TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 2007

Mr. Jack Dean
Bluegreen Southwest Land, Inc.
P.O. Box 986
Wimberley, Texas 78676

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Vintage Oaks at the Vineyard Unit 2; Located on Vintage Oaks Pkwy, northeast of Hwy 46, Comal County, Texas
TYPE OF PLAN: Request for the Approval of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer; Edwards Aquifer Protection Program ID No. 2631.00; Investigation No. 542800; Regulated Entity No. RN105172993

Dear Mr. Dean:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the above-referenced project submitted to the San Antonio Regional Office by M & S Engineering, Ltd. on behalf of Bluegreen Southwest Land, Inc. on March 1, 2007. Final review of the WPAP was completed after additional material was received on May 2, 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 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 single family residential project will have a total site area of approximately 625.40 acres. The impervious cover will be 87.10 acres (14%) and will include 472 house lots, roads, driveways, utilities and one recreation park and swimming pool area. Project wastewater will be disposed of by an onsite sewage facility for each individual lot. According to a letter dated February 5, 2007, signed by Thomas Hornseth P.E. with Comal County, the sites in the development are acceptable for the use of onsite sewage facilities.

Doc# 200706020092

PERMANENT POLLUTION ABATEMENT MEASURES

The single family residential project will not have more than 20 percent impervious cover, an exemption from permanent BMPs is approved.

GEOLOGY

According to the geologic assessment included with the application, 44 geologic or manmade features were identified at the project site. Two features were rated as sensitive (>40) and a 200 foot natural buffer area will be provided for each feature. The San Antonio Regional Office did not conduct a site inspection.

SPECIAL CONDITIONS

I. The holder of the approved Edwards Aquifer WPAP must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the application.

II. If the impervious cover ever increases above 20 percent or the land use changes, the exemption for the whole site may no longer apply and the property owner must notify the San Antonio Regional Office of these changes.

III. The project engineer stated two wells (Feature ID S7 and S41) located onsite will be properly abandoned. Within 60 days of the date of this letter provide correspondence that the two wells have been properly abandoned.

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. All homebuyers shall be provided with:

a. Lot plat showing any sensitive features and any recharge feature buffer areas for sensitive features within the plat boundary.
b. Notice of the requirements that sensitive feature buffer areas must be maintained as natural vegetation and that sensitive feature buffer areas, which are located within a residential tract, shall be separated by a visual barrier from conventional landscaping.
c. Copy of Title 30 TAC Chapter 285, Sub Chapter E, Special Requirements for OSSFs Located in the Edwards Aquifer Recharge Zone, §285.40 - §285.42, (enclosed).

VI. The WPAP application proposed the installation of a cave gate for sensitive feature S-42. This cave gate shall be certified by a Texas Licensed Professional Engineer to be installed as designed. Proof of certification shall be submitted to the TCEQ San Antonio Regional Office within 15 days of installing and completing the cave gate.

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.

Doc# 200706020092

Prior to Commencement of Construction:

2. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the appropriate 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 form (Deed Recordation Affidavit, TCEQ-0625) that you may use to deed record the approved WPAP is enclosed.

3. 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are complete.

4. Modification to the activities described in the referenced WPAP 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.

5. 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 date on which the regulated activity will commence, the name of the approved plan and program ID number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.

6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, 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.

7. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

8. During the course of regulated activities related to this project, the applicant or 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 any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.

10. 2 wells exist on site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.

11. 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 reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.

12. 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.

13. 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.

<u>After Completion of Construction:</u>

14. 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. The regulated 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.

16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. 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.

17. An Edwards Aquifer 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 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.

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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,

for Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/CEF/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625
Title 30 TAC Chapter 285, Sub Chapter E, Special Requirements for OSSFs Located in the Edwards Aquifer Recharge Zone, §285.40 - §285.42

cc: Mr. Keith Strimple, P.E., M & S Engineering, Ltd.
Mr. Robert Potts, Edwards Aquifer Authority
Mr. Thomas Hornseth, P.E., Comal County
TCEQ Central Records, Building F, MC 212

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 2, 2011

Mr. John Van De Voorde, VP of Development
Bluegreen Southwest Land, Inc.
6060 N. Central Expressway
Dallas, TX 75206

Re: EDWARDS AQUIFER, Comal County
PROJECT: Vintage Oaks at The Vineyard Unit 2; Project number 2631.02
Regulated Entity No: RN105172993
Investigation No. 900938
TYPE: Solution Feature/Sensitive Feature; 30 Texas Administrative Code (TAC) §213.5(f)(2); Edwards Aquifer Protection Program

Dear Mr. Van De Voorde:

The Texas Commission on Environmental Quality (TCEQ) received a plan which addresses protection of solution feature encountered during trenching for an electric line off Highway 46 for the above referenced project. It was submitted on behalf of Bluegreen Southwest Land, Inc., by PSI, Inc., and received by the San Antonio Regional Office on February 25, 2011. Feature location and assessments are outlined in Table I below.

TABLE I

Type of Solution Feature	Location	Case*/Sensitivity
Solution Cavity (No. 1)	Electric line located at 29-47-49.5, 98-15-33.9	3/65

A representative of the San Antonio Region office did conduct an onsite investigation March 2, 2011. The engineered resolution submitted for this feature is in the enclosed Solution Feature Discovery Notification Form, attachments and drawings. Although the feature is not within a sanitary or storm sewer trench, the Edwards Aquifer Protection Program "Minimum Protective Standards for Sewer Line and Storm Sewer Trenches" (Doc. 96.004, 1998), was used as a guide. Based on the information provided, and its certification by Mr. John Langan, P.G., your protection plan is approved with the following conditions:

1. The location of the solution feature shall be shown on the "as-built" plans.

2. Any concrete or concrete encasement shall meet or exceed San Antonio Water System specifications for minimum thickness and compression strength.

Should clarification of this letter be desired or if we may be of any other assistance, please contact Ms. Stacy Tanner of the San Antonio Regional Office at (210) 403-4078. Please reference project number 2631.02.

Sincerely,

Todd Jones
Water Section Work Leader
San Antonio Regional Office

LMB/smt/

Enclosures: Table I (Minimum Standards for Closing Solution Features in Sewer Line Trenches)
Attachment 3, Vintage Oaks at the Vineyard Unit 2, Narrative Description

cc with Enclosures:
Mr. John Langan, P.G., PSI, Inc.
Mr. Jim Klein, P.E., City of New Braunfels
Mr. Tom Hornseth, P.E., Comal County
Mr. Karl J. Dreher, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC-212

Cave found by
utility company

WPAP - Modification

TABLE II

EDWARDS AQUIFER PROTECTION PROGRAM - TCEQ
Minimum Protective Standards for Sewer Line and Storm Sewer Trenches
(from Edwards Aquifer Guidance Document 96.004, Effective 8/11/98)

Case	Description	Concern	Treatment	Notification/ Approval
1	Sensitive feature is less than or equal to six (6) inches in all directions and is located above the embedment of the pipe. All rock within and surrounding the feature is sound.	Not environmental nor pipe integrity	No abatement required.	None required.
2	Sensitive feature is either larger than six (6) inches in at least one direction or is located within the level of the pipe embedment. No portion of the sensitive feature may intersect the plane of trench floor. All rock within and surrounding the feature is sound.	Environmental	The sensitive feature shall be filled with concrete. Gravel to "fist sized" rock or sacks of gravel may be placed in feature prior to placement of the concrete as long as a minimum of eighteen (18) inches of concrete is used to close the feature. minimum).	Requires notification and prior **written** approval from TCEQ.
3	Sensitive feature intersects the plane of the trench floor is less than four (4) feet in any direction. All rock within and surrounding the feature is sound.	Environmental	Sensitive feature shall be filled with concrete. Gravel to "fist sized" rock or sacks of gravel may be placed in feature prior to placement of concrete at least eighteen (18) inches of concrete is used to close the feature. The sewer line or storm sewer lines shall be concrete encased for width of the sensitive feature plus a minimum of five (5) feet on either end. The encasement shall provide a minimum of six (6) inches of concrete on all sides of the pipe and shall have a compression strength of at least two thousand five hundred (2,500) psi (28-day strength). The concrete may be steel reinforced.	Requires notification and prior **written** approval from TCEQ.
4	Sensitive feature intersects the plane of the trench floor and any opening in trench floor is greater than four (4) feet in any direction or the trench floor is unstable.	Environmental & Structural	Requires an engineered resolution at least as protective as Case 3 above. Additional protective measures, including rerouting of line, may be required.	Requires notification and prior written approval from TCEQ.

