

Robert J. Huston, *Chairman*
H. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Salts, *Executive Director*



Doc# 9906026385

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

September 14, 1999

Mr. Jay Patterson, Vice President
Texas Southland Corporation, General Partner
Southland/RCR Venture, Ltd.
P.O. Box 1629
Wimberly, TX 78676

Re: EDWARDS AQUIFER CONTRIBUTING ZONE, Comal County
PROJECT: River Crossing Unit One, Located on east side of US 281 North
approximately 1000' south of Guadalupe River, Bulverde, Texas
TYPE: Request for Approval of Contributing Zone Plan (CZP); 30 Texas
Administrative Code (TAC) §213.23
Edwards Aquifer Protection Program Project Number 1331

Dear Mr. Patterson:

The Texas Natural Resource Conservation Commission (TNRCC) received the CZP application for the referenced project submitted to the San Antonio Regional Office by Kelly Kilber, P.E. of Pro-Tech Engineering Group, Inc. on behalf of Texas Southland Corporation, Southland/RCR Venture, Ltd. on August 10, 1999. A comprehensive review of the CZP application was not completed by the TNRCC. As presented to the TNRCC, the Temporary and Permanent Best Management Practices and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213.23. 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, modification to a plan, or exception. A motion for reconsideration must be filed no later than 20 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.*

REPLY TO: REGION 13 • 140 HEIMER RD., STE. 360 • SAN ANTONIO, TEXAS 78232-5042 • 210/490-3096 • FAX 210/545-4329

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

Doc# 9906026385

Mr. Jay Patterson
September 14, 1999
Page 2

PROJECT DESCRIPTION

The proposed residential project will have an area of approximately 241 acres and will have the following:

- The improvements will include 123 single-family residences with roads and driveways.
- The proposed impervious cover for the development is approximately 14.4 percent of the total area of the site.
- This single-family residential development will have structure and driveway areas which will not exceed 34.8 acres. This area when added to street and roadway areas, total to 20% or less of the total area.

SPECIAL CONDITIONS

- I. Since this project will have less than 20% impervious cover, this exemption from permanent BMPs is approved and must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or the land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g), may no longer apply and the property owner must notify the San Antonio Regional Office of these changes.
- 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 which is covered by the Edwards Aquifer protection plan shall be included in the deed recordation in the county deed records. A suggested format (Form TNRCC-0625) that you may use to deed record the approved CZP is enclosed.
- III. The applicant must provide written notification of intent to commence construction 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 date on which the regulated activity will commence, the name of the approved plan and file number for the regulated activity, the name of the prime contractor and the name and telephone number of the contact person. The executive director will use the notification to determine if the applicant is eligible for an extension of an approved plan. The executive director will use the notification to determine if the applicant is eligible for an extension of an approved plan.

Doc# 9906026385

Mr. Jay Patterson
September 14, 1999
Page 3

- IV The site is located within Comal County, and must conform with applicable codes and requirements of Comal County.

STANDARD CONDITIONS

1. Pursuant to §26.136 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 project location shall be provided a copy of this notice of approval. At least one complete copy of the approved CZP 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 CZP application following the date of approval may require the submittal of an application 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. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved CZP, 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 TNRCC 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:

5. 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.
6. If sediment escapes the construction site, off-site accumulations of 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

Doc# 9906026385

Mr. Jay Patterson
September 14, 1999
Page 4

design capacity has been reduced by 50%. 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).

7. 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.
8. 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. Where 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:

9. 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 appropriate San Antonio Regional Office within 30 days of site completion.
10. 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 (TNRCC-10263) is attached.
11. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards CZP. 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.

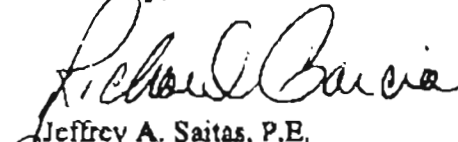
Doc# 9906026385

Mr. Jay Patterson
September 14, 1999
Page 5

12. An Edwards Aquifer Contributing Zone 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 Contributing Zone protection 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.
13. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the Contributing Zone is protected from potential contamination.

If you have any questions or require additional information, please contact John Mauser of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4024.

Sincerely,



Jeffrey A. Saitas, P.E.
Executive Director
Texas Natural Resource Conservation Commission

JAS/jkm

Enclosure: Form TNRCC-0625

cc: Mr. Kelly Kilber, P.E., Pro-Tech Engineering Group, Inc.
Ms. Rebecca Cedillo, San Antonio Water System
Mr. Tom Hornseth, Comal County
Mr. Greg Ellis, General Manager, Edwards Aquifer Authority
Ms. Rosalinda Escalón, TNRCC Field Operations, Austin, TX

Doc# 9906026385

Doc# 9906026385
Pages 6
10/01/99 10:03:52 AM
Filed & Recorded in
Official Records of
COMAL COUNTY
JOY STREETER
COUNTY CLERK
Fees \$19.00

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

January 31, 2000

Mr. Jay Patterson
Southerlan/RCR Management, Inc.
P.O. Box 1629
Wimberly, TX 78676

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: River Crossing Unit 1; Located on east side of US 281 North approximately 1000' south of the Guadalupe River, Bulverde, Texas
TYPE OF PLAN: Request for Modification of an Approved Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer
Edwards Aquifer Protection Program File No. 1331.01

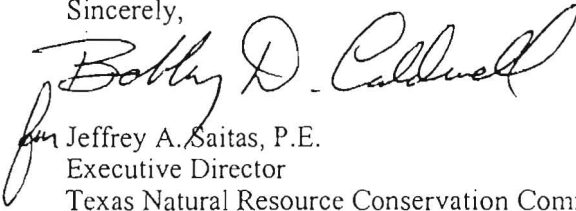
Dear Mr. Patterson:

The Texas Natural Resource Conservation Commission (TNRCC) has completed its review of the CZP application for the referenced project submitted to the San Antonio Regional Office by Kelly Kilber, P.E. of Pro-Tech Engineering Group, Inc. on behalf of Southerlan/RCR Management, Inc. on January 25, 2000.

