

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 28, 2007

Mr. Johnnie Long
J. Long Development Company, Ltd.
PO Box 311507
New Braunfels, Texas 78131

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Mystic Bluff Residential Subdivision; Located 1300' south of the intersection of Cranes Mill Road and FM 306.; 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. 2678.00; Investigation No. 567974; Regulated Entity No. RN105248058

Dear Mr. Long:

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 Hill Country Engineering on behalf of J. Long Development Company, Ltd. on July 2, 2007. Final review of the CZP was completed after additional material was received on August 22, 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 and found 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 residential development will include the construction of roads, drainage easements, utilities, and the grading of 43 lots for individual residences. The project will have an area of approximately 72.4 acres. The impervious cover will be 9.1 acres (12.6%). According to a letter dated, June 29, 2007, signed by Thomas H. Hornseth, P.E., with Comal County, the site in the development is acceptable for the use of on-site sewage facilities.

REPLY 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

PERMANENT POLLUTION ABATEMENT MEASURES

The site will have 12.6% impervious cover. Since this single-family residential project will not have more than 20 percent impervious cover, an exemption from permanent BMPs is approved.

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. 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.
- IV. 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.
- V. Since this project will not have more than 20% impervious cover, an exemption from permanent BMPs is approved. If the percent impervious cover ever 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 appropriate regional office of these changes.

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.

Mr. Johnnie Long
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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.

Mr. Johnnie Long
August 28, 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 Jason Jupe of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4023.

Sincerely,



Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/JJ/eg

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

cc: Mr. Michael F. Lucci, P.E., Hill Country Engineering
Mr. Tom Hornseth, P.E., Comal County
Ms. Velma Danielson, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

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



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IT COUNTY ENGINEER

TEXAS COMMISSION ON
Protecting Texas by Reduci

Comal
County

August 9,

Mr. Michael F. Lucci
Hill Country Engineering
7927 Vista Montan
San Antonio, TX 78256

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Mystic Bluff Residential Subdivision; Located 1300' south of the intersection of Cranes Mill Road and FM 306; Comal County, Texas

TYPE OF PLAN: Request for the Approval of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer; Edwards Aquifer Protection Program ID No. 2678.00; Investigation No. 567974; Regulated Entity No. RN105248058

Dear Mr. Lucci:

We are in the process of technically reviewing the CZP application you submitted on the above-referenced project. Before we can proceed with our review, the following comments relating to the application must be addressed.

1. TCEQ-10257 #50: although exempted from permanent BMPs, TCEQ CZP Construction Notes should be available on the site plan.
2. Revise the temporary BMP sheets to conform to the requirements listed in the TCEQ TGM:
 - a) for the construction entrance/exit, section 1.4.2, specifically, flared entrance, 8" of aggregate on top of foundation, and geotextile fabric.
 - b) for the silt fence, section 1.4.3, specifically, steel posts instead of wood with slight angle toward anticipated runoff.
3. SWPPP-Inspection and Maintenance of Controls-General: BMPs should be inspected weekly and after each rainfall event.

We ask that you submit one original and three copies of the amended materials to supplement the CZP application to this office by no later than **14 days from the date of this letter** to avoid denial of the plan. If the response to this notice is not received, is incomplete or inadequate, or provides new information that is incomplete or inadequate, a second notice will be sent to you requiring a response within 7 days from the notice date. If the response to the second notice is

Mr. Michael F. Lucci

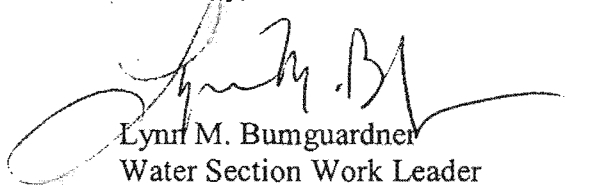
August 9, 2007

Page 2

not recieved, is incomplete or inadequate, or provides new information that is incomplete or inadquate, the application will be denied unless you provide written notification that the application is being withdrawn. Please note that the application fee will be forfeited if the plan is not withdrawn.

