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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 14, 2012

**RECEIVED**

SEP 19 2012

**COUNTY ENGINEER**

Mr. Mario G. Medina, P.E., District Engineer  
San Antonio District  
Texas Department of Transportation  
P.O. Box 29928  
San Antonio, Texas 78229-0928

Re: Edwards Aquifer, Comal County  
NAME OF PROJECT: FM 306; Sections 4, 5, 6, & 7; Comal County, Texas  
TYPE OF PLAN: Request for Approval of a Water Pollution Abatement Plan (WPAP)  
30 Texas Administrative Code (TAC) Chapter 213  
Edwards Aquifer Protection Program ID No. 13 12071911

Dear Mr. Medina:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the referenced project submitted to the Austin Regional Office by the Texas Department of Transportation on July 19, 2012. 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 Contributing Zone 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% of the construction has commenced on the project or an extension of time has been requested.*

### PROJECT DESCRIPTION

The proposed roadway project will be constructed within an approximately 44.62 acre right-of-way (ROW). The construction will include installing appropriate temporary BMPs; widening existing portions into 24-foot wide roadway (two existing 12-foot wide lanes) with varying shoulders; adding a two way turn lane; adding passing lanes in key areas; providing, permanent BMPs, and other associated appurtenances. The impervious cover will be increased from approximately 12.8 acres to 17.1 acres (38.3 percent). No new wastewater will be generated by this project.

### 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, designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules; Technical Guidance on Best Management Practices, engineered filter strips (VFS) will be constructed to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project area is 3,808 pounds of TSS generated from the additional 4.2 acres of impervious cover. Design calculations were sealed by Linda Cox, P.E., on July 11, 2012 to demonstrate the total treatment load removal to exceed the required 3808 lbs. increase caused by the project by more than 5000 lbs. Treatment, by rule, is required only for the increase in total suspended solids (TSS).

### GEOLOGY

According to the geologic assessment included with the application, the project limits are mapped as the Kainer Formation. Six sensitive features were identified in the assessment. These were solution cavities (S6-1, S6-2, and S6-4), a sinkhole (S6-3), a small zone of vugs and solution enhanced fractures (S6-5), and a zone of vuggy rock (S7-1). The assessment reported that only features S6-5 and S7-1 have potential for fluid movement to the aquifer. The other features are located above grade although feature S6-2 could have remnant drainage near the ground, and will be provided protection from a VFS. Features S6-5 and S7-1 will receive runoff. They will be protected during construction with a rock filter dams, and will be protected after construction with a VFS and other vegetation.

### SPECIAL CONDITIONS

- I. Since this is a roadway construction project, deed recordation of this approval letter is not required.
- II. A staging area was not proposed for this project. If the contractor desires a staging area, information indicating the proposed location and placement of appropriate temporary erosion and sedimentation controls must be submitted to the TCEQ for review and approved prior to its installation.

### 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.

#### Prior to Commencement of Construction:

2. 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
3. Modification to the activities described in the referenced WPAP 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.



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4. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the Austin Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and program ID number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.
5. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, 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. 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.
6. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

**During Construction:**

7. During the course of regulated activities related to this project, the applicant or 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.
8. 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.
9. If any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the Austin Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas licensed professional engineer.

10. No evidence of wells exist. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.
11. 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 reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.
12. Intentional discharges of sediment laden 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.
13. 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.
14. 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.

After Completion of Construction:

15. 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 Austin Regional Office within 30 days of site completion.
16. 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. The regulated 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 Austin Regional Office within 30 days of the transfer.
17. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection 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.

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18. An Edwards Aquifer protection 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 Edwards Aquifer protection plan must be submitted to the Austin Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
19. 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.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Mr. Kevin Lee Smith, P.E. of the Edwards Aquifer Protection Program of the Austin Regional Office at 512-339-2929.

Sincerely,



Carolyn Runyon, Water Section Manager  
Austin Region Office  
Texas Commission on Environmental Quality

CDR/cls

Enclosure: Change in Responsibility for Maintenance on Permanent BMPs-Form TCEQ-10263

cc: Mr. Tom Hornseth, P.E., County Engineer, Comal County  
Ms. Lynn Bumgardner, Water Section Manager, San Antonio Regional Office  
Mr. John Bryant, P.G., Texas Department of Transportation, San Antonio District  
TCEQ Central Records, Building F, MC212