All plans submitted to the TCEQ regional office shall have a signed and dated seal of a Texas licensed Professional Engineer. All plans will be reviewed on a case-by-case basis and additional protective measures or additional information may be required.

PROPOSED PROTECTIVE MEASURES

The cave shall be filled with gravel to "fist sized" rock or sacks of concrete for stability. At least eighteen (18) inches of concrete shall be used to close the feature. The water line shall be concrete encased for width of the sensitive feature plus a minimum of five (5) feet on either end. The encasement shall provide a minimum of six (6) inches of concrete on all sides of the pipe and shall have a compressive strength of at least two thousand five hundred (2,500) psi (28-day strength). The concrete may be steel reinforced.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 7, 2008

Mr. Thomas H. Hornseth, P.E.
Comal County Engineer
195 David Jonas Drive
New Braunfels TX 78132-3710

Re: Edwards Aquifer, Comal County
PROJECT NAME: Vintage Oaks at the Vineyard Unit 2, located northeast of the Vintage Oaks Parkway and State Highway 46, New Braunfels, Texas
PLAN TYPE: Application for Approval of a Water Pollution Abatement Plan (WPAP) 30 Texas Administration Code (TAC) Chapter 213; Edwards Aquifer Protection Program
EAPP File Number: 2631.01

Dear Mr. Hornseth:

The enclosed WPAP application received on April 7, 2008, is being forwarded to you pursuant to the Edwards Aquifer Rules. The Texas Commission on Environmental Quality (TCEQ) is required by 30 TAC Chapter 213 to provide copies of all applications to affected incorporated cities and underground water conservation districts for their comments prior to TCEQ approval.

Please forward your comments to this office by May 6, 2008.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact the San Antonio Region Office at (210) 490-3096.

Sincerely

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

LMB/eg

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 4, 2008

Mr. Jack Dean, Vice President
Bluegreen Southwest Land, Inc.
P.O. Box 986
Wimberley, Texas 78676

Re: Compliance Record Review at
Vintage Oaks at the Vineyard – Unit 2, Comal County, Texas
EAPP File No.: 2631.00, Regulated Entity No.: RN105172993, Investigation No.: 641767

Dear Mr. Dean:

The Texas Commission on Environmental Quality (TCEQ) San Antonio Regional Office has received the compliance documentation that you submitted June 2nd and 3rd, 2008 for the alleged violations noted during the investigation of the above-referenced site conducted on May 23, 2008. The compliance documentation contained in your response appears to indicate that corrective action has been taken for the alleged violations. No further submittal from you is required concerning this investigation.

The Texas Commission on Environmental Quality appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Jason Jupe in the San Antonio Regional Office at (210) 403-4023.

Sincerely,

Lynn Bumguardner
Water Section Work Leader
San Antonio Regional Office

LMB/JJ/eg

Enclosure: Summary of Investigation Findings

cc: Mr. Keith Strimple, P.E., M & S Engineering, LTD.

Summary of Investigation Findings

VINTAGE OAKS AT THE VINEYARD UNIT 2 **Investigation # 641767**

Investigation Date: 04/07/2008

, COMAL COUNTY,

Additional ID(s): 13-07030102

ALLEGED VIOLATIONS NOTED AND RESOLVED

Track No: 335627

30 TAC Chapter 213.5(f)(1)(A)(i)

Alleged Violation:

Investigation: 641767 Comment Date: 05/28/2008

The applicant failed to provide written notification of intent to commence construction no later than 48 hours prior to commencement of the regulated activity, with all criteria specified in Standard Condition #5 of the approval letter dated May 8, 2007.

Recommended Corrective Action: Submit to the San Antonio Regional Office documentation fulfilling all criteria required in Standard Condition #5.

Resolution: On June 3, 2008, Mr. William Archer with Bluegreen Southwest Land Inc., emailed the investigator documentation meeting the requirements set forth in Standard Condition V in the approval letter dated May 8, 2007.

There are no additional corrective action requirements for violation tracking number 335627.

Track No: 335629

30 TAC Chapter 213.4(k)

Alleged Violation:

Investigation: 641767 Comment Date: 05/28/2008

The applicant failed to provide, within 60 days of the approval letter date (May 8, 2007) correspondence documenting the two wells (Feature ID S7 and S41) located onsite have been properly abandoned per Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers).

Recommended Corrective Action: Provide documentation that demonstrates the wells have been properly abandoned according to Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers).

Resolution: On June 3, 2008, Mr. Archer faxed the investigator two completed copies of the Edwards Aquifer Authority's "Application for Well Plugging Permit." These documents demonstrate that Bluegreen Southwest Land Inc., will plug the wells as stated during the review of the previously approved WPAP. Therefore, the submitted documentation shall fulfill the requirement of Special Condition III in the approval letter dated May 8, 2007.

There are no additional corrective action requirements for violation tracking number 335629.

Track No: 336273

30 TAC Chapter 213.4(g)(1)(A)

Alleged Violation:

Investigation: 641767 Comment Date: 06/03/2008

VINTAGE OAKS AT THE VINEYARD UNIT 2 **Investigation # 641767**

The applicant failed to submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records with all criteria required per Standard Condition #2 of the approval letter dated May 8, 2007, within 60 days of receiving written approval of an Edwards Aquifer Protection Plan.

Recommended Corrective Action: Submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records with all requirements per Standard Condition #2 in the approval letter dated May 8, 2007.

Resolution: On June 2, 2008, the applicant's authorized agent emailed the investigator proof of recordation of notice in the county deed records. The submitted documentation fulfills all requirements per Standard Condition #2 in the approval letter dated May 8, 2007.

There are no additional corrective action requirements for violation tracking number 335625.

TCEQ

Protecting Texas by Reducing and Preventing Pollution

FAX TRANSMITTAL

DATE: _____ NUMBER OF PAGES *(including this cover sheet)*: ☐

TO:
- Name
- Organization: **COMAL COUNTY ENGINEERS OFFICE**
- FAX Number: **830/608-2009**, **830/608-2078**, **830/620-3810**

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
- Name: **Elaine G**
- Division/Region: **San Antonio Region 13**
- Telephone Number: **210/490-3096**
- FAX Number: **210/545-4329**

NOTES:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 4, 2008

Mr. Jack Dean
Bluegreen Southwest Land, Inc.
P.O. Box 986
Wimberley, Texas 78676

Re: Comal, County
NAME OF PROJECT: Vintage Oaks at the Vineyard – Unit 2; Comal County, Texas
TYPE OF PLAN: Request for an Exception to a Provision of 30 TAC §213; 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer; Edwards Aquifer Protection Program File No. 2631.01, Regulated Entity No. RN105172993, Investigation No. 641767

Dear Mr. Dean:

On April 7, 2008, the Texas Commission on Environmental Quality (TCEQ) received your request for an exception to modify the WPAP approved by letter dated May 8, 2007. The request has been reviewed for compliance with 30 TAC §213.9(a) which set forth the requirements for requesting an exception to any substantive provision 30 TAC §213 related to the protection of water quality, and was found to not qualify for an exception to a substantive provision of the rules. Therefore, the request for an exception to not submit a modification application to the existing WPAP cannot be approved.

A modification of a previously approved plan is required per §213.4(j)(1):

> ...any physical or operational modification of any water pollution abatement structure(s), including, but not limited to, ponds, dams, berms, sewage treatment plants, and diversionary structures...

A sensitive feature buffer is a type of water pollution abatement structure. A modification to the designated buffer area will require a modification to the previously approved plan.

As prescribed by 30 TAC §213.4(j), a modification application must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval. Fees associated with this exception request shall be retained by the TCEQ, and will not be refunded or allocated to a future application submittal.