If you have any questions or require additional information, please contact Jason Jupe of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4023.

Sincerely,


Lynn M. Bumgardner
Water Section Work Leader
TCEQ San Antonio Regional Office

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LMB/JJ/eg

fc: Mr. Johnnie Long, J. Long Development Company Ltd., 210-568-4912
Mr. Michael F. Lucci, P.E. Hill Country Engineering, 210-698-9737

Hill Country Engineering
7927 Vista Montan; San Antonio, Texas 78256
TEL: (210) 698-9479 FAX: (210) 698-9737

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COUNTY ENGINEER

August 21, 2007

Ms. Lynn Bumguardner
Water Section Work Leader
TCEQ
San Antonio Regional Office
14250 Judson Rd.
San Antonio, TX 78233

RE: Mystic Bluff Residential Subdivision; Comal County;
ID No. 2678.00; Investigation No. 567974, RN No. RN105248058;
Responses to CZP Technical Review Comments

Dear Ms. Bumguardner:

Attached please find one original and three copies of the following amended materials for the above referenced CZP:

- 1) Revised Site Plan
- 2) Revised Construction Exit Detail
- 3) Revised Silt Fence Detail
- 4) Revised Inspection Schedule

The following responses are provided to the comments in your letter dated August 9, 2007:

1. Comment: Include the CZP general construction notes on the site plan.
Response: The construction notes are now included on the site plan.
- 2.a). Comment: Add a flared entrance, 8" aggregate and geotextile fabric to the construction exit detail.
Response: The construction exit detail has been revised to show a 15' entrance flare, 8" min. depth of aggregate above the foundation course, and geotextile fabric below the coarse aggregate. A note has also been added specifying the type of geotextile fabric.
- 2.b). Comment: Revise the silt fence detail to spec. steel posts instead of wood with a slight angle toward the runoff direction.
Response: The detail has been revised to spec. steel posts only. A note has been added to Section A-A requiring a slight angle toward the runoff direction.
3. Comment: Revise the inspection schedule for BMP's to weekly and after each rainfall.
Response: The inspection schedule has been changed to every 7 days and after each rainfall event.

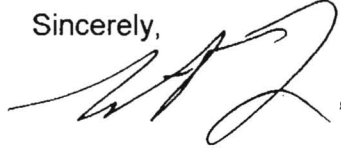
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Please feel free to call if you need additional information or have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Lucci', written in a cursive style.

Michael F. Lucci, P.E.

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 9, 2007

Mr. Michael F. Lucci
Hill Country Engineering
7927 Vista Montan
San Antonio, TX 78256

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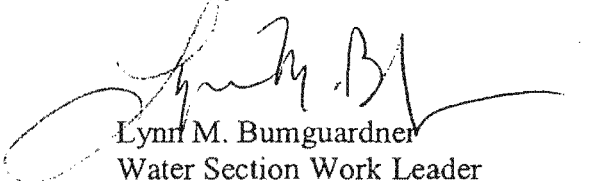
Mr. Michael F. Lucci
August 9, 2007
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Sincerely,



