

Alert: EPA Publishes New Storm-Water Regulations

By Alan Petrov

On January 9, The EPA released proposed Phase II Storm-Water Regulations. If adopted in their current form, these regulations will dramatically impact hundreds of small municipalities and water districts across the State of Texas.

Phase I of the EPA's program was adopted in 1990 and required permits for storm-water discharges from cities and counties with populations greater than 100,000.

The new EPA proposal for Phase II mandates that all cities, counties, water districts and other governmental jurisdictions (for example, universities and military bases) located in urbanized areas must obtain an NPDES permit for storm-water discharges. In addition, the proposed regulation reduces the threshold requirement for obtaining a construction storm-water permit from five acres to one acre, and it repeals the permit exemption for industrial facilities operated by municipalities with populations less than 100,000. Such industrial facilities include wastewater treatment plants, vehicle maintenance facilities, and construction sites.

The proposed requirement of national pollution discharge elimination system (NPDES) permits for storm-water discharges from small municipalities and water districts will impose

substantial new burdens on local governments.

Under the EPA's proposed regulations, small municipalities and water districts will be required to comply with a permit that addresses the following:

1) **Construction site storm-water runoff control.** Cities and water districts will be required to adopt regulations governing storm-water discharges from construction sites with more than one acre of land disturbance.

2) **Post-construction storm-water management in new development and redevelopment.** Cities and water districts will be required to develop, implement and enforce a program to address storm-water runoff from both new development and re-development projects.

3) **Illicit discharge detection and elimination.** Cities and water districts will be required to develop a storm sewer system map detailing their underground and above ground storm-water drainage system, adopt regulations prohibiting illicit discharges and implement an inspection program to detect such discharges.

4) **Public education and outreach on storm-water impacts.** Cities and water districts will be required to distribute educational materials to the

community about the impact of storm-water discharges and the steps to be taken to reduce storm-water pollution.

5) **Public involvement and participation.** Cities and water districts must comply with State and local public notice requirements.

6) **Pollution, prevention and good housekeeping.** Cities and water districts will be required to reduce pollutant runoff from their own facilities and operations.

For each of these six minimum requirements, cities and water districts will be allowed to choose from a yet to be developed State and EPA approved list, the best management practices to be implemented. They will also be required to set measurable goals for each of the six requirements and prepare compliance reports documenting and evaluating their progress toward achievement of the identified goals.

The EPA is taking comments on its proposed regulations through April 9. Additional information concerning the EPA's proposed regulations can be obtained by contacting Alan Petrov at Johnson, Radcliffe & Petrov, L.L.P. at (281) 872-1221 or by using the fax back form at the end of this newsletter.

JR&P to Conduct Election Seminar on April 4

Johnson, Radcliffe, and Petrov, L.L.P. will conduct an election seminar for election officials and judges from 8:30 a.m. to 2 p.m. Saturday, April 4. The seminar will be held at the Wyndham Greenspoint Hotel, and a continental breakfast and lunch are included. "We recommend that our clients, which are having elections, require their election officials and judges to attend due to the complexity

of elections and the numerous changes of elections and the numerous changes made in the last legislative session to the Election Code," suggests Andrew Johnson.

A question-and-answer session will immediately follow lunch.

For more information, please contact JR&P Senior Legal Assistant Marian Henderson at 281/872-1221.

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**Meet JR&P:
Pat Radley, Receptionist**

Case Study: Quay Point Cooperative Houston Association *Homeownership Dreams in Multifamily Housing*

By Ross Radcliffe

On September 23, 1996 the five-year dream of home ownership was realized by the residents of the Quay Point Apartments in Houston, Texas, when the United States Department of Housing and Urban Development (HUD) transferred title in the 137-unit property to the resident formed non-profit corporation called the Quay Point Cooperative Housing Association, Inc.

Quay Point, a mutual-type housing association, allows residents to control the management affairs of their housing projects while enjoying the benefits of homeownership. The Quay Point will sell, either directly or through contracted sources, memberships to residents. These memberships allow such residents to enter into an occupancy agreement for their apartment unit at below market rent. The members are not allowed to profit from their investment in the membership, but when they decide to sell their membership they recoup their membership fees with interest.

Quay Point's Board has all of the same duties and responsibilities as any other apartment owner. Assisting the Quay Point Board with these duties and responsibilities is The Southeast Texas Housing Finance Cooperation (SETH), a Pasadena (TX) - based non-profit cooperation, and Housing Resources, Inc. (HRI), a Dallas-based corporation. With the assistance of these consultants, the Board is able to receive training in management issues, financial matters, and general board actions.

The participation of Quay Point residents will not be limited to those

serving on the Board of Directors. The Quay Point Resident Council, a resident organization which has existed since 1991, will remain a vital component to assist Quay Point Cooperative in carrying out the many programs that are planned for the residents. Through the use of the resident council and other committees, Quay Point hopes to get numerous Quay Point residents involved in ownership issues.

Quay Point plans to continue programs such as high school equivalency classes, English courses, tutoring programs, and other programs that will enhance the life of the Quay Point residents. Also, Quay Point will provide homeownership training for the residents to provide knowledge regarding the responsibilities and duties of homeownership.

With the commitment provided by the Quay Point Board and the guidance of Southeast and HRI, the residents of Quay Point have discovered a unique alternative to apartment living, one that fosters a sense of responsibility and community; and certainly an affordable housing opportunity that will be envied.

