

LAKE COLUMBIA
WATER QUALITY REGULATIONS

The State of Texas has conferred on the Angelina and Neches River Authority ("ANRA") the authority and responsibility to develop and maintain Lake Columbia so that the quality of water flowing into, stored, and diverted from it will be of the highest quality. This authority and responsibility is derived from Senate Bill 1362 (78th Leg. Ch. 1230), Texas Water Code Chapter 26, Texas Special Local Districts Code Chapter 8501, Texas Constitution Article 16, Section 59, and other laws. After public notice and hearing, ANRA has adopted the regulations set out below, which it may amend from time to time, in order to protect water quality while at the same time provide for the use and enjoyment of Lake Columbia..

SECTION 1

Definitions. The following definitions are used in these Regulations unless another meaning is specifically stated. All locations are in relation to the shores of Lake Columbia.

- 1.01 "MSL" means an elevation with reference to mean sea level.
- 1.02 "Construction Regulated Zone" means land located at or above 315 feet MSL and below 330 MSL and in the locations shown on the attachments labeled "Construction Limits."
- 1.03 "No Discharge Zone" means the land located horizontally 2000 feet from the 315 feet MSL elevation.
- 1.04 "100 Year Flood Level" means 323.4 feet MSL.
- 1.05 "On-site Sewage Facility" ("OSSF") means a system defined in Texas Health and Safety Code Sec 366.
- 1.06 "Effective Date or Effective Dates" means the day or days established in an Order adopted by ANRA after which compliance with these Regulations will be

required. The Order, as may be amended, will be recorded in the Real Property Records of both Smith and Cherokee Counties.

- 1.07 "Forestry BMPs" mean the Best Management Practices established, from time to time, by the Texas Forest Service
- 1.08 "Lake Columbia Watershed" means all land draining into Lake Columbia.
- 1.09 "Lake Columbia" means the reservoir project authorized by Permit to Appropriate State Water Number 4228 (Application No. 4537) held by ANRA.
- 1.10 "Large or Significant Development" means a development that ANRA believes may have a direct water quality impact on Lake Columbia.
- 1.11 "Nonpoint Source Pollution" ("NPS") means pollution that is caused by or attributable to diffused sources such as land runoff, precipitation, or percolation.
- 1.12 "Best Management Practices" ("BMPs") mean those practices, including but not limited to Forestry BMPs, that prevent or control nonpoint source pollution.
- 1.13 "Pollution" has the same meaning as given in Texas Water Code Chapter 26, as amended.
- 1.14 "Lake Columbia Water Quality Regulations" mean these regulations adopted and as may be amended, by ANRA for the protection and preservation of the water in Lake Columbia.
- 1.15 "Shoreline Habitat Plan" means a plan that addresses the Shoreline and/or the Streamside Management Zone in the Forestry BMPs.
- 1.16 "Shoreline Habitat Zone" means the area along the Shoreline.
- 1.17 "Subdivided" means the division of land into two or more tracts which is not exempt under Texas Local Government Code Chapter 232.

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- 1.18 "Subdivision" means land which has been subdivided.
- 1.19 "Shoreline" means the extended point where the plane of the surface of water stored in Lake Columbia touches land up to the 100 year Flood Level.
- 1.20 "Commission" means the Texas Commission on Environmental Quality or its successor or agency.
- 1.21 "Agricultural Activities" means all activities associated with the production of livestock or use of land for planting, growing, cultivation and harvesting crops, or participation in a wildlife management plan.
- 1.22 "Utility Line" means any wire, cable, pipe or any other type of conveyance for the transmission of gas, liquid, electronic signal, electricity, telephone service, cable television service or any other type of service whether public or private.
- 1.22 "Development" means all land modification activity, including the construction of buildings, roads, paved storage areas and parking lots. Development also includes, but is not limited to, any land disturbing construction activities or human-caused change of the land surface including clearing of vegetative cover, excavating, leveling, grading, contouring, mining and the deposit of refuse, waste, or fill. Care and maintenance of lawns, gardens and landscape vegetation, agricultural activities and activities subject to "Forestry BMPs" are not included within this definition.

SECTION 2

Pipelines and Utilities

The construction and installation of pipelines and utility lines in Lake Columbia is prohibited.

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SECTION 3

Solid or Hazardous Waste Facilities

- 3.01 Construction of or enlargement of existing Hazardous or Municipal Solid Waste facilities including receiving and transfer facilities are prohibited within the Lake Columbia Watershed except for Municipal Solid Waste within the incorporated limits of the Cities of Tyler, Jacksonville, New Summerfield, Troup, Whitehouse, and Bullard or owned by or operated by one of said cities.
- 3.02 Petroleum storage tanks ("PST") with a capacity greater than 100 gallons are prohibited in the No Discharge Zone without the approval of ANRA.

SECTION 4

Forestry Activities:

Forestry BMPs are mandatory for all forestry activities in the No Discharge Zone.

SECTION 5

No Discharge Zone.

