- ~~(1) Roads, pavements, and driveways, except as provided in subsection (c) of this section;~~
- ~~(2) Parking areas;~~
- ~~(3) Buildings;~~
- ~~(4) Pedestrian walkways and sidewalks;~~
- ~~(5) Concrete, asphalt, or masonry surfaced areas, and paving stone surfaced areas;~~
- ~~(6) Swimming pool water surface area;~~
- ~~(7) Densely compacted natural soils or fills which result in a coefficient of permeability less than 1×10^{-6} cm/sec;~~
- ~~(8) All existing man-made impervious surfaces prior to development;~~
- ~~(9) Water quality and stormwater detention basins lined with impermeable materials;~~
- ~~(10) Stormwater drainage conveyance structures lined with impermeable materials;~~

~~(11) Interlocking or permeable pavers;~~

~~(12) Fifty percent (50%) of the horizontal surface area of an uncovered deck that has drainage spaces between the deck boards that is located over a pervious surface.~~

~~(b) The following will not be considered as impervious cover:~~

~~(1) Existing roads adjacent to the development and not constructed as part of the development at an earlier phase;~~

~~(2) Naturally occurring impervious features, such as rock outcrops;~~

~~(3) Landscaped areas and areas remaining in their natural state;~~

~~(4) Water quality controls and stormwater detention basins not lined with impermeable materials;~~

~~(5) Stormwater drainage conveyance structures not lined with impermeable materials.~~

~~(c) The following shall not be included in the total site area against which the allowable impervious cover percentage limit is applied:~~

~~(1) Water quality buffer zones;~~

~~(2) Critical environmental features.~~

~~(d) Restrictions:~~

~~(1) Impervious cover shall not be constructed downstream of water quality controls;~~

~~(2) Impervious cover shall not be constructed within water quality buffer zones;~~

~~(3) Impervious cover shall not be constructed within the areas designated for on-site irrigation for treated wastewater effluent disposal.~~

ATTACHMENT 2-B
ENGINEER'S DESIGN CERTIFICATION

ATTACHMENT 2-B

ENGINEER'S DESIGN CERTIFICATION

The undersigned person, a professional engineer licensed with the State of Texas, hereby certifies to the following:

1. I am generally familiar with the _____ Phase ____ subdivision (the "Subdivision"), commonly known as "_____" which is part of a master planned development in Travis County, Texas (the "Master Development").
2. I am familiar with the Texas Commission on Environmental Quality's Edwards Aquifer Protection Program and, specifically, "Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer" published as an Appendix to the TCEQ's Regulatory Guidance Document RG-348 (February 14, 2005) approved by the United States Fish & Wildlife Service as an alternative to a no "take" determination under the Endangered Species Act ("OEM"). The OEM is incorporated herein by reference for all purposes.
3. In addition to conducting site visits of the Subdivision, I have reviewed the following plans and plats for the subdivision:
 - (a) Subdivision plat of _____, Phase _____
 - (b) Construction plans for _____, Phase _____
4. It is my opinion, as a professional engineer, that if the facilities contemplated by the above-referenced subdivision plans and plats are constructed and/or installed as contemplated, the Subdivision will be in substantial compliance with the OEM described in Paragraph 2 above, that pertain to stream buffers, permanent BMP implementation, TSS removal requirements, and measures to protect stream morphology ~~and that the Subdivision will be in substantial compliance with the requirement that the Master Development not exceed 20% impervious cover on a net site basis.~~ Furthermore, the plans, plats, deed restrictions and/or restrictive covenants for the Subdivision incorporate physical elements, such as stream buffers and permanent best management practices for the Subdivision, that are reasonably consistent with the OEM.

Signature

Printed Name

Date

(Seal) Texas Registration Number _____

ENGINEER'S CERTIFICATION OF ACCEPTANCE & COMPLETION

The undersigned person, a professional engineer licensed with the State of Texas, hereby certifies to the following:

1. I am generally familiar with the _____ Phase ____ subdivision (the "Subdivision"), commonly known as "_____" which is part of a master planned development in Travis County, Texas (the "Master Development").
2. I am familiar with the Texas Commission on Environmental Quality's Edwards Aquifer Protection Program and, specifically, "Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer" published as an Appendix to the TCEQ's Regulatory Guidance Document RG-348 (February 14, 2005) approved by the United States Fish & Wildlife Service as an alternative to a no "take" determination under the Endangered Species Act ("OEM"). The OEM is incorporated herein by reference for all purposes.
3. In addition to conducting site visits of the Subdivision and having reviewed the plans and plats for the Subdivision, I have inspected the completed facilities:

4. Construction plans and plats for the Subdivision are filed as public records as follows:

5. It is my opinion, as a professional engineer, that the facilities were constructed as contemplated by the above-referenced Subdivision plans and plats and, accordingly, the Subdivision is in substantial compliance with the OEM described in Paragraph 2 above, that pertain to stream buffers, permanent BMP implementation, TSS removal requirements, and measures to protect stream morphology ~~and that the Subdivision is in substantial compliance with the requirement that the Master Development not exceed 20% impervious cover on a net site basis.~~ Furthermore, the plans, plats, deed restrictions and/or restrictive covenants for the Subdivision incorporate physical elements, such as stream buffers and permanent best management practices for the Subdivision, that are reasonably consistent with the OEM.

Signature

Printed Name

Date

(Seal) Texas Registration Number

ATTACHMENT 3
SEWER SERVICE AREA