Additionally, if a future modification application will be submitted, provide a plan sheet demonstrating each sensitive feature's footprint (features S-42 and S-20), catchment area, and OSSF separation distances. Include on this plan sheet, all affected lots. The plan sheet provided for feature S-20 should demonstrate the existing and proposed buffer areas. All maps must be signed and sealed as applicable. Please be advised, features may extend beyond their estimated footprint. Distances shown for Edwards Aquifer Recharge Features from all OSSF components,

are measured from the footprint of the feature (see *TCEQ-0585-Instructions to Geologists* for determining feature footprints). Please confirm and demonstrate that the distances listed in Table X (attached) will be utilized in the design of residential home sites and the recreation center.

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

Sincerely,

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/JJ/eg

Enclosure: 30 TAC 285, Table X (1 page)

cc with enclosure:

Mr. Keith Strimple, P.E., M & S Engineering, LTD.
Mr. Tom Hornseth, P.E., Comal County
Ms. Velma Danielson, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212

Table X. Minimum Required Separation Distances for On-Site Sewage Facilities.

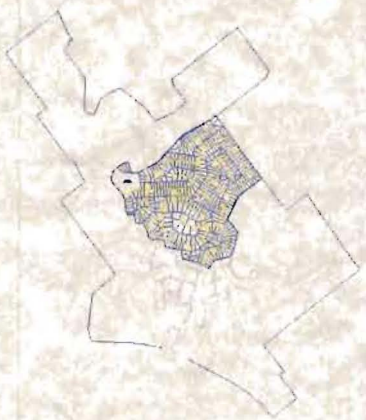
FROM	TO: Tanks	Soil Absorption Systems & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
Public Water Wells	50	150	150	50	150	150
Public Water Supply Lines	10	10	10	10	10	10
Wells and Underground Cisterns	50	100	50	20	100	100
Private Water Line	10	10	5	10[5] except at connection to structure	No separation distances	10
Wells Pressure Cemented or Grouted to 100 ft or Pressure Cemented or Grouted to Watertable if Watertable is Less Than 100 ft. Deep	50	50	50	20	50	50
Streams, Ponds, Lakes, Rivers, Creeks (Measured From Normal Pool Elevation and Water Levels), Salt Water Bodies (High Tide Only)	50	75, LPD (Secondary Treatment & Disinfection) - 50	50	20	50	25 when $R_a \leq 0.1$ 75 when $R_a > 0.1$ (With Secondary Treatment & Disinfection - 50)
Foundations, Buildings, Surface Improvements, Property Lines, Easements, Swimming Pools, and Other Structures	5	5	5	5	No Separation Distances Except: Property lines - 20[6] Swimming Pools - 25	No Separation Distances Except[4]: Property Lines - 5
Slopes Where Seeps may Occur	0 (special support may be required for zero separation distances)	25	5	10	25	10 when $R_a \leq 0.1$ 25 when $R_a > 0.1$
Edwards Aquifer Recharge Features (See Chapter 213 of this title relating to Edwards Aquifer)	50	150	50	50	150	100 when $R_a \leq 0.1$ 150 when $R_a > 0.1$

1. All distances measured in feet, unless otherwise indicated.
2. For additional information or revisions to these separation distances, see Chapter 290 of this title (relating to Public Drinking Water).
3. No OSSF may be installed closer than 75 feet from the banks of the Nueces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde County line to the recharge zone.
4. Drip irrigation lines may not be placed under foundations.
5. Private water line/wastewater line crossings should be treated as public water line crossings, see Chapter 290 of this title (relating to Public Drinking Water).
6. Separation distance may be reduced to 10 feet when sprinkler operation is controlled by commercial timer. See §285.33(d)(2)(G)(i).

2631.01

WATER POLLUTION ABATEMENT PLAN EXCEPTION

FOR



Vintage Oaks at the Vineyard Unit - 2

Prepared for:

Bluegreen Southwest Land, Inc.
P.O. Box 986
Wimberley, Texas 78676

Prepared by:

M & S

ENGINEERING, LTD
Engineers, Planners, Surveyors

Main Office:
P. O. Box 970
Spring Branch, Texas 78070
830/228-5446
830-885-2170 FAX

Branch Office:
P. O. Box 391
McQueeney, Texas 78123
830-560-3200
830-560-3203 FAX

March 2008

TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission *(If other is checked please describe in space provided)*

☒ New Permit, Registration or Authorization *(Core Data Form should be submitted with the program application)*

☐ Renewal *(Core Data Form should be submitted with the renewal form)* ☐ Other

2. Attachments — Describe Any Attachments: *(ex. Title V Application, Waste Transporter Application, etc.)*

☒ Yes ☐ No — WPAP Exception Applicaton

3. Customer Reference Number *(if issued)*	Follow this link to search for CN or RN numbers in Central Registry**	4. Regulated Entity Reference Number *(if issued)*
CN 602609984		RN 105172993

SECTION II: Customer Information

5. Effective Date for Customer Information Updates (mm/dd/yyyy)

6. Customer Role (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check only one of the following:*

☒ Owner ☐ Operator ☐ Owner & Operator
☐ Occupational Licensee ☐ Responsible Party ☐ Voluntary Cleanup Applicant ☐ Other: _____

7. General Customer Information

☐ New Customer ☐ Update to Customer Information ☐ Change in Regulated Entity Ownership
☐ Change in Legal Name (Verifiable with the Texas Secretary of State) ☒ No Change**

If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.

8. Type of Customer:	☐ Corporation	☐ Individual	☐ Sole Proprietorship- D.B.A
☐ City Government	☐ County Government	☐ Federal Government	☐ State Government
☐ Other Government	☐ General Partnership	☐ Limited Partnership	☐ Other:

9. Customer Legal Name *(If an individual, print last name first: ex: Doe, John)* — *If new Customer, enter previous Customer below* — *End Date:*

10. Mailing Address:

City | State | ZIP | ZIP + 4

11. Country Mailing Information *(if outside USA)* — 12. E-Mail Address *(if applicable)*

13. Telephone Number ( ) - — 14. Extension or Code — 15. Fax Number *(if applicable)* ( ) -

16. Federal Tax ID *(9 digits)* — 17. TX State Franchise Tax ID *(11 digits)* — 18. DUNS Number *(if applicable)* — 19. TX SOS Filing Number *(if applicable)*

20. Number of Employees
☐ 0-20 ☐ 21-100 ☐ 101-250 ☐ 251-500 ☐ 501 and higher

21. Independently Owned and Operated?
☐ Yes ☐ No

SECTION III: Regulated Entity Information

22. General Regulated Entity Information *(If 'New Regulated Entity" is selected below this form should be accompanied by a permit application)*

☐ New Regulated Entity ☐ Update to Regulated Entity Name ☐ Update to Regulated Entity Information ☒ No Change** *(See below)*

**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.

23. Regulated Entity Name *(name of the site where the regulated action is taking place)*

24. Street Address of the Regulated Entity: *(No P.O. Boxes)*							
	City		State		ZIP	ZIP + 4	
25. Mailing Address:							
	City		State		ZIP	ZIP + 4	

26. E-Mail Address:		
27. Telephone Number	28. Extension or Code	29. Fax Number *(if applicable)*
( ) -		( ) -

30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)	32. Primary NAICS Code (5 or 6 digits)	33. Secondary NAICS Code (5 or 6 digits)

34. What is the Primary Business of this entity? *(Please do not repeat the SIC or NAICS description.)*

Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.

35. Description to Physical Location:	

36. Nearest City	County	State	Nearest ZIP Code

37. Latitude (N) In Decimal:			38. Longitude (W) In Decimal:		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the updates may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

☐ Dam Safety	☐ Districts	☐ Edwards Aquifer	☐ Industrial Hazardous Waste	☐ Municipal Solid Waste
☐ New Source Review – Air	☐ OSSF	☐ Petroleum Storage Tank	☐ PWS	☐ Sludge
☐ Stormwater	☐ Title V – Air	☐ Tires	☐ Used Oil	☐ Utilities
☐ Voluntary Cleanup	☐ Waste Water	☐ Wastewater Agriculture	☐ Water Rights	☐ Other:

SECTION IV: Preparer Information

40. Name:	Stephen Jackson	41. Title:	Hydrologist

42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(830) 228-4159		(830) 885-2170	sjackson@msengr.com

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

(See the Core Data Form instructions for more information on who should sign this form.)

