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COUNTY ENGINEER

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 9, 2007

Mr. David B. Casteel, 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 US 281 to Hancock Road (CSJ: 3106-01-012); Along FM 306 from US 281 east to Hancock 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. 06121310

Dear Mr. Casteel:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP application for the referenced project submitted to the Austin Regional Office by the Texas Department of Transportation (TxDOT) on December 13, 2006. 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 improvement project will be constructed within an approximately 164.94 acre right-of-way (ROW). The existing roadway consists of two, 12-foot lanes with 6-foot shoulders (36-foot total width) from US 281 to FM 484, and two, 12-foot lanes with 4-foot shoulders (32-foot total width) from FM 484 to Hancock Road. The existing road exists in a 120-foot ROW.

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

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The construction will include installing appropriate temporary BMPs, reconstructing and widening the existing roadway, providing drainage improvements, reconnecting private driveways, constructing permanent BMP's, and associated activities. The reconstruction activities will consist of:

1. Widening the existing pavement to provide two, 12-foot lanes with 6-foot shoulders (36-foot total width),
2. Adding intermittent turn lane sections (two, 12-foot lanes, a 12-foot passing lane, and 5-foot shoulders), and
3. Providing 16 intersection improvements (two, 12-foot lanes, a 12-foot left turn lane, a 11-foot deceleration lane, and 5-foot shoulders).

The impervious cover will be increased from approximately 36.76 acres to 58.64 acres (22.29 percent to 35.55 percent). No new wastewater will be generated by this project.

PERMANENT POLLUTION ABATEMENT MEASURES

Permanent Best Management Practices will be constructed to provide treatment of the stormwater runoff from this project. The individual treatment measures will consist of vegetative filter strips. The required total suspended solid load removal for the project is 19,639 pound per year. The proposed Permanent BMP's are designed to remove 32,151 pound of total suspended solids per year. The approved measures meet the required 80 percent removal of the increased load in total suspended solids caused by the project.

SPECIAL CONDITIONS

- I. Since this is a roadway construction project, deed recordation of this approval letter is not required.
- II. This approval does not authorize the installation of an aboveground storage tank(s) for temporary use on this project. If the contractor desires to use a temporary aboveground storage tank during construction, information indicating the proposed location, spill containment methods, and use of temporary erosion and sedimentation controls must be submitted to the TCEQ for review and approval prior to its installation.
- III. Staging/spoils areas were not proposed for this project. If the contractor desires a staging or spoils area for this project, 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.

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- IV. Intentional discharges of sediment laden stormwater during construction are not allowed. If dewatering excavated areas and/or areas of accumulated stormwater becomes necessary during construction, the discharge shall be filtered through appropriately selected temporary best management practices. These may include vegetative filter strips, sediment traps, rock berms, silt fence rings, etc.

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 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 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 name of the approved plan and ID 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. 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

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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 Austin 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 Austin Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

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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 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 Austin 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 Mr. James Bice, P.E. of the Edwards Aquifer Protection Program of the Austin Regional Office at (512) 339-2929.

Sincerely,



Glenn Shankle
Executive Director

Texas Commission on Environmental Quality

GS/jeb

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

cc: Mr. John Bryant, P.G., Texas Department of Transportation, San Antonio District
Mr. Tom Haberle, Water Section Team Leader, San Antonio Regional Office
Mr. Robert J. Potts, General Manager, Edwards Aquifer Authority, San Antonio, Texas
✓ Mr. Thomas H. Hornseth, P.E., Comal County Engineer, New Braunfels, Texas
Central Records, TCEQ, Information Resources Division, Austin

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 3, 2009

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COUNTY ENGINEER

Mr. Gregory A. Malatek, P.E.
New Braunfels Area Engineer
Texas Department of Transportation
4102 IH 35 South
New Braunfels, TX 78132

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: FM 306 US 281 to Hancock Road; Located Along FM 306 from US
281 east to Hancock Road; Comal County, Texas
TYPE OF PLAN: Request for Extension to the Term of Approval of a Contributing Zone
Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 and Chapter 317
Edwards Aquifer Protection Program File No. 13-06121310A

Dear Mr. Malatek:

On January 22, 2009, the Texas Commission on Environmental Quality (TCEQ) received your request for an extension of time to commence regulated activities related to the above referenced Contributing Zone Plan approval. The request was reviewed for compliance with 30 TAC §213.23(g) and §213.28, which set forth the procedures for requesting an extension of time to commence regulated activities authorized by the approval, and was found to be in general agreement with these procedures. The extension is granted based on the provision that there have been no modifications to the previously approved plan. **This extension expires on August 9, 2009.** If construction has not commenced by this date, another request for extension must be received before the extension expires.

If you require additional information, please contact Mr. Kevin Lee Smith, P.E. of the Edwards Aquifer Protection Program with the Austin Regional Office at (512) 339-2929.

Sincerely,

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

MRV/kl

cc: Mr. Ricardo Flores, P.G., San Antonio District, Texas Department of Transportation
Mr. Tom Haberle, Water Section Manager, San Antonio Regional Office
Mr. Tom Hornseth, P.E., County Engineer, Comal County
TCEQ Central Records, Building F, MC 212

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