

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



EXHIBIT A

Doc# 200706035584

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 27, 2007

Mr. David Swain
Comal Independent School District
1421 North Business 35
New Braunfels, Texas 78130

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: CISD Mountain Valley Middle School; Located on the south side of FM 2673 on Sattler Road; 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. 2649.00, Investigation No. 557893; Regulated Entity No. RN105209225

Dear Mr. Swain:

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 April 23, 2007. Final review of the CZP was completed after additional material was received on June 21, 2007 and June 26, 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 school project will have an area of approximately 29.95 acres. The existing elementary school site has 8.39 acres of impervious cover that predates regulations and will be converted to a middle school. The proposed impervious cover will be 10.09 acres (8.39 acres existing and 1.70 acres new). The project will include the demolition and construction of buildings, parking lots, driveways and the installation of vegetative filter strips. According to Permit No. WQ0013812001, dated February 25, 2005, issued by the Texas Commission on Environmental Quality, the project site 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, 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. The engineered filter strips will be 15 feet wide with

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

Recorder's Memorandum-Comal County
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Deed Recordation Affidavit
Edwards Aquifer Protection Plan

2649.00

THE STATE OF TEXAS §
County of Comal §

BEFORE ME, the undersigned authority, on this day personally appeared Thomas Bloxham, Asst. Supt. who, being duly sworn by me, deposes and says:

- (1) That my name is Thomas Bloxham 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 NATURAL RESOURCE CONSERVATION COMMISSION (TNRCC) on June 27, 2007.

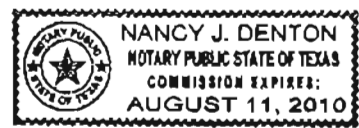
A copy of the letters of approval from the TNRCC are attached to this affidavit as Exhibit A and are incorporated herein by reference.

- (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.

[Handwritten Signature]
LANDOWNER-AFFIANT

SWORN AND SUBSCRIBED TO before me, on this 27th day of August, 2007

[Handwritten Signature]
NOTARY PUBLIC



THE STATE OF Texas §
County of Comal §

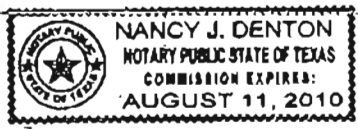
BEFORE ME, the undersigned authority, on this day personally appeared Thomas Bloxham known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 27th day of August, 2007.

NOTARY PUBLIC

Typed or Printed Name of Notary

MY COMMISSION EXPIRES:



RECEIVED DEED
SAN ANTONIO
REGION
2007 AUG 27 PM 3:36

at least 80% vegetation cover, run the entire length of the contributing impervious cover area and treat a total of 1535 pounds of total suspended solids generated by 1.71 acres of impervious cover (1.70 acres required treatment). 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. 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.
- V. 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.
- VI. For any future modification, the impervious cover summary tables (provided in the June 21, 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.

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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 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.

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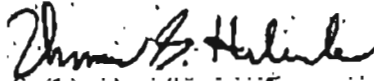
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June 27, 2007
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11. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity 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.
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. Thomas Hornseth, P.E., Comal County Engineers Office
TCEQ Central Records, Building F, MC 212

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Exhibit B

Legal Description of the Property

BEING 30.000 acres of land out of the Charles A. Smith Survey No. 321, Comal County, Texas, and being 30.000 acres of land out of that certain 121.44 acre tract of land conveyed by Emil Phillip Weilbacher, et al, to E. Harrison Preston, et al, by deed dated May 2, 1973, and recorded in Volume 205 on pages 879-881 of the Deed Records of Comal County, Texas, and described more particularly by metes and bounds as follows:

BEGINNING at an iron pin and corner post in the Northwest line of the Charles A. Smith Survey No. 321, the Southeast line of the Sattler Road, set for the North corner of the above described E. Harrison Preston, et al, 121.44 acre tract, for the North corner of the herein conveyed 30.000 acre tract;

THENCE with the fence, the Northeast line of the said E. Harrison Preston, et al, 121.44 acre tract, S. 28° 02' E. 920.32 feet to an iron post set for the East corner of this tract;

THENCE severing the land of the subject owner as follows: S. 61° 58' W. 1,408.21 feet to an iron post set for the South corner of this tract; and N. 28° 02' W. 253.34 feet, N. 19° 22' W. 341.0 feet, and N. 28° 02' W. 384.71 feet to an iron post in the fence, the Northwest line of the E. Harrison Preston, et al, 121.44 acre tract, the Northwest line of Survey No. 321, the Southeast line of Sattler Road, set for the West corner of this tract;

THENCE with the Northwest line of the said E. Harrison Preston, et al, 121.44 acre tract, the Northwest line of Survey No. 321, the Southeast line of Sattler Road, N. 64° 21' E. 955.85 feet, and N. 64° 07' E. 402.08 feet to the place of beginning.

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08/27/2007 9:53AM
Official Records of
COMAL COUNTY
JOY STREATER
COUNTY CLERK
Fees \$36.00

 *Joy Streater*