

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 19, 2007

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

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: CISD Arlon Seay Elementary School; Located on Highway 46, west of Highway 281; Comal County, Texas
TYPE OF PLAN: Request for Modification of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer
Edwards Aquifer Protection Program ID No. 2663.01; Investigation No. 593748; Regulated Entity No. RN105230361

Dear Mr. Bloxham:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the request for modification of the approved CZP for the above-referenced project submitted to the San Antonio Regional Office by Moy Civil Engineers on behalf of Comal Independent School District on August 31, 2007. Final review of the WPAP was completed after additional material was received on October 24, 2007 and November 9, 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.*

BACKGROUND

The 20.29 acre site was originally approved on August 3, 2007 to remodel an existing elementary school. ~~The existing impervious cover before the approval was 4.98 acres and the approved CZP added 0.49 acres (5.47 acres total).~~ Six engineered filter strips were approved to treat the increase in total suspended solids from the site. This proposed modification will add additional parking to the site, modify previously approved filter strips and add additional filter strips.

PROJECT DESCRIPTION

The proposed commercial (elementary school) project will have an area of approximately 20.29 acres. It will include the addition of parking spaces and construction of vegetative filter strips and a water quality basin at the project site. There is 5.47 acres of existing impervious cover. This project will add 0.65

RSPLY 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

revised on 11/19/07 based on the enclosed file

acres of impervious cover. The final impervious cover for the proposed site will be 6.12 acres (30.2%). According to a letter dated, March 7, 2007 (Permit No. WQ0013812002), signed by the TCEQ, 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, a sedimentation filtration basin and 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. For simplicity and since previously approved filter strips will be modified by this approval, the TSS calculations and basin sizing requirements will be based upon the increase of impervious cover from the original 4.98 acres. The required total suspended solids (TSS) treatment for this project is 1,023.3 pounds of TSS generated from the 1.14 acres of regulated impervious cover (0.49 acres from original approval and 0.65 acres from this approval). The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

The individual treatment measures will consist of a sand filter basin designed for 0.32 acres of impervious cover from a watershed of 0.32 acres and 287.2 pounds of TSS. The total capture volume for the basin is 2,646 cubic feet (2,091 cubic feet required) and a sand filter area of 420 square feet (209 square feet required).

Five new engineered filter strips (V.S. 7, V.S. 8, V.S. 9, V.S. 10 and V.S. 11) will be constructed to treat 230.1 pounds of TSS from 0.2563 acres of impervious cover. Three previously approved filter strips (V.S. 1, V.S. 2 and V.S. 6) will be modified and treat 247.2 pounds of TSS from 0.2800 acres of impervious cover. Three previously approved filter strips (V.S. 3, V.S. 4 and V.S. 5) will remain unchanged and treat 336.7 pounds of TSS from 0.3751 acres of impervious cover. The filter strips will extend along the entire length of the contributing area with a minimum width of 15 feet, a slope of 20 percent or less and a minimum vegetated cover of 80 percent.

Engineered Filter Strips at Arlon Seay Elementary School				
	Status	Aug. 3, 2007 Approved Contributing Area (ac)	New Proposed Contributing Area (ac)	New Proposed TSS Removal (lb/year)
V.S. 1	Modified	0.0272	0.1264	113.42
V.S. 2	Modified	0.0370	0.0556	49.89
V.S. 3	Unchanged	0.0205	0.0205	18.44
V.S. 4	Unchanged	0.0292	0.0292	26.17
V.S. 6	Unchanged	0.3254	0.3254	292.11
V.S. 6	Modified	0.0653	0.0934	83.85
V.S. 7	New	---	0.0352	31.61
V.S. 8	New	---	0.0291	26.15
V.S. 9	New	---	0.0618	55.47
V.S. 10	New	---	0.0277	24.89
V.S. 11	New	---	0.1025	91.96
	Total	0.5046	0.9068	813.96

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. This modification is subject to all Special and Standard Conditions listed in the CZP approval letter dated August 3, 2007.
- IV. Permanent pollution abatement measures shall be operational prior to use of the parking lots within the catchment area of the abatement measure.
- V. 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.
- VI. 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.
- VII. 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.
- VIII. Velocity controls may be required for stormwater entering the water quality basin if it becomes evident that the resuspension of solids in the water column is occurring.

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 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:

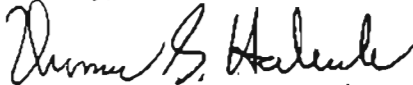
10. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the 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.~~

Mr. Thomas Bloxham
November 19, 2007
Page 5

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.
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. Tom Hornseth, Comal County
Ms. Velma Danielson, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