Lynn M. Bumguardner
Water Section Work Leader
TCEQ San Antonio Regional Office

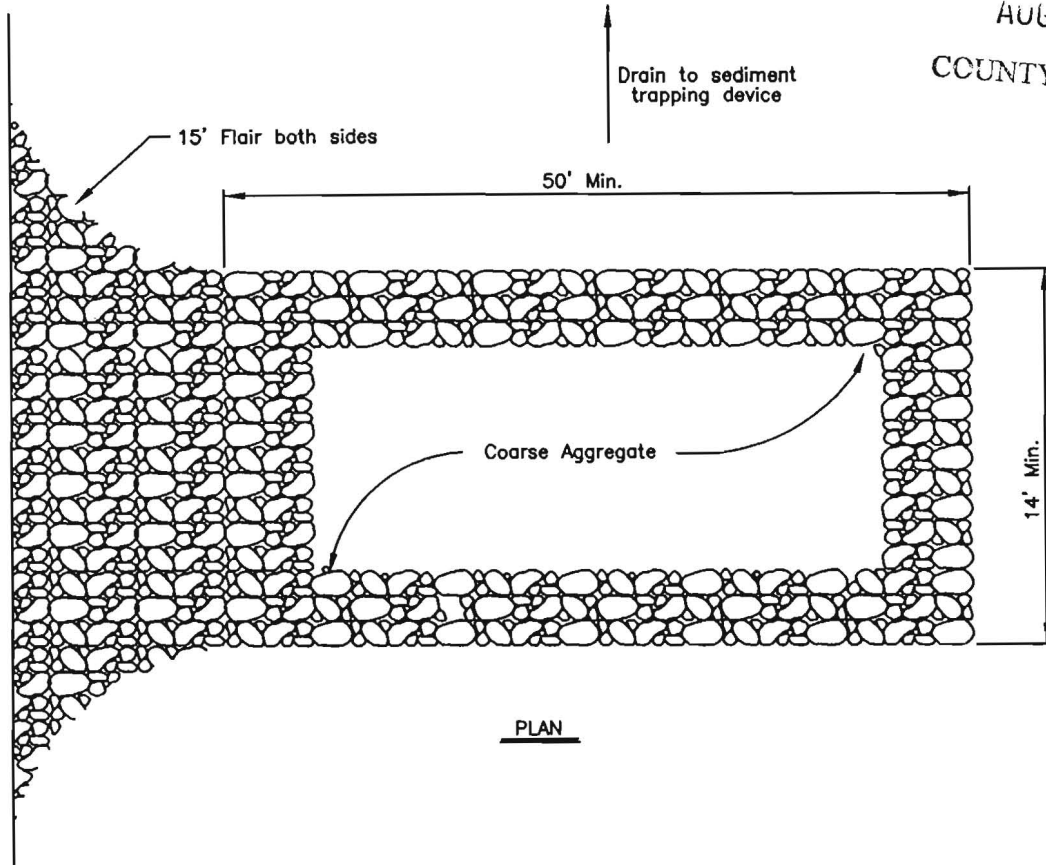
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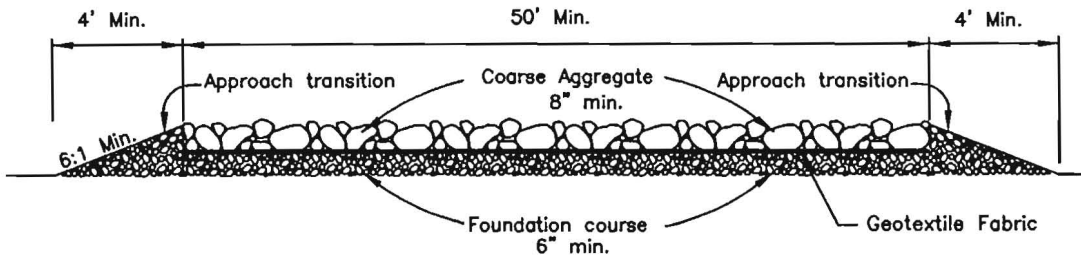
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PUBLIC ROAD



PLAN



PROFILE

GENERAL NOTES

1. The length of the construction exit shall be as indicated on the plans, but not less than 50'.
2. The coarse aggregate should be open graded with a size of 4" to 8".
3. The approach transitions should be no steeper than 6:1 and constructed as directed by the Engineer.
4. The construction exit foundation course shall be flexible base, bituminous concrete, portland cement concrete or other material as approved by the Engineer.
5. The construction exit shall be graded to allow drainage to a sediment trapping device.
6. Geotextile fabric shall be designed specifically for use as a soil filtration media with an approximate weight of 6 oz/sy, a mullen burst rating of 140 lb/in², and an equivalent opening size greater than a number 50 sieve.