It is the opinion of the TNRCC that by adding 1,392 acres, 833 residential lots and a golf course, the scope of the proposed project exceeds the limits of a modification for an approved plan; therefore, the Contributing Zone Plan is hereby denied. 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 modification to a Contributing Zone Plan. A motion for reconsideration must be filed no later than 20 days after the date of this denial letter.

If you have any questions or require additional information, please contact John Mauser of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4024.

Sincerely,


for Jeffrey A. Saitas, P.E.
Executive Director
Texas Natural Resource Conservation Commission

JAS/JKM/eg

cc: Mr. Kelly Kilber, P.E., Pro-Tech Engineering Group, Inc.
Mr. Tom Hornseth, Comal County
Mr. Greg Ellis, Edwards Aquifer Authority

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

September 14, 1999

Mr. Jay Patterson, Vice President
Texas Southland Corporation, General Partner
Southland/RCR Venture, Ltd.
P.O. Box 1629
Wimberly, TX 78676

Re: EDWARDS AQUIFER CONTRIBUTING ZONE, Comal County
PROJECT: River Crossing Unit One, Located on east side of US 281 North
approximately 1000' south of Guadalupe River, Bulverde, Texas
TYPE: Request for Approval of Contributing Zone Plan (CZP); 30 Texas
Administrative Code (TAC) §213.23
Edwards Aquifer Protection Program Project Number 1331

Dear Mr. Patterson:

The Texas Natural Resource Conservation Commission (TNRCC) received the CZP application for the referenced project submitted to the San Antonio Regional Office by Kelly Kilber, P.E. of Pro-Tech Engineering Group, Inc. on behalf of Texas Southland Corporation, Southland/RCR Venture, Ltd. on August 10, 1999. A comprehensive review of the CZP application was not completed by the TNRCC. As presented to the TNRCC, the Temporary and Permanent Best Management Practices and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213.23. 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, modification to a plan, or exception. A motion for reconsideration must be filed no later than 20 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 residential project will have an area of approximately 241 acres and will have the following:

- The improvements will include 123 single-family residences with roads and driveways.
- The proposed impervious cover for the development is approximately 14.4 percent of the total area of the site.
- This single-family residential development will have structure and driveway areas which will not exceed 34.8 acres. This area when added to street and roadway areas, total to 20% or less of the total area.

SPECIAL CONDITIONS

- I. Since this project will have less than 20% impervious cover, this exemption from permanent BMPs is approved and must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or the land use changes, the exemption for the whole site as described in the property boundaries required by §213.4(g), may no longer apply and the property owner must notify the San Antonio Regional Office of these changes.
- 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 which is covered by the Edwards Aquifer protection plan shall be included in the deed recordation in the county deed records. A suggested format (Form TNRCC-0625) that you may use to deed record the approved CZP is enclosed.
- III. The applicant must provide written notification of intent to commence construction 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 date on which the regulated activity will commence, the name of the approved plan and file number for the regulated activity, the name of the prime contractor and the name and telephone number of the contact person. The executive director will use the notification to determine if the applicant is eligible for an extension of an approved plan. The executive director will use the notification to determine if the applicant is eligible for an extension of an approved plan.

- IV The site is located within Comal County, and must conform with applicable codes and requirements of Comal County.

STANDARD CONDITIONS

1. Pursuant to §26.136 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 project location shall be provided a copy of this notice of approval. At least one complete copy of the approved CZP 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 CZP application following the date of approval may require the submittal of an application 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. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved CZP, 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 TNRCC 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:

5. 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.
6. If sediment escapes the construction site, off-site accumulations of 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%. 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).

7. 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.
8. 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. Where 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:

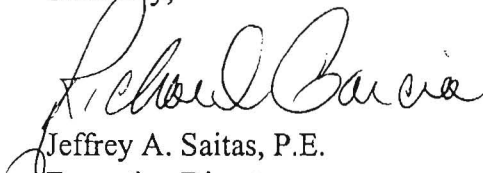
9. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the appropriate San Antonio Regional Office within 30 days of site completion.
10. 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 (TNRCC-10263) is attached.
11. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards CZP. 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.

Mr. Jay Patterson
September 14, 1999
Page 5

12. An Edwards Aquifer Contributing Zone 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 Contributing Zone protection 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.
13. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the Contributing Zone is protected from potential contamination.

If you have any questions or require additional information, please contact John Mauser of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4024.

Sincerely,



Jeffrey A. Saitas, P.E.
Executive Director
Texas Natural Resource Conservation Commission

JAS/jkm

Enclosure: Form TNRCC-0625

cc: Mr. Kelly Kilber, P.E., Pro-Tech Engineering Group, Inc.
Ms. Rebecca Cedillo, San Antonio Water System
Mr. Tom Hornseth, Comal County
Mr. Greg Ellis, General Manager, Edwards Aquifer Authority
Ms. Rosalinda Escalón, TNRCC Field Operations, Austin, TX