- 5.01 After the Effective Date, OSSF are not allowed in the No Discharge Zone on: (1) a lot less than 0.75 acres in size if the improvements are connected to a public water supply; (2) a lot less than 1.25 acres that is not connected to a public water supply; or (3) on any lot which can practicably be served by a sewage collection and treatment system permitted by the Texas Commission on Environmental Quality (the "Commission").
- 5.02 OSSF may be allowed in the No Discharge Zone, except as provided in 5.01 above, provided the OSSF has received a permit as provided below and it does not discharge pollution.

- 5.03 All On-Site Sewage Facilities must be designed by either a registered professional engineer or a registered professional sanitarian. Plans for an OSSF, along with all applicable fees and other information which may be required by ANRA, must be submitted to ANRA for its review and approval prior to beginning construction. Upon its review and approval, ANRA shall issue a permit to the property owner for the system. ANRA shall make available to the public the forms and design criteria for OSSF.
- 5.04 All OSSF permits shall remain subject to the continued jurisdiction of ANRA and shall be cancelable upon reasonable notice for failure to comply with applicable laws, regulations and requirements.
- 5.05 ANRA shall adopt application forms, design criteria, maintenance requirements, fee schedules, and other requirements from time to time which shall be incorporated by reference into these Regulations. The requirements may be more stringent and restrictive than those established by the Commission, Cherokee County or Smith County for OSSF.
- 5.06 Erosion is prohibited in the No Discharge Zone. Property owners are required to take action to prevent erosion from occurring on their property and to immediately abate any erosion on it. Property owners may be relieved of the duty to abate erosion occurring on their property if they can show to ANRA's satisfaction that the erosion is caused by natural forces.

SECTION 6

Construction Regulated Zone.

- 6.01 Owners of property adjacent to the Construction Regulated Zone ("Adjacent Owners") may be granted permission to use this Zone but are limited in what can be constructed on it. The general rules are that nothing can be constructed in this Zone which will decrease the storage capacity of the Lake, be a source of contamination, or significantly impact aquatic or terrestrial habitat.
- 6.02 Adjacent Owners may construct piers, docks, and other water front facilities in the Construction Regulated Zone after applying to and receiving from ANRA a license to do so. Each application will be evaluated on a case by case basis consistent with applicable construction regulations.

SECTION 7

Land Development

- 7.01. Any person who proposes to subdivide land within the Construction Regulated Zone, except for land within the municipal limits or extraterritorial jurisdiction of the Cities of Tyler, Whitehouse, and Troup, must submit to ANRA the plat or plats required under the Subdivision Regulations of Smith County or Cherokee County.
- 7.02 In addition to the County Requirements, the Subdivider must provide a Non-point Source Pollution control plan for both the construction of any roads, utilities, parking lots, or other improvements associated with the development and any impervious cover that will remain on the property.
- 7.03 Any Shoreline property that is to be Subdivided must contain a Shoreline Habitat Plan that states how the Shoreline habitat will be maintain, restored and protected as well as means and methods of stabilizing the Shoreline to prevent erosion. At

least sixty percent (60%) of all Shoreline within 50 feet of the 315 MSL Level must be maintained in a natural condition. No modification within the Shoreline as defined in these Regulations is permitted without prior written consent from ANRA. The purpose of the Shoreline Habitat Plan is to prevent sedimentation within the lake, prevent erosion along the shoreline, to filter and remove nutrients from runoff into the lake and to provide a productive wildlife habitat. Shoreline Habitat Plans shall be reviewed on a case by case basis as necessary, consistent with the purpose stated herein, and any such review shall be based upon the following considerations:

- a. Slope, soil type and other characteristics within the area to be covered by the Shoreline Habitat Plan.
- b. Exotic invasive species as identified by the Texas Parks and Wildlife Department or Commission, United States Fish and Wildlife, the Texas Department of Agriculture, the Texas Commission on Environmental Quality, any branch or part of the United States Department of Agriculture or the United States Environmental Protection Agency are prohibited.
- c. Use of native species over non-native species.
- d. Use of non-natural shoreline materials such as sea walls, bulkheads, rip rap and other hard shoreline materials will be considered on a case by case basis.
- e. Any other factors peculiar to the site being considered and determined, by ANRA, to be relevant.

7.04 In determining whether Development is a "large or significant development" as defined by Rule 1.10 ANRA shall consider the following:

- a. the size of the development;
- b. the character of the development (residential, commercial, industrial, etc.);
- c. the amount of impervious cover;
- d. proximity to Lake Columbia and/or streams, rivers or creeks draining into Lake Columbia; and
- e. other factors the ANRA considers relevant.

7.05 All Development within the No Discharge Zone equal to or greater than one (1) acre, must comply with TCEQ TPDES General Permit No. TXR150000.

Development of less than one (1) acre must control run-off and sedimentation from the Development so as to prevent discharges that would cause or contribute to a violation of water quality standards or that would fail to protect and maintain all existing designated uses of Lake Columbia.

ADOPTED this ____ day of _____, 2007.

President

ATTEST:

Secretary

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