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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 2, 2012

RECEIVED

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COUNTY ENGINEER

Mr. David Keith
SH-DJL Development, LLC
18615 Tuscany Stone, Suite 200
San Antonio, Texas 78258-3502

Re: Edwards Aquifer, Comal County

Name of Plan: Singing Hills; Located at northwest corner of the intersection of Highway 281 and State Highway 46; Bulverde, 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. 2969.01; Investigation No. 1030114; Regulated Entity No. RN106090962

Dear Mr. Keith:

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 Tarin Ramirez Engineers, LLC on behalf of DJL Ventures, Inc. and SH-DJL Development, LLC on August 27, 2012. Final review the CZP was completed after additional material was received on October 18, 2012. 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 legal boundary of the site where proposed regulated activities will occur is 253.8 acres. The site is located over the Edwards Aquifer Contributing Zone. The proposed mixed use development project will include:

- approximately 90 acres of commercial development and related infrastructure at the south and east portions of the site
- a wastewater treatment plant will be constructed on the northeast portion of the site
- approximately 86 acres of mass grading activities following with the permanent stabilization measures
- 4.4 acres of demolition activities
- approximately 78 acres will remain uncleared and undisturbed
- offsite improvements consisting of pavement widening along Highway 281 and State Highway 46.

The impervious cover will be 64.2 acres of on-site impervious cover and 1.9 acres offsite impervious cover. The total impervious cover for the project is 66.1 acres (26 percent). Project wastewater will be disposed of by conveyance to the proposed Singing Hills Water Recycling Center owned by SH-DJL Development, LLC (TCEQ ID No. WQ0015038001).

Upgradient stormwater entering the site along the north and west boundaries will flow onto the site and into a proposed detention pond. Upon discharging from the pond, this water will flow off the site in a southeasterly direction and eventually reenter the site along the southern west boundary. This runoff will be intercepted by a permanent vegetative swale into a concrete lined channel and conveyed across the site.

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, two (2) sedimentation filtration basins, 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 required total suspended solids (TSS) treatment for this project is 55,379 pounds of TSS generated from the 61.7 acres of impervious cover (66.1 acres proposed minus 4.4 acres of preexisting impervious cover). The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

The individual treatment measures are described below:

BMP Summary									
Sedimentation/Filtration Basin 1									
Watershed Area	Total Area (ac)	Impervious Cover I/C (ac)	Existing I/C (ac)	Req. WQV (ft3)	Design WQV (ft3)	Req. sand filter area (ft2)	Design sand filter area (ft2)	Req. TSS removal (lb/yr)	Design TSS removal (lb/yr)
Pond 1	68.59	56.49	1.79	282,956	289,408	23,580	35,952	49,097	50,395
Sedimentation/Filtration Basin 2									
Pond 2	6.31	5.55	0	33,566	35,508	2,797	5,792	4,983	5,115

Uncaptured Areas*						
Onsite**	177	2.2	2.4		-230	—
Offsite	1.9	1.9	0.2		1,530	—
Total project	253.8	66.1	4.4		55,379	55,510

*The basin is oversized to account for the uncaptured area.

**Includes 86 acres of mass grading area, 78 acres of undisturbed/uncleared area and 13 acres within the 90 acre commercial development area. Those 13 acres will be intercepted by an underground storm drain system and discharged into the permanent concrete lined channel.

Water quality ponds 1 and 2 will utilize a concrete liner and sand filtration system consisting of 18 inch thick, ASTM C-33 sand beds and underdrain piping system covered with a minimum two inch gravel layer.

The mass grading is for future development. At this time, plans for this development have not been developed. Once those plans are finalized a modification to this CZP will be required. The mass grading will have no impervious cover and generate no wastewater. Temporary erosion and sedimentation controls will remain in place until completion of the mass grading. If the mass grading is completed before the future commercial development is presented and approved, the following permanent stabilization measures will be provided:

- The topsoil will be placed over the disturbed areas which have not already exhibited sufficient re-establishment of vegetation.
- The topsoil areas will be hydraulically mulched with grass seed to establish vegetation.
- Irrigation will be provided until sufficient vegetation has been established.

Special Conditions

- I. 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-0625A) that you may use to deed record the approved CZP is enclosed.
- II. All permanent pollution abatement measures shall be operational prior to occupancy of the facility.
- III. 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.
- IV. For any future modifications to this CZP, the summary tables in this letter must be updated and included in the application. It is the responsibility of the applicant to maintain this information and keep it current.
- V. This CZP approval letter does not include the installation of the above ground storage tank facility at any commercial developments within the site. Prior to construction of the AST

Facility, a modification to this CZP must be submitted and received approval from the executive director.

- VI. The proposed project will include a construction of a no-discharge wastewater treatment facility. This approval letter is being issued for regulated activities (as defined in Chapter 213) and for best management practices presented in the application. This approval does not constitute a wastewater permit or authorization from the TCEQ Wastewater Program. If wastewater is to be discharges in the contributing zone, requirements under 30 TAC 213.6(c) (relating to Wastewater Treatment and Disposal Systems) must be satisfied.
- VII. Since the project proposes mass grading activities, the applicant shall assure that any permanent soil stabilization performed is in accordance with the Technical Guidance Manual (RG-348, 2005) and shall be implemented in accordance with 30 TAC 213.24(5).

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.
2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
3. 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.

Prior to Commencement of Construction:

4. 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.
5. 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.
6. 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.
7. 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:

8. 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.
9. 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).
10. Intentional discharges of sediment laden 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.
11. 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.
12. 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.
13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

After Completion of Construction:

14. 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.
15. 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

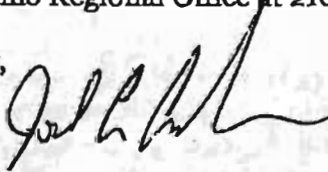
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through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

16. 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.
17. 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 San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
18. 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.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality. If you have any questions or require additional information, please contact Yuliya Dunaway of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210-490-3096.

Sincerely,



bo
Lynn Bumguardner, Water Section Manager
San Antonio Region Office
Texas Commission on Environmental Quality

LB/YD/eg

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

cc: Mr. Duane Moy, P.E., Moy Tarin Ramirez Engineers, LLC
Mr. Tom Hornseth, P.E., Comal County
Mr. Roland Ruiz, Edwards Aquifer Authority
The Honorable Bill Kraweitz, City of Bulverde
TCEQ Central Records, Building F, MC212