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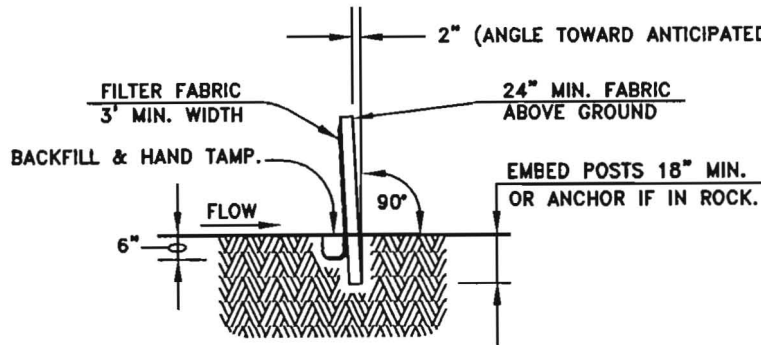
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**HILL COUNTRY
ENGINEERING, LLC**
7927 VISTA MONTAN
SAN ANTONIO, TX 78256
(210) 698-9479

**STABILIZED
CONSTRUCTION EXIT
DETAIL**

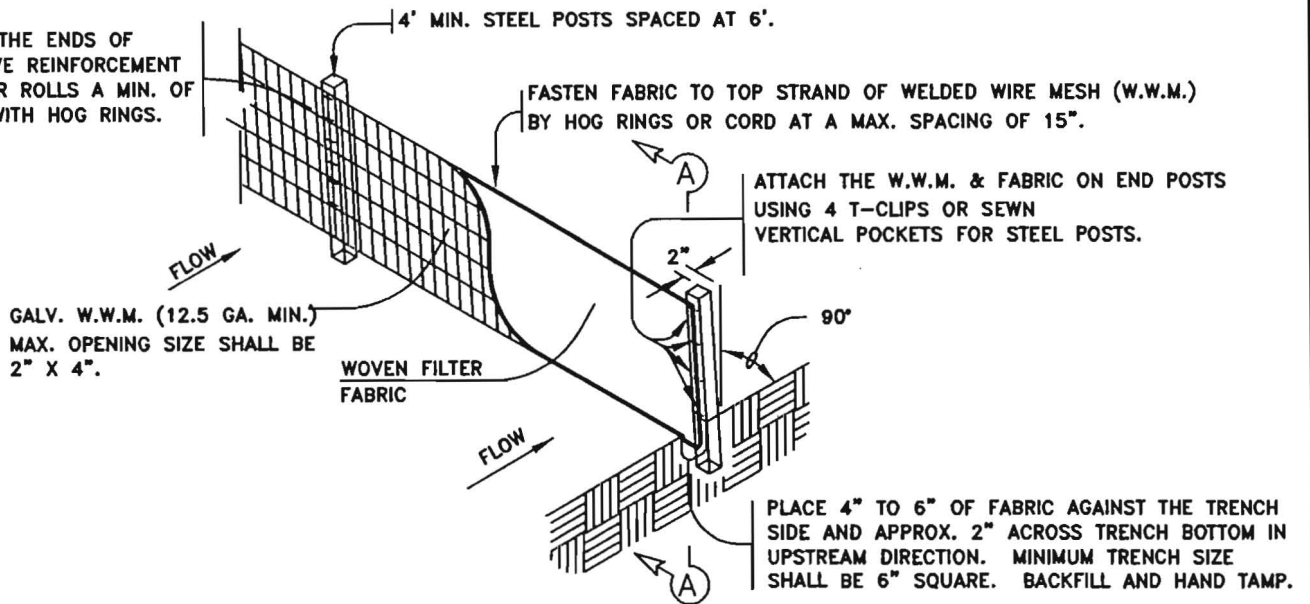
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DATE: 15 AUG 07		SHEET: 1 OF 1

AUG 3 0 2007
 COUNTY ENGINEER



SECTION A-A

CONNECT THE ENDS OF SUCCESSIVE REINFORCEMENT SHEETS OR ROLLS A MIN. OF 6 TIMES WITH HOG RINGS.



SILT FENCE DETAIL

N.T.S.