(Mr. Radcliffe has represented the Quay Point Cooperative since its incorporation and has provided legal counsel to the Cooperative Board in various corporate, real estate, and contract issues.)

Calendar of Events

April

- 5-7 National Low-Income Housing Coalition Annual Conference, Washington, D.C.
- 9 Texas Rural Water Association, Wastewater Workshop, Fredericksburg
- 27-29 Association of Local Housing Finance Agencies Spring Conference, Seattle
- 30-May 1 National Association of Affordable Housing Lenders, Miami

May

- 1 Texas Municipal Leadership Institute, "Effective Leadership," Austin
- 4-6 Texas Natural Resource Conservation Commission, Environmental Trade Fair '98, Austin
- 17 National Council of State Housing Agencies Spring Workshop, Baltimore
- 21 Texas Rural Water Association, EPA Regional Workshop, Brownwood

June

- 4-6 National Community Development Association, Annual Conference, Miami
- 16 Texas Rural Water Association, Public Funds Investment Training, San Antonio
- 25-27 Association of Water Board Directors, Summer Conference, South Padre Island

For more info, please call 281/872-1221 or use the fax back sheet at the end of this newsletter.

The articles in this publication are not intended to provide specific legal advice for any individual situation and are intended as general information only. For individual advice, please contact your attorney, or other professional advisor.

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1998 Election for Directors of Water Districts

Election Schedule

DATE	ACTION	RESPONSIBLE PARTY
April 2	<ul style="list-style-type: none"> • Last day to register to vote for Saturday, May 2, 1998 election. • Last day for early voting clerk to order supplemental and registration correction lists, if applicable. • Last day to apply for a full ballot by mail using a federal postcard application. 	Voters Attorney/Presiding Judge/ Early Voting Clerk
April 4	<ul style="list-style-type: none"> • TRAINING CLASS FOR ELECTION OFFICIALS (9 a.m.—2 p.m.). 	Attorney
April 11	<ul style="list-style-type: none"> • LAST DAY TO POST NOTICE OF ELECTION. 	Attorney/General Manager
April 15	<ul style="list-style-type: none"> • EARLY VOTING BEGINS (IN PERSON). (Note: If Governing Body decides or voters petition, and early voting is to be held on Saturday, then notice of same must be posted at least 72 hours prior to said Saturday.) 	Early Voting Clerk
April 17	<ul style="list-style-type: none"> • Last day to notify election judges of duty to hold election (writ of election). 	Attorney/General Manager
April 20	<ul style="list-style-type: none"> • If defective application to vote early by mail is received on or prior to this date, Early Voting Clerk mails new application with explanation of defects and instructions for submitting new 	Early Voting Clerk
April 22	<ul style="list-style-type: none"> • Last day to publish notice of election, if this notice method is used. • Last day to mail notice of election of each registered voter, if this method of giving notice is used. 	Attorney/General Manager Attorney/Presiding Judge
April 23	<ul style="list-style-type: none"> • A voter who becomes ill or disabled on or after this date may vote a late ballot if the illness prevents the voter from appearing at the polling place without assistance or likelihood of injuring his or her 	Early Voting Clerk
April 24	<ul style="list-style-type: none"> • Last day to receive application for a ballot to be voted by mail. 	Early Voting Clerk
April 28	<ul style="list-style-type: none"> • Last day to vote early by personal appearance. 	Early Voting Clerk
April 29	<ul style="list-style-type: none"> • First day to submit an application for and vote a late ballot because of a death in the immediate family that occurred on or after April 27, 1998 and will require an absence from the county on election day. • First day to submit an application for and vote a late ballot because of sickness or disability that arose on or after April 23, 1998. 	Early Voting Clerk Early Voting Clerk
May 1	<ul style="list-style-type: none"> • Post notice of Board of Directors' meeting to canvas returns of election. • Last day to deliver precinct early voting lists to election judges. • Last day to submit an application for and vote a late ballot by personal appearance due to death in immediate family. 	Attorney/General Manager Early Voting Clerk Early Voting Clerk
May 2	<ul style="list-style-type: none"> • ELECTION DAY- POLLS OPEN 7 a.m. to 7 p.m. • Voter Registrar's office open -7 a.m. to 7 p.m. • Early Voting Clerk's office open - 7 a.m. to 7 p.m. • 2 p.m. - Deadline for receiving applications for late ballots to be voted by persons who become ill or disabled on or after April 23, 1998. • 7 p.m. - Deadline for receiving early voting ballots by mail and late ballots cast by voters who become ill or disabled on or after April 23, 1998. 	Presiding Judge County Clerk Early Voting Clerk Early Voting Clerk Early Voting Clerk
May 4	<ul style="list-style-type: none"> • Last day to receive carrier envelopes placed in the mail for delivery by 7 p.m. on election day from voters who are voting outside the United States. 	Early Voting Clerk
May 5	<ul style="list-style-type: none"> • If late ballots cast from outside United States are received by the deadline, the Early Voting Ballot Board shall convene to count late ballots. • Earliest date for official local canvass of returns. 	Presiding Judge Attorney/Board of Directors
May 8	<ul style="list-style-type: none"> • Last day for official canvass of returns. 	Attorney/Board of Directors
July 1	<ul style="list-style-type: none"> • Contents of ballot box(es) may be destroyed if no contest or criminal investigation has arisen and if no open records request has been filed. 	Presiding Judge

