

Kathleen Hartnett White, *Chairman*
 Larry R. Soward, *Commissioner*
 H. S. Buddy Garcia, *Commissioner*
 Glenn Shankle, *Executive Director*



EXHIBIT "A"

DEC# 200708040342

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 3, 2007

Mr. Thomas Bloxham
 Comal Independent School District
 1404 I-35 North
 New Braunfels, Texas 78130

Re: **Edwards Aquifer, Comal County**
NAME OF PROJECT: CISD Arlon Seay Elementary School; Located on Hwy 46, west of Hwy 281; Comal County, Texas
TYPE OF PLAN: Request for Approval of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer; Edwards Aquifer Protection Program ID No. 2663.00; Investigation No. 562781; Regulated Entity No. RN105230361

Dear Mr. Bloxham:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP application for the above-referenced project submitted to the San Antonio Regional Office by Moy Civil Engineers on behalf of Comal Independent School District on May 25, 2007. Final review of the CZP was completed after additional material was received on July 27, 2007. 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.*

PROJECT DESCRIPTION

The proposed commercial (school) project will have an area of approximately 20.29 acres. It will include the renovations and improvements to an existing school site. There is 4.98 acres of existing impervious cover and the final impervious cover will be 5.47 acres (27%). According to a letter dated March 7, 2007 (Permit No. WQ0013812002), signed by the Texas Commission on Environmental Quality, the site in the development is acceptable for the use of on-site sewage facilities.

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, six vegetative (engineered) filter strips 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 individual treatment measures will consist of an engineered filter strip that runs the entire length of the contributing area and is at least 15 feet wide in the direction of flow with 80% minimum vegetative

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-480-3096 • FAX 210-545-4329

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1600 • Internet address: www.tceq.state.tx.us

7/2

Deed Recordation Affidavit Doc# 200706040240
Edwards Aquifer Protection Plan

THE STATE OF TEXAS §

County of Comal §

BEFORE ME, the undersigned authority, on this day personally appeared Dr. Marc Walker, Superintendent who, being duly sworn by me, deposes and says:

- (1) That my name is Dr. Marc Walker and that Comal Independent School District owns the real property described below.
- (2) That said real property is subject to an EDWARDS AQUIFER PROTECTION PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the EDWARDS AQUIFER PROTECTION PLAN for said real property was approved by the TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) on August 3, 2007.

A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows: See attached Exhibit B.

M. Walker
LANDOWNER-AFFIANT

SWORN AND SUBSCRIBED TO before me, on this 1st day of October, 2007.

Jean M. Mendez
NOTARY PUBLIC

THE STATE OF Texas §

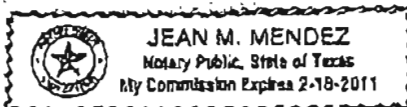
County of Comal §

BEFORE ME, the undersigned authority, on this day personally appeared Dr. Marc Walker known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 1st day of October, 2007.

Jean M. Mendez
NOTARY PUBLIC

Jean M. Mendez
Typed or Printed Name of Notary



MY COMMISSION EXPIRES: 2/18/2011

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coverage. There is 0.50 acres of impervious cover contributing to the engineered filter strips. The approved measures meet the required 80 percent removal of the increased load in total suspended solids caused by the project.

SPECIAL CONDITIONS

- I. The holder of the approved Edwards Aquifer CZP must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the application.
- II. 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-0625) that you may use to deed record the approved CZP is enclosed.
- III. Any permanent pollution abatement measure shall be operational prior to occupancy or use of the facility within the BMP's respective drainage area.
- IV. 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.
- V. For any future modification, the impervious cover summary tables and TSS Load Removed by BMPs (provided in the July 26, 2007 deficiency notice response) shall be updated and included in the modification application. It is the responsibility of the applicant to maintain this information and keep it current.

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 Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
3. 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.
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 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.
5. 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

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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:

6. 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.
7. 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).
8. 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.
9. 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:

10. 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.
11. 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.
12. 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.
13. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50% 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.