**HILL COUNTRY
 ENGINEERING, LLC**
 7927 VISTA MONTAN
 SAN ANTONIO, TX 78256
 (210) 698-9479

SILT FENCE DETAIL

#	DATE	REVISION
DATE: 15 AUG 07		SHEET: 1 OF 1

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INSPECTION & MAINTENANCE OF CONTROLS

AUG 30 2007

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General

- Controls shall be inspected every 7 days and within 24 hours after each rainfall event.
- The attached report form shall be used to record the inspection.
- Inspection reports shall be retained for a minimum period of three years from the date that the Notice of Termination (NOT) is submitted.
- In the event that flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.
- The following areas shall be included in the inspection:
 - disturbed areas of the construction site that have not been finally stabilized
 - areas used for storage of materials that are exposed to precipitation
 - structural and stabilization control measures
 - construction entrances and exits
- All controls must be maintained in effective operating condition.
- If required, maintenance must be performed before the next anticipated storm water event.
- Controls which have been found to be intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

Silt Fence

- Clean sediment from behind fence when height reaches 6 inches.
- Install additional fencing if not intercepting all of targeted disturbed area.
- Assure flows are not being directed around ends of fence.
- Assure fence is firmly anchored into ground along entire length.

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Rock Filter Dam

- Clean sediment from behind dam when sediment reaches $\frac{1}{2}$ of dam height.
- Assure length of dam is sufficient so that flows are not running around ends.
- Center of dam should be lower than ends so that high flows go over dam and not around.
- Assure dams are at full design height and have not been run-over or washed out.

Stabilized Construction Entrance

- Assure vehicles are not driving around rock entrance.
- Assure entrance is intact for full length and width (50'x12' minimum)
- Assure enough rock is present so that entrance is not muddy.
- Assure mud is not being tracked out onto public roads.

Vegetative Stabilization

- Assure sufficient seed is in place to provide a minimum of 75% cover at maturity.
- Assure seeded areas are being watered as needed.
- Assure sufficient topsoil, mulch and fertilizer are in place.
- Assure no areas have been washed out.

**Storm Water Pollution Prevention Plan
Inspection and Maintenance Report Form**

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*To be completed every 7 days and within 24 hours of
each rainfall event*

AUG 30 2007

COUNTY ENGINEER

Project: Mystic Bluff

Inspector: _____

Date: _____

Days since last rainfall: _____

Amount of last rainfall: _____ (Inches)

Silt Fence

- Fencing secured to ground? _____
- Fencing intact (no sections run over, torn or blown out)? _____
- Fencing intercepting all runoff from disturbed areas? _____
- Sediment buildup against fence less than 6"? _____
- Fencing aligned with contour so that flow does not run around end of fence? _____

Rock Filter Dam

- Sediment buildup behind dam less than one-half the height of the dam? _____
- Length of dam sufficient so that flows do not run around end? _____
- Center of dam lower than ends so that flows flow over and not around dam? _____
- Dams intact (no sections disturbed by construction equipment)? _____

Stabilized Construction Entrance

- Construction vehicles not bypassing entrance? _____
- No sediment being tracked out onto public roads? _____
- Enough rock present so that stabilized entrance is not muddy? _____
- Entrance intact (rock over min. 50'x14')? _____

Vegetative Stabilization

- Sufficient seed in place to provide a minimum of 75% coverage? _____
- Areas being sufficiently watered (grass not "crunchy" when walked on)? _____
- Sufficient topsoil, fertilizer and mulch for grass to grow in? _____
- No areas being washed away (i.e., along ditch flow lines)? _____

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COUNTY ENGINEER

Project: Mystic Bluff

Date: _____

Location and description of any storm water discharging uncontrolled, or through

failed controls: _____

Description of any maintenance required on controls: _____

Description and location of any additional controls needed: _____

Description and location of any maintenance performed on controls: _____

Modifications performed to the SWPPP: _____

Other than the items noted above, I certify that this project is in substantial compliance with the Storm Water Pollution Prevention Plan and the General Permit.

Inspector