Company:	M&S Engineering, LTD.	Job Title:	Agent - Engineer
Name *(In Print)* :	Keith Strimple, P.E.	Phone:	(830) 228-5446
Signature:		Date:	4/3/08

General Information Form
For Regulated Activities on the
Edwards Aquifer Recharge and Transition Zones
and Relating to 30 TAC §213.4(b) & §213.5(b)(2)(A), (B)
Effective June 1, 1999

REGULATED ENTITY NAME: Vintage Oaks At The Vineyard – Unit 2
COUNTY: Comal STREAM BASIN: Dry Comal Creek

EDWARDS AQUIFER: _X_ RECHARGE ZONE
___ TRANSITION ZONE

PLAN TYPE: _X_ WPAP ___ AST ___ EXCEPTION
___ SCS ___ UST ___ MODIFICATION

CUSTOMER INFORMATION

1. Customer (Applicant):

Contact Person: Jack Dean
Entity: Bluegreen Southwest Land, Inc.
Mailing Address: P.O. Box 986
City, State: Wimberley, Texas Zip: 78676
Telephone: (512) 847-5483 FAX: (512) 847-9414

Agent/Representative (If any):

Contact Person: Keith Strimple, P.E.
Entity: M & S Engineering, LTD.
Mailing Address: P.O. Box 970
City, State: Spring Branch, Texas Zip: 78070
Telephone: (830) 228-5446 FAX: (830) 885-2170

2. ___ This project is inside the city limits of _____.
___ This project is outside the city limits but inside the ETJ (extra-territorial jurisdiction) of _____.
_X_ This project is not located within any city's limits or ETJ.

3. The location of the project site is described below. The description provides sufficient detail and clarity so that the TCEQ's Regional staff can easily locate the project and site boundaries for a field investigation.

The property is located along Vintage Oaks Parkway, approximately 4,380 feet Northeast from the intersection of Vintage Oaks Parkway and State Highway 46, in Comal County, Texas.

4. _X_ **ATTACHMENT A - ROAD MAP**. A road map showing directions to and the location of the project site is attached at the end of this form.

5. _X_ **ATTACHMENT B - USGS / EDWARDS RECHARGE ZONE MAP**. A copy of the official 7 ½ minute USGS Quadrangle Map (Scale: 1" = 2000') of the Edwards Recharge Zone is

attached behind this sheet. The map(s) should clearly show:

X Project site.
X USGS Quadrangle Name(s).
X Boundaries of the Recharge Zone (and Transition Zone, if applicable).
X Drainage path from the project to the boundary of the Recharge Zone.

6. X Sufficient survey staking is provided on the project to allow TCEQ regional staff to locate the boundaries and alignment of the regulated activities and the geologic or manmade features noted in the Geologic Assessment. **The TCEQ must be able to inspect the project site or the application will be returned.**

7. X **ATTACHMENT C - PROJECT DESCRIPTION**. Attached at the end of this form is a detailed narrative description of the proposed project.

8. Existing project site conditions are noted below:

___ Existing commercial site
___ Existing industrial site
___ Existing residential site
X Existing paved and/or unpaved roads
___ Undeveloped (Cleared)
X Undeveloped (Undisturbed/Uncleared)
___ Other:

PROHIBITED ACTIVITIES

9. X I am aware that the following activities are prohibited on the **Recharge Zone** and are not proposed for this project:

(1) waste disposal wells regulated under 30 TAC Chapter 331 of this title (relating to Underground Injection Control);
(2) new feedlot/concentrated animal feeding operations, as defined in 30 TAC §213.3;
(3) land disposal of Class I wastes, as defined in 30 TAC §335.1;
(4) the use of sewage holding tanks as parts of organized collection systems; and
(5) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41(b), (c), and (d) of this title (relating to Types of Municipal Solid Waste Facilities).

10. X I am aware that the following activities are prohibited on the **Transition Zone** and are not proposed for this project:

(1) waste disposal wells regulated under 30 TAC Chapter 331 (relating to Underground Injection Control);
(2) land disposal of Class I wastes, as defined in 30 TAC §335.1; and
(3) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41 (b), (c), and (d) of this title.

ADMINISTRATIVE INFORMATION

11. The fee for the plan(s) is based on:

___ For a Water Pollution Abatement Plan and Modifications, the total acreage of the site where regulated activities will occur.

___ For an Organized Sewage Collection System Plans and Modifications, the total linear footage of all collection system lines.

___ For a UST Facility Plan or an AST Facility Plan, the total number of tanks or piping systems.

___ A Contributing Zone Plan.

_X_ A request for an exception to any substantive portion of the regulations related to the protection of water quality.

___ A request for an extension to a previously approved plan.

12. Application fees are due and payable at the time the application is filed. If the correct fee is not submitted, the TCEQ is not required to consider the application until the correct fee is submitted. Both the fee and the Edwards Aquifer Fee Form have been sent to the Commission's:

___ TCEQ cashier

___ Austin Regional Office (for projects in Hays, Travis, and Williamson Counties)

_X_ San Antonio Regional Office (for projects in Bexar, Comal, Kinney, Medina, and Uvalde Counties)

13. _X_ Submit one (1) original and three (3) copies of the completed application to the appropriate regional office for distribution by the TCEQ to the local municipality or county, groundwater conservation districts, and the TCEQ's Central Office.

14. _X_ No person shall commence any regulated activity until the Edwards Aquifer Protection Plan(s) for the activity has been filed with and approved by the executive director.

_X_ No person shall commence any regulated activity until the Contributing Zone Plan for the activity has been filed with the executive director.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **GENERAL INFORMATION FORM** is hereby submitted for TCEQ review. The application was prepared by:

