

ATTACHMENT 4

Summary of Travis County/LCRA Inter-Local Agreement

Adoption of these amendments to County Code will facilitate the revision of the out-of-date (1990) Inter-Local Agreement (ILA) executed between Travis County and LCRA. A revised ILA would benefit the two agencies and the community in several ways. By having a County Code consistent with the HLWO, Travis County and LCRA can more easily divide the work effort and reduce or eliminate duplication of effort in the promotion of water quality protection in the Lake Travis watershed. A clearly communicated division of workload helps the regulated community and citizens understand what entity provides specified services and assistance.

When these rule amendments are recommended for adoption, TNR proposes to also request approval of the ILA. This will occur as early as late January, 2010. The ILA is proposed to be executed in two phases. Immediately, the following key provisions will be in effect during Phase 1:

Phase 1:

1. Travis County will issue permits for development pursuant to the County Code, LCRA will continue to issue development permits pursuant to the HLWO and will serve in the role of a technical advisor to Travis County on water-quality related reviews of development applications. Through this process, Travis County will build further technical capacity and expertise relating to interpreting LCRA technical guidance and engineering evaluation of project proposals.
2. Travis County will not issue a Development Permit approval until LCRA issues the same development a HLWO permit or provides written documentation that the Development is not subject to LCRA permitting.
3. Travis County staff will lead the compliance monitoring of the adequacy of development during the construction phase of a project, including inspections for compliance with Waterway Buffer Zone protections and Construction-Phase Erosion and Sediment Control requirements. Existing TNR environmental and development inspectors will carry out this role.
4. Travis County will respond to construction-related violations and deficiencies through informal and formal enforcement actions consistent with the Court-adopted TNR Enforcement Policy. In effect, Travis County will enforce County Code that also enforces the HLWO.
5. Post-construction structural controls (once the development is completed) will remain subject to a LCRA BMP Maintenance Permit, fees, and LCRA monitoring inspections. As long as the ILA remains in effect, it will not be necessary for Travis County to establish a duplicate permitting, fee, and monitoring program in the Lake Travis watershed.
6. LCRA will respond to BMP Maintenance related violations and deficiencies consistent with LCRA enforcement policy.

7. LCRA involvement along with Travis County during the construction phase will be limited to certain milestones of the project. These include joint pre-application concept meetings, joint final inspection after construction of a development prior to release of fiscal surety, and inspection of permanent structural controls that will be in place for post-construction water quality protection (for instance, to inspect an underdrain system before it is buried).

Phase 2:

TNR anticipates it will request additional engineering staff for FY 2011 who would bring the necessary technical capability to Travis County for water quality-related technical review of development applications. This step is essential to progressing to a Phase 2 ILA.

A Phase 2 ILA is targeted to be executed between the parties by July 1, 2011. The Phase 2 agreement would include items 3 – 7 from the Phase 1 ILA. Additionally:

1. One application for a development would be processed and issued by only Travis County, rather than permits issued by both the County and LCRA.
2. LCRA would have a continuing opportunity to provide comment and input to Travis County during the application review process, relating to standards in the HLWO.
3. Since LCRA would no longer process a HLWO application, it would no longer assess a permit application fee.