

Texas Department)
of Transportation)
Texas Turnpike Authority)

AGREEMENT CONCERNING THE NATIONAL
POLLUTANT DISCHARGE ELIMINATION
SYSTEM MUNICIPAL PERMIT FOR STORM
WATER DISCHARGES

This Agreement is entered into the 18th day of February, 1994, by and between the TEXAS DEPARTMENT OF TRANSPORTATION hereinafter referred to as the Department, and the TEXAS TURNPIKE AUTHORITY, hereinafter referred to as the Authority.

WHEREAS the U.S. Environmental Protection Agency (EPA) has promulgated regulations in 40 CFR PART 122.26 requiring National Pollutant Discharge Elimination System (NPDES) permits for storm water discharges to waters of the United States to be obtained by all operators of municipal separate storm sewer systems (MS4's) located in an incorporated area with a population of 100,000 or more, and

WHEREAS both the Authority and the Department own and operate MS4's requiring NPDES permits, and

WHEREAS the EPA "Part 2" permit application requires that stormwater monitoring be performed to obtain baseline discharge characterization data, and

WHEREAS stormwater monitoring is also required to be performed during the five year term of the EPA-issued permit, and

WHEREAS the Department has established an EPA-approved site in the southeast quadrant of the IH635/Dallas North Tollway interchange as part of its monitoring network to meet these requirements, and

WHEREAS the Authority has agreed in principle to partially fund this site, which also accepts stormwater discharges from the Authority's Tollway facility,

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agreements hereinafter set forth and in consideration of the mutual benefits to be realized, the Department and the Authority hereby agree as follows, to wit:

1. NPDES permit applications are submitted separately to the EPA by the Department and the Authority. Each party shall prepare and submit its own proposed storm water management program to the EPA as Part 2 of its NPDES permit application.
2. The Department and the Authority shall each be responsible for its own storm water management program components that are approved by EPA and become conditions of their permits. Each party is individually and solely responsible for compliance with storm water management program implementation on portions of the MS4 where it is the operator. Each party is individually and solely responsible for compliance with permit conditions relating to discharges from portions of the MS4 where it is the operator.
3. The Authority agrees to use all reasonable efforts to regulate and otherwise control, to the extent of its jurisdiction and authority, all sources of pollution in storm water discharged onto State highway right-of-way, insofar as required by the terms of the Authority's storm water management program that are made conditions of the NPDES permit.
4. The Department agrees to use all reasonable efforts to regulate

and otherwise control, to the extent of its jurisdiction and authority, all sources of pollution in storm water that originates on the State highway right-of-way, insofar as required by the terms of the Department's storm water management program that are made conditions of the NPDES permit.

5. The Turnpike Authority shall share in the costs of construction and operation of the stormwater monitor site within the IH635/Dallas North Tollway interchange as shown below. These costs shall include those incurred in performing the monitoring required for both the permit application data and the ongoing program during the five year term of the EPA permit. Such cost sharing by the Authority shall be equal to fifty (50) percent of these costs.

Application Costs:

Monitor site construction	= \$13,000
Laboratory (7 storms/site)	= \$23,114
Staff/Administration	= \$16,413.75
Total	= \$52,527.75

Turnpike Authority cost @50% = \$26,263.88 (not to exceed)

Ongoing Monitoring Costs:

Turnpike Authority 50% share estimated at \$5000 - \$8000/year for IH635/Tollway site, depending on number of sampled events per year.

6. This Agreement becomes effective upon final signatures of the Authority and the Department and shall remain in effect for the duration of the NPDES permit.

SIGNATORIES:

IN WITNESS HEREOF, the Authority and the Department have executed these presents in duplicate counterparts.

By: 
John B. Ramming,
February 11, 1994

Executive Director
Texas Turnpike Authority

DEPARTMENT OF TRANSPORTATION

Executed for the Executive Director and approved for the Transportation Commission under the authority of Minute Order No. 82513 and Administrative Order 15-88, for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission under the authority of Minute Order No. 100002.

By: 

James M. Huffman
District Engineer
Dallas District Office