Keith Strimple, P.E.
Print Name of ~~Customer~~/Agent

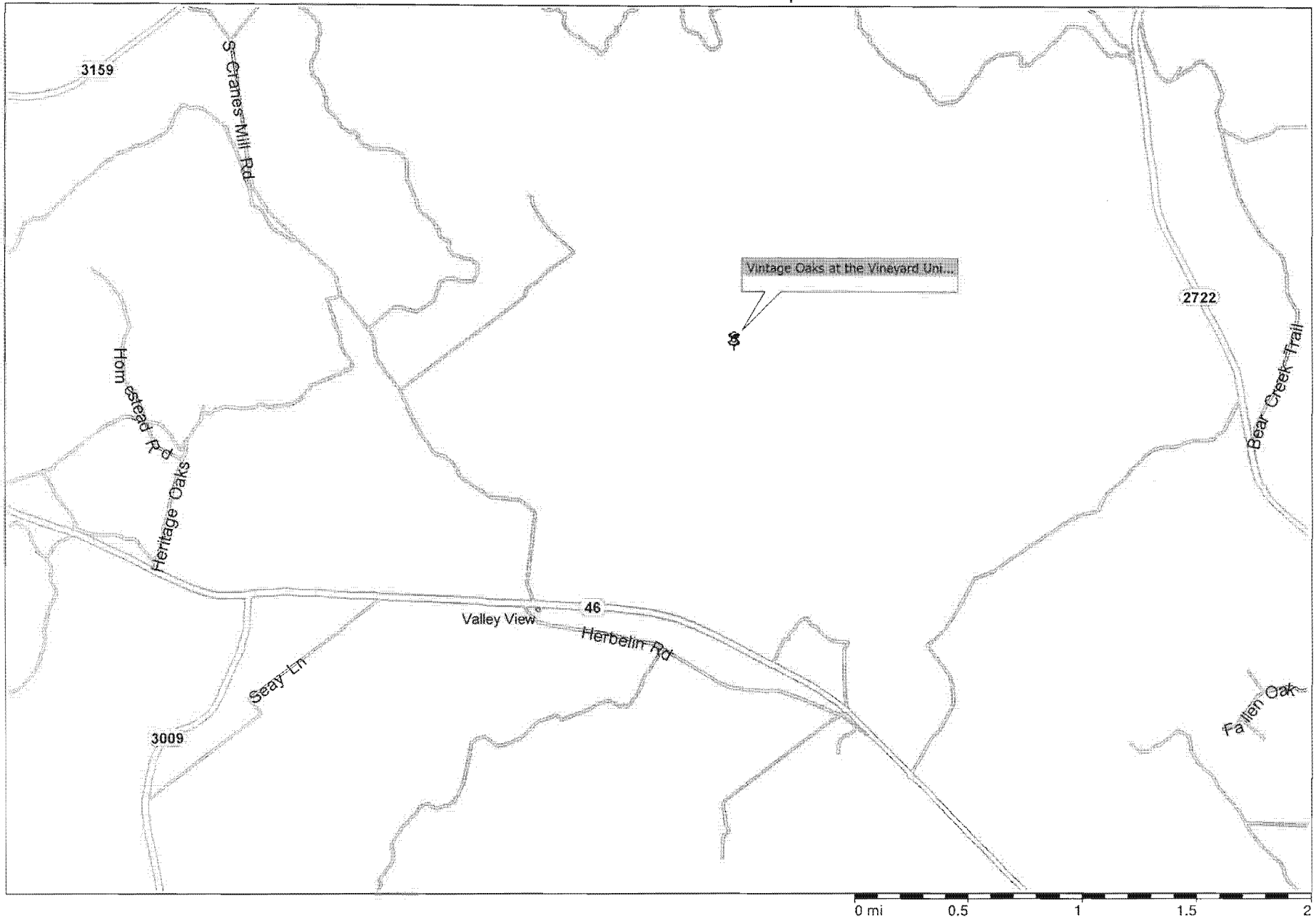
Signature of ~~Customer~~/Agent

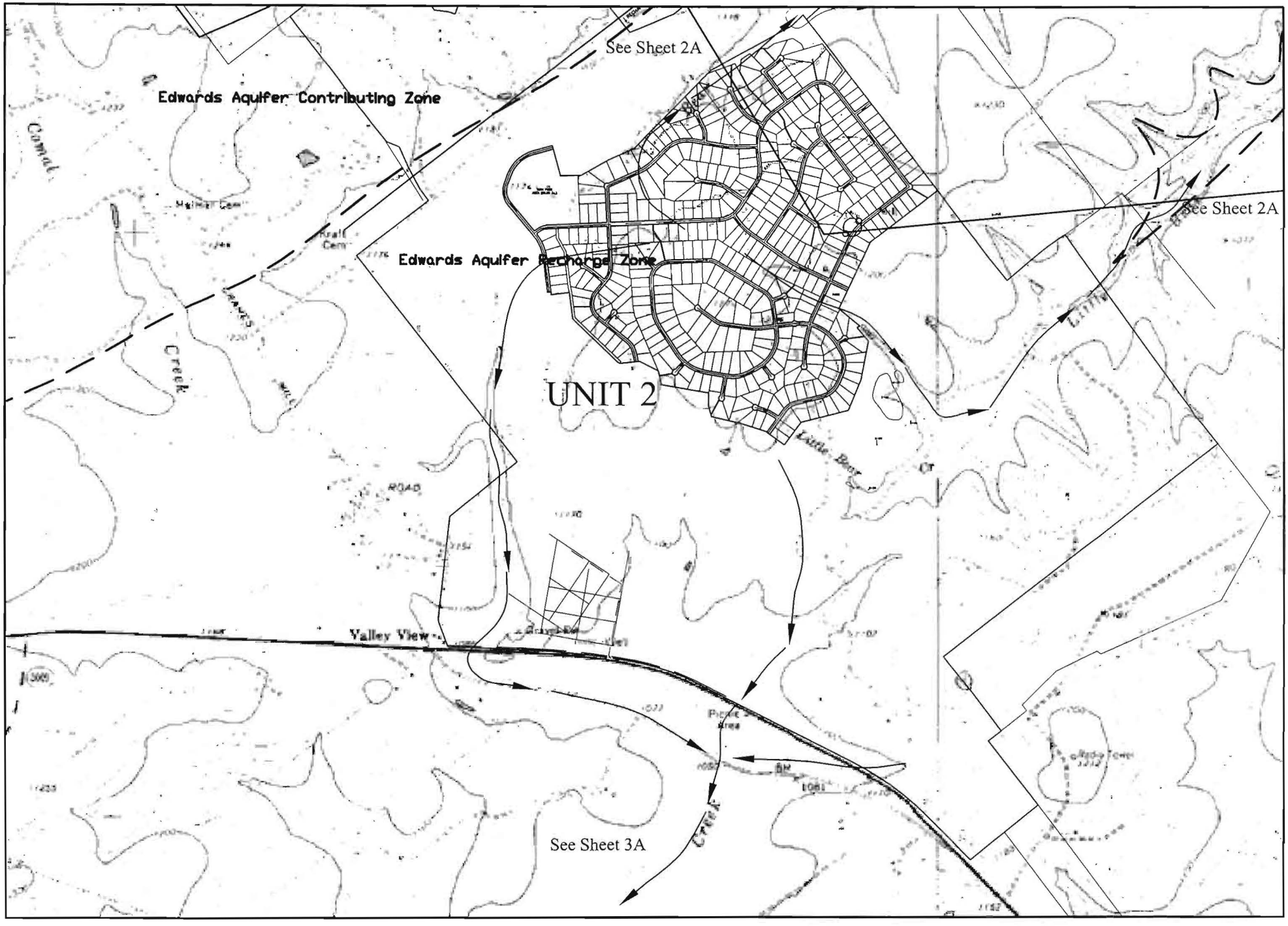
3/22/08
Date

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

Attachment A - Road Map