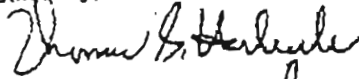
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- 14. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

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,



Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/CEF/eg

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

cc: Mr. Duane Moy, P.E., Moy Civil Engineers
Mr. Robert Potts, Edwards Aquifer Authority
Mr. Tom Hornsath, Comal County
TCEQ Central Records, Building F, MC 212

Doc# 200705042240

EXHIBIT B

Field Notes for a 20.294 Acre Tract of Land

Being a 20.294 acre tract of land out of Lot 1, Cox Subdivision Unit 1 recorded in Volume 11, Page 209, Plat Records, Comal County, Texas, said 20.294 acre tract being more particularly described by metes and bounds as follows:

Beginning at a 1/4" iron rod found at the northeast corner of Lot 1, Cox Subdivision Unit 2 recorded in Volume 11, Page 210, Plat Records, Comal County, Texas, a re-entrant corner of Lot 1, Cox Subdivision Unit 1;

Thence, with the north line of Lot 1, Cox Subdivision Unit 2, a south line of Lot 1, Cox Subdivision Unit 1, South 88 degrees 41 minutes 09 seconds West, a distance of 83.36 feet to a point for corner;

Thence, departing the north line of Lot 1, Cox Subdivision Unit 2, severing Lot 1, Cox Subdivision Unit 1, the following four courses and distances,

North 00 degrees 10 minutes 52 seconds East, a distance of 506.68 feet to a point for corner,
South 89 degrees 49 minutes 08 seconds East, a distance of 244.16 feet to a point for corner,
North 00 degrees 10 minutes 52 seconds East, a distance of 183.12 feet to a point for corner,

and, South 89 degrees 49 minutes 08 seconds East, a distance of 550.00 feet to a point for the northeast corner of the herein described tract, said point being in the east line of Lot 1, Cox Subdivision Unit 1, the west line of Lot 1, Descending Dove Hills recorded in Volume 13, Page 16, Plat Records, Comal County, Texas;

Thence, with the east line of Lot 1, Cox Subdivision Unit 1, the west line of Lots 1, 4 and 5, Descending Dove Hills, South 00 degrees 09 minutes 53 seconds West, a distance of 609.02 feet to a 1/2" iron rod found at the southwest corner of Lot 5, Descending Dove Hills, the northwest corner of a 3.000 acre tract recorded in Volume 349, Page 539, Deed Records, Comal County, Texas;

Thence, continuing with the east line of Lot 1, Cox Subdivision Unit 1, the west line of said 3.000 acre tract, South 00 degrees 01 minutes 53 seconds West, a distance of 232.50 feet to a 3/8" iron rod found at the southwest corner of said 3.000 acre tract, the northwest corner of a 3.005 acre tract recorded in Document # 200406044287, Comal County, Texas;

Thence, continuing with the east line of Lot 1, Cox Subdivision Unit 1, the west line of said 3.005 acre tract, South 00 degrees 18 minutes 23 seconds West, a distance of 389.66 feet to a 1/4" iron rod found in the north line of Old Boerne Road for the southeast corner of the herein described tract, the southeast corner of Lot 1, Cox Subdivision Unit 1;

Thence, departing the west line of said 3.005 acre tract, with the north line of Old Boerne Road, the south line of Lot 1, Cox Subdivision Unit 1, North 89 degrees 45 minutes 15 seconds West, a distance of 696.60 feet to a 1/4" iron rod found for the southwest corner of the herein described tract, the southwest corner of Lot 1, Cox Subdivision Unit 1, the southeast corner of Lot 1, Cox Subdivision Unit 2;

Thence, departing the north line of Old Boerne Road, with a west line of Lot 1, Cox Subdivision Unit 1, the east line of Lot 1, Cox Subdivision Unit 2, North 01 degrees 18 minutes 46 seconds West, a distance of 542.87 feet to the Place of Beginning and containing 20.294 acres of land.

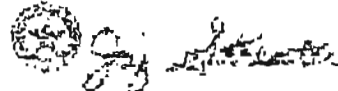
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This page becomes part of the document identified by the file clerk number affixed on preceding pages.

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 JEFF STICKER
 COUNTY CLERK
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