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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 19, 2011

Mr. Thomas Barrow
Whitewater Land Partners, LLC
5950 Berkshire Lane, Suite 1250
Dallas, TX 75225

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Whitewater Resort (formerly Guadalupe River Club Unit 3); Located along the north side of FM 306, approximately 1,600 feet east of FM 2673, Comal County, Texas

TYPE OF PLAN: Request for the Modification to an Approved Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer

Edwards Aquifer Protection Program ID No. 2848.02; Investigation No. 934209; Regulated Entity No. RN105670590

Dear Mr. Barrow:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP modification for the above-referenced project submitted to the San Antonio Regional Office by Jacobs Engineering on behalf of Whitewater Land Partners, LLC on June 15, 2011. Final review of the CZP was completed after additional material was received on July 18, 2011. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer Protection Plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

Background

The original CZP for Guadalupe River Club Unit 3 was approved on March 10, 2009 for construction of 76 residential cabins on 56.60 acres. This modification revises the type of activity occurring at the site and the layout of BMPs.

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-490-3096 • FAX 210-545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • Internet address: www.tceq.state.tx.us

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Project Description

The proposed commercial project will have an area of approximately 51.65 acres. It will include the construction of 102 RV pads, 58 cottages, 11 tent sites, one amenity center, parking areas, roadways and turn lanes from FM 306 into the development. The impervious cover will be 9.01 acres (17.4 percent). Project wastewater will be disposed of by conveyance to the proposed Heiser Hollow Water Recycling Center owned by Heiser Hollow Water Reclamation, LLC.

Permanent Pollution Abatement Measures

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, vegetative filter strips and one sand filter basin, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005), will be constructed to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project is 8,087 pounds of TSS generated from the 9.01 acres of impervious cover. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

Drainage Area	Total Area (ac)	Total IC (ac)	Required TSS Removal (lb/yr)	Designed TSS Removal (lb/yr)
Sand Filter Basin (only)	5.85	2.82	2,531	2,531
Sand Filter Basin/VFS (in series)	2.85	0.67	601	673
VFS (eng. & natural)	42.87	5.44	4,883	4,883
Uncaptured	0.08	0.08	72	---
Total	51.65	9.01	8,087	8,087

The sand filter basin will capture two drainage areas. The larger 5.85 acre area with 2.82 acres of impervious cover will drain directly to the sand filter basin. The basin will account for 2,531 pounds of TSS. The second drainage area of 2.85 acres with 0.67 acres of impervious cover will first through an adequately sized engineered filter strip before being captured by the sand filter basin. The VFS/sand filter basin in series will account for 673 pounds of TSS. Combining these two drainage areas, the basin will have a water quality volume of 19,695 cubic feet (18,291 cubic feet required) and a sand filter area of 1,460 square feet (1,456 square feet required).

The engineered filter strips will have a minimum width of 15 feet and run along the entire contributing area to the filter strip. The filter strip will have at least 80 percent vegetation cover and a slope less than 20 percent.

The natural filter strips will have a minimum width of at least 50 feet and run the along the entire contributing area to the filter strip. The filter strip will remain in its current natural state and have a slope less than 10 percent.

Special Conditions

- I. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the ~~county in which the property is located. A description of the property boundaries shall be~~ included in the deed recordation in the county deed records. A suggested format (Deed

Recordation Affidavit, TCEQ-0625A) that you may use to deed record the approved CZP is enclosed.

- II. This modification is subject to all Special and Standard Conditions listed in the CZP approval letter dated March 10, 2009.
- III. A permanent BMP shall be operational prior to occupancy of a facility or pad sites within a respective BMPs drainage area.
- IV. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- V. This approval letter is being issued for regulated activities (as defined in Chapter 213) and for best management practices presented in the application. This approval does not constitute a water right permit or authorization from the TCEQ Dam Safety Program. Failure to obtain all necessary authorizations could result in enforcement actions. For more information on Water Rights Permits, please refer to:

http://www.tceq.state.tx.us/permitting/water_supply/water_rights/wr_amiregulated.html

For more information on the Dam Safety program, please refer to:

http://www.tceq.state.tx.us/compliance/field_ops/dam_safety/damsafetyprog.html

Standard Conditions

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
3. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to the Commencement of Construction:

4. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
5. Any modification to the activities described in the referenced CZP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. ~~Written notification must include the name of the approved plan and file number for~~ the regulated activity, the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.

7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

During Construction:

8. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
9. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been significantly reduced. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
10. Intentional discharges of sediment laden storm water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
11. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

After Completion of Construction:

14. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.

Mr. Thomas Barrow

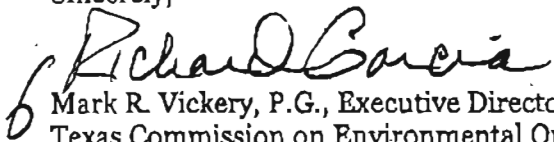
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15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone Plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
17. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone Plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,



Mark R. Vickery, P.G., Executive Director
Texas Commission on Environmental Quality

MRV/CEF/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625A
Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-10263

cc: Mr. Jarred Corbell, P.E., Jacobs Engineering
Mr. Tom Hornseth, P.E., Comal County Engineer
Mr. Karl Dreher, General Manager, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC212

