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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 1, 2013

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OCT 07 2013

COUNTY ENGINEER

Mr. Benjamin Engelhardt, P.E.  
New Braunfels Area Engineer  
Texas Department of Transportation  
4102 IH 35 South  
New Braunfels, Texas 78132

Re: Edwards Aquifer, Comal County  
NAME OF PROJECT: US 281 at SH 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. 13 13072310

Dear Mr. Engelhardt:

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 on July 23, 2013. 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 project will be constructed within an approximately 17.04 acre right-of-way (ROW). The construction will include installing appropriate temporary BMPs, constructing turnarounds under the US 281 bridges, and other associated appurtenances. The impervious cover will be increased from approximately 6.58 acres to 8.34 acres (49 percent). No new wastewater will be generated by this project.

The project is within the Contributing Zone and approves:

- Construction of turnarounds under both bridges,
- Regrading existing grassy slopes,
- Installing Permanent BMPs as Contech® Stormfilters (SF) in selected areas,
- Re-stabilizing the ROW after construction.

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In addition to the described activities, temporary erosion and sedimentation controls will be installed prior to commencing site disturbance and maintained during construction. No wastewater will be generated by this roadway project.

#### 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 a placement of StormFilter (SF) flow-through cartridge systems, 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 BMPs for placement on this project are as shown on the erosion control sheets. A combination of sizes and volumes are utilized. The approved measures meet the required 80 percent removal of the increased load in total suspended solids caused by the project. Design calculations were sealed by Linda Cox P.E., on May 21, 2013 to demonstrate the total treatment load removal to exceed the required 1283 lbs. increase caused by the project by 1169 lbs. in those watershed areas traversed by the roadway.

#### SPECIAL CONDITIONS

- I. Since this is a roadway construction project, deed recordation of this approval letter is not required.
- II. A staging area was not proposed for this project. If the contractor desires a staging area, 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.

#### 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 CZP 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.

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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 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. 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.
  9. 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.
  10. 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.
  11. 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.
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After Completion of Construction:

12. 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.
13. 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.
14. A CZP 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 CZP 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.
15. 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 Mr. Kevin Lee Smith, P.E. of the Edwards Aquifer Protection Program of the Austin Regional Office at 512-339-2929.

Sincerely,



Carolyn Runyon, Water Section Manager  
Austin Region Office  
Texas Commission on Environmental Quality

CDR/ks

cc: Mr. Roland Ruiz, General Manager, Edwards Aquifer Authority  
Ms. Lynn Bumgardner, Water Section Manager, San Antonio Regional Office  
The Honorable Bill Kraweitz, Mayor, City of Bulverde  
Mr. Tom Hornseth, Comal County  
Mr. Ricardo Flores, Texas Department of Transportation, San Antonio District  
TCEQ Central Records, Building F, MC212