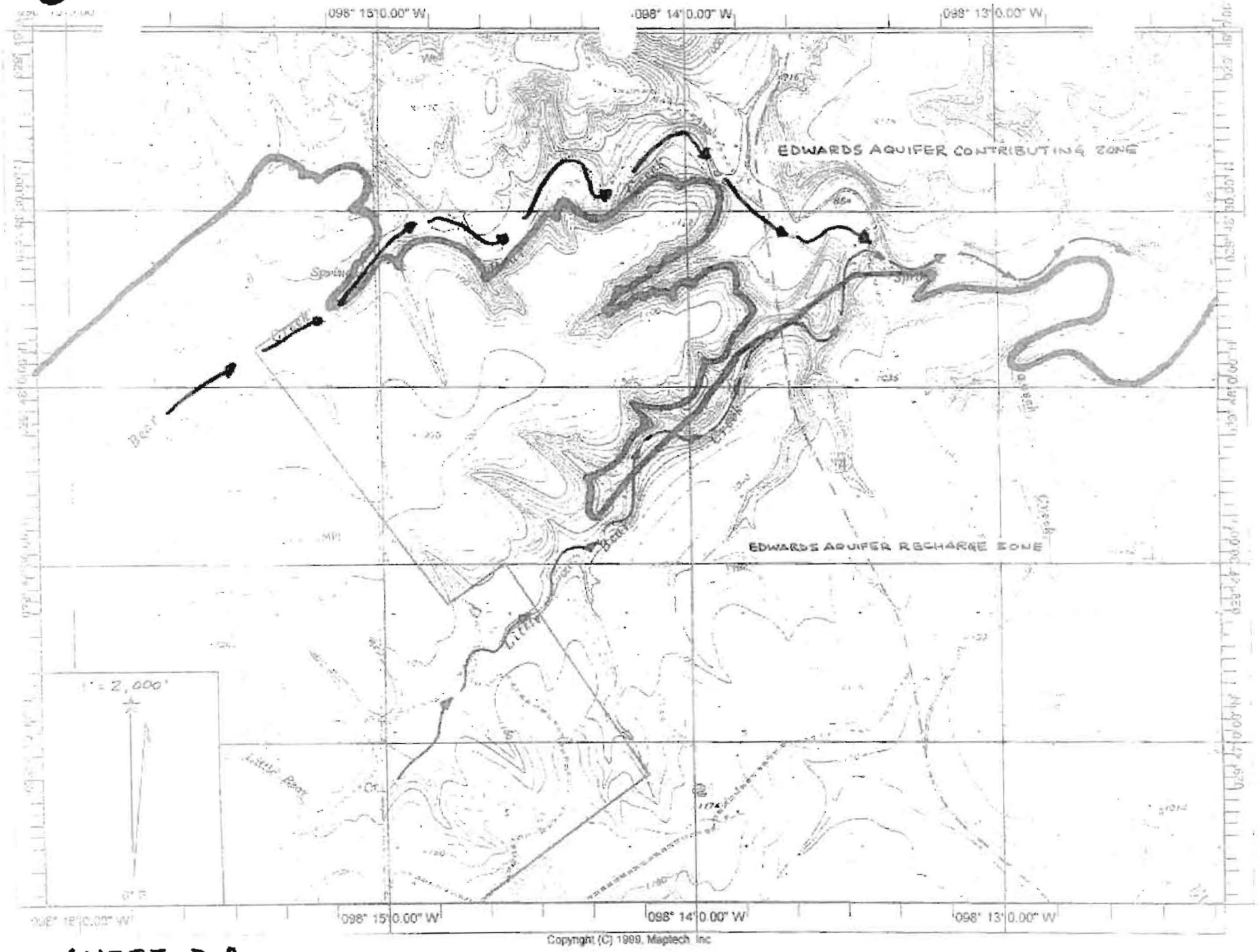




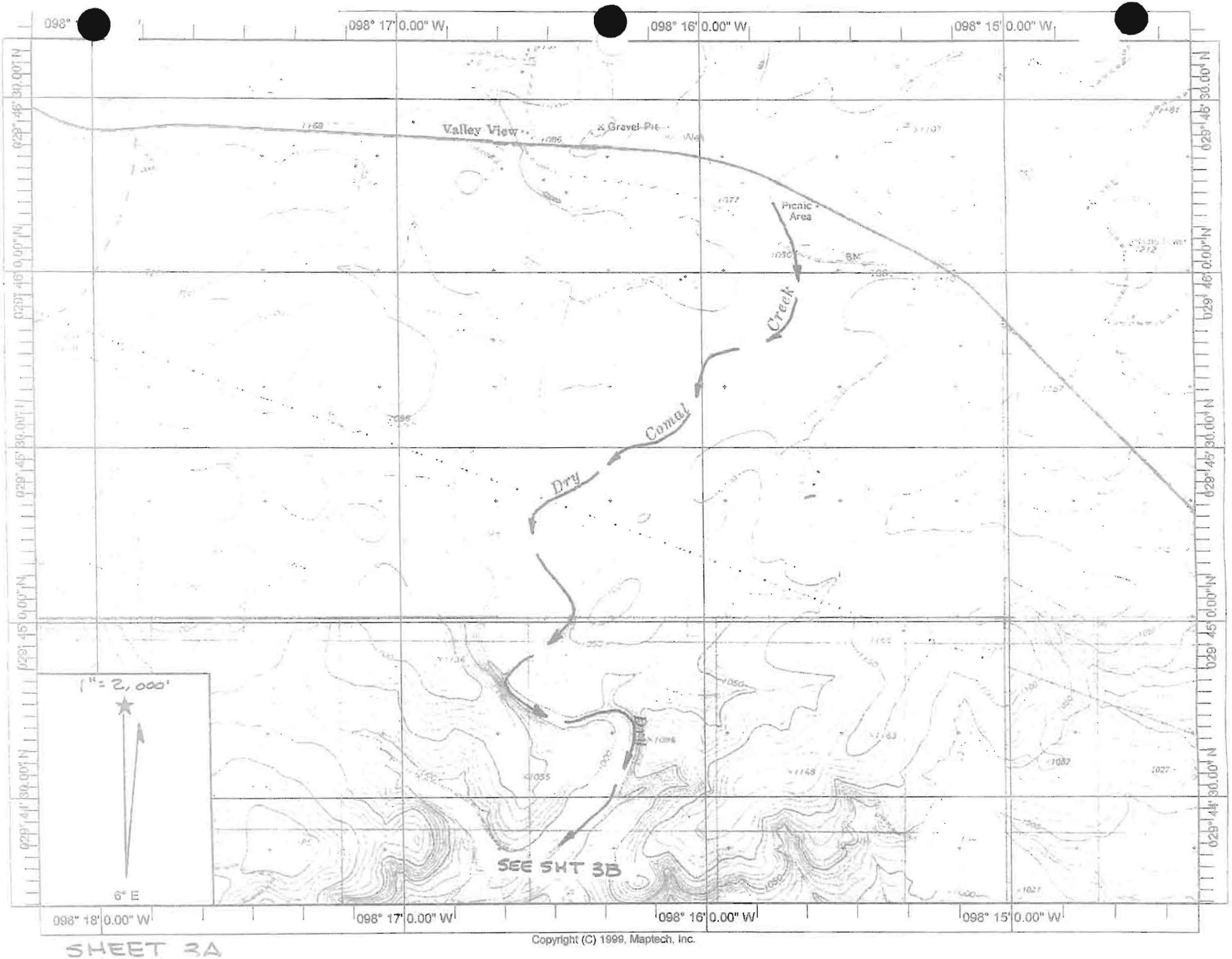
Vintage Oaks At The Vineyard - Unit 2

Scale: 1" = 2000'

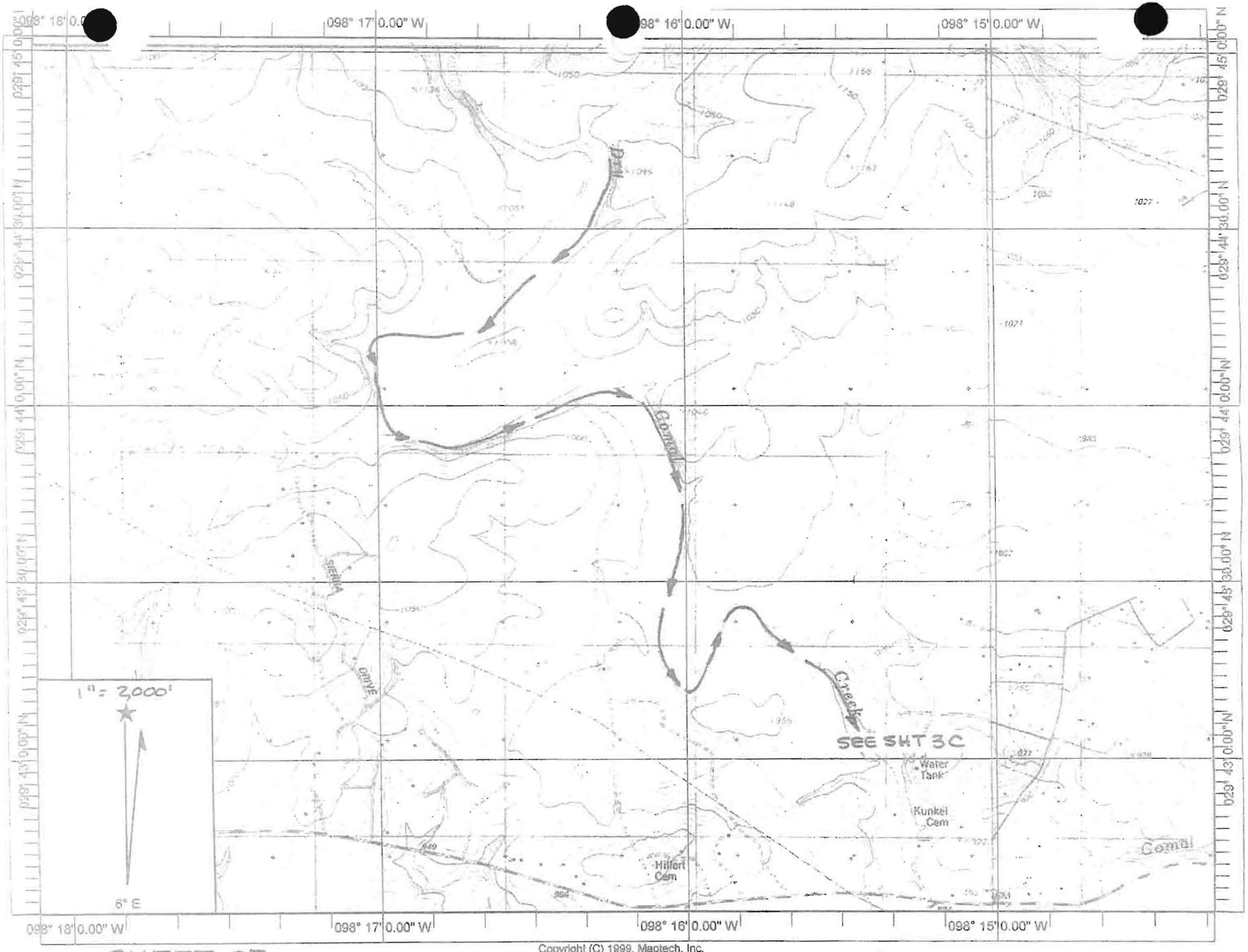
USGS / Edwards Aquifer Recharge Zone Map / Smithson Valley and Sattler Quad Sheets



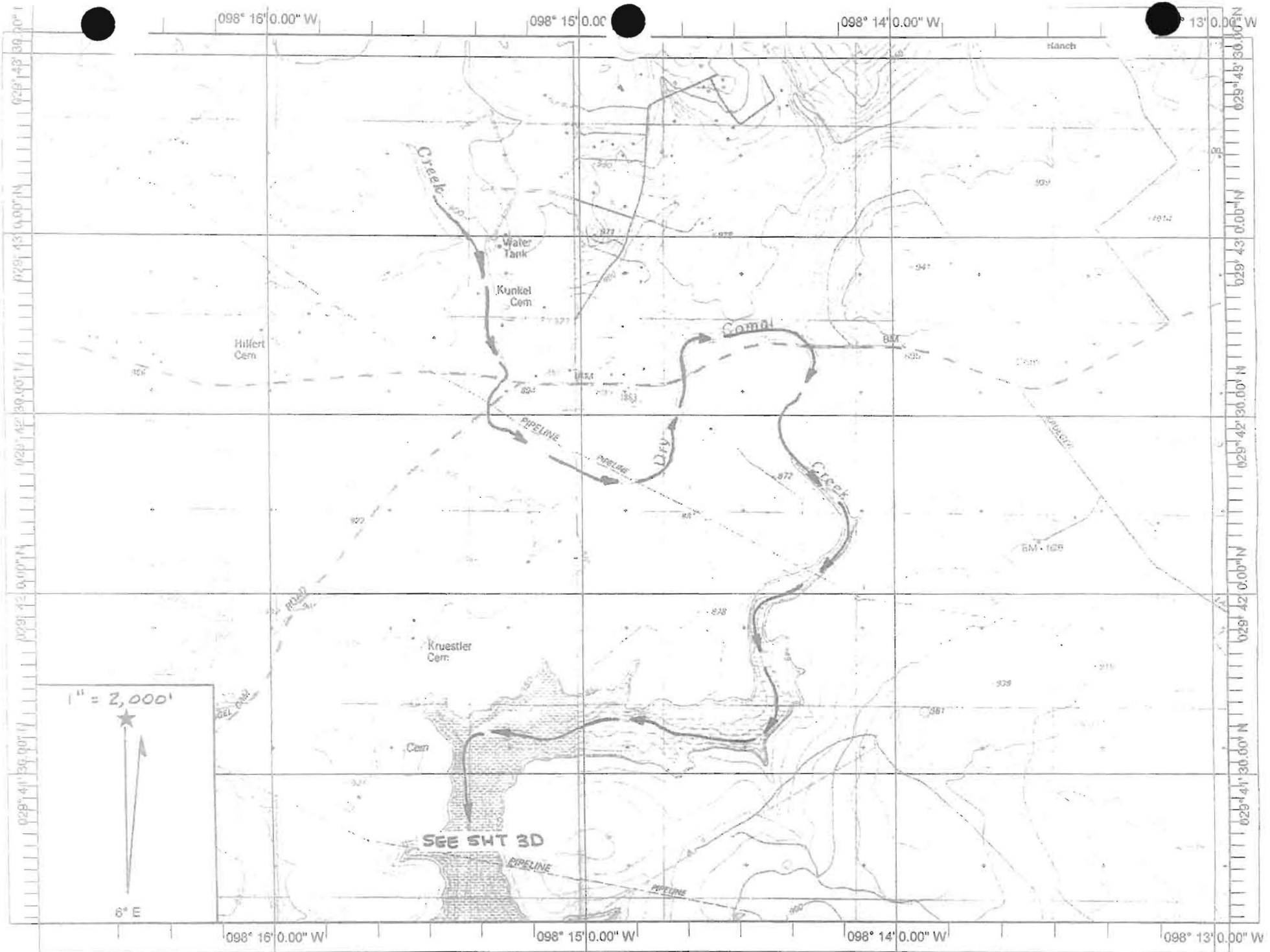
SHEET 2A



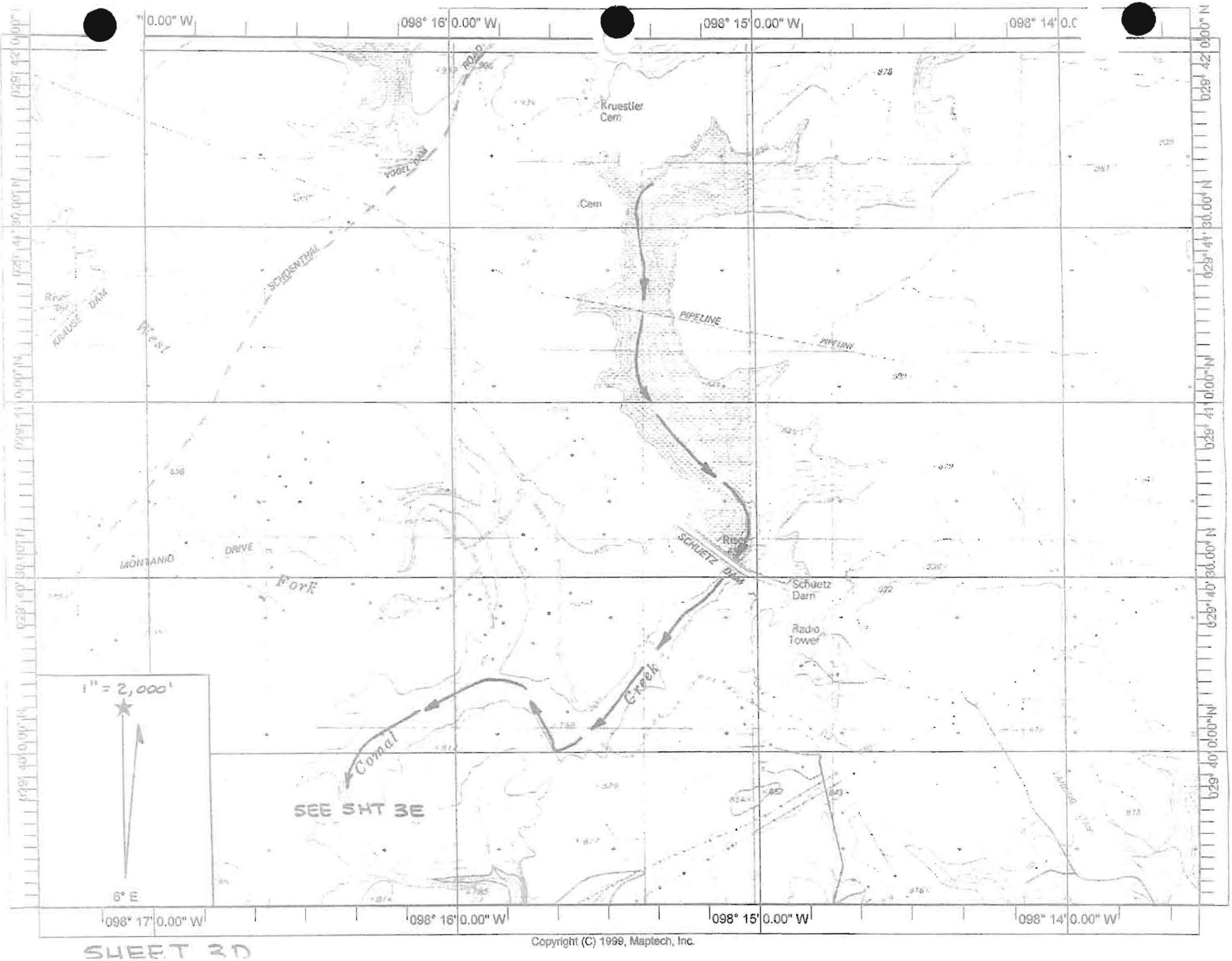
SHEET 3A



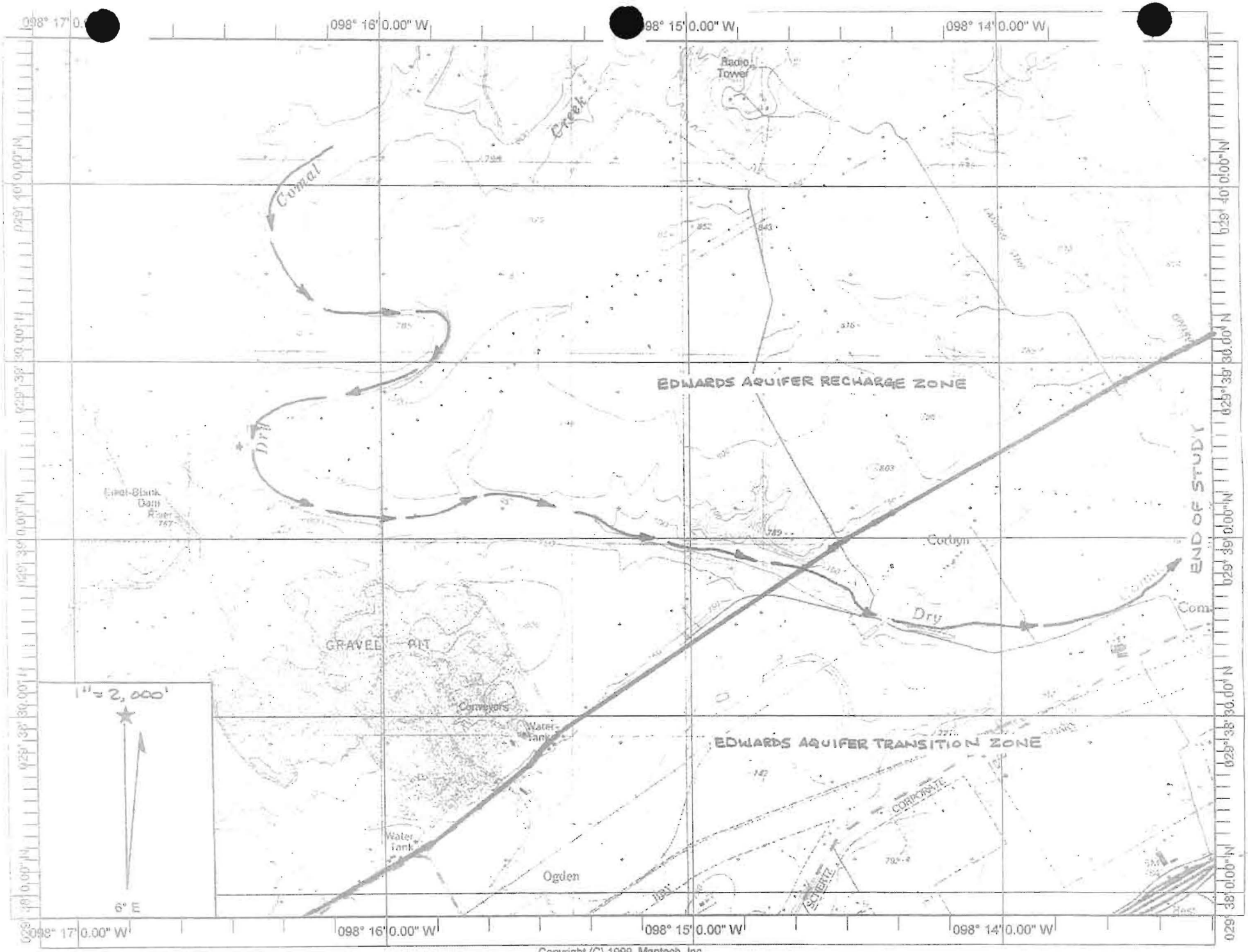
SHEET 3B



SHEET 3C



SHEET 2D



SHEET 3E

PROJECT DESCRIPTION

The project is proposed to be a Single Family Residential Subdivision, located on 625.40 acres, approximately 3300 feet east of the intersection of State Highway 46 and Cranes Mill Road. The site would ultimately include approximately 500 acres of single-family residential lots, and 60 acres of street dedication. In addition, a 25 acre park is planned for this unit which will include a clubhouse complex, swimming pool, and picnic areas. Hike and bike trails are planned throughout this unit (see Site Plan for location). Residential streets will be used to connect crushed granite gravel trails in other areas of the unit. The streets are accounted for in the impervious cover calculations and the granite gravel trails will not increase impervious cover for the site.

Vintage Oaks at the Vineyards, Unit 2 is located within all four of the major watersheds of the area. The western and southwestern portions of the site slope generally towards the Dry Comal Creek. The southeastern portion of this site slopes generally towards Little Bear Creek. The northwestern portion of the site drains toward Bear Creek. The proposed site is less than 20% impervious cover and thus requires no treatment for the run-off.

PSI Information To Build On
Engineering • Consulting • Testing

January 15, 2007

M&S Engineering, Ltd.
6477 F.M. 311, P.O. Box 970
Spring Branch, Texas 78070

Attn: Mr. Keith Strimple, P.E.

Re: Geologic Assessment
Vintange Oaks at the Vineyard
Unit 2 Approximate 625-Acre Tract
Highway 46
Comal County, Texas
PSI Project No. PO-435-7G002

Dear Mr. Strimple:

In accordance with our agreement dated August 1, 2006, Professional Service Industries, Inc. (PSI) has performed a Geologic Assessment (GA) of the above referenced property. Please find one bound and three unbound copies of the final report enclosed.

Thank you for choosing PSI as your consultant for this project. If you have any questions, or if we can be of additional service, please call us at 210/342-9377.

Respectfully submitted,

PROFESSIONAL SERVICE INDUSTRIES, INC.

John Langan, P.G.
Environmental Department Manager

Enclosures

Geologic Assessment
For Regulated Activities
on The Edwards Aquifer Recharge/transition Zones
and Relating to 30 TAC §213.5(b)(3), Effective June 1, 1999

REGULATED ENTITY NAME: Vintage Oaks at The Vineyard Unit 2

TYPE OF PROJECT: X WPAP __ AST __ SCS __ UST

LOCATION OF PROJECT: X Recharge Zone __ Transition Zone __ Contributing Zone within the Transition Zone

PROJECT INFORMATION

1. X Geologic or manmade features are described and evaluated using the attached **GEOLOGIC ASSESSMENT TABLE.**

2. Soil cover on the project site is summarized in the table below and uses the SCS Hydrologic Soil Groups* (*Urban Hydrology for Small Watersheds, Technical Release No. 55, Appendix A*, Soil Conservation Service, 1986). If there is more than one soil type on the project site, show each soil type on the site Geologic Map or a separate soils map.

Soil Units, Infiltration Characteristics & Thickness		
Soil Name	Group*	Thickness (feet)
Comfort-Rock Outcrop Complex, Undulating	C	1
Eckrant-Rock Outcrop Complex, Steep	C	1
Rumple- Comfort Association, Undulating	C	1

* Soil Group Definitions (Abbreviated)

A. Soils having a high infiltration rate when thoroughly wetted.

B. Soils having a moderate infiltration rate when thoroughly wetted.

C. Soils having a slow infiltration rate when thoroughly wetted.

D. Soils having a very slow infiltration rate when thoroughly wetted.

3. X A **STRATIGRAPHIC COLUMN** is attached at the end of this form that shows formations, members, and thicknesses. The outcropping unit should be at the top of the stratigraphic column.

4. X A **NARRATIVE DESCRIPTION OF SITE SPECIFIC GEOLOGY** is attached at the end of this form. The description must include a discussion of the potential for fluid movement to the Edwards Aquifer, stratigraphy, structure, and karst characteristics of the site.

5. X Appropriate **SITE GEOLOGIC MAP(S)** are attached:

The Site Geologic Map must be the same scale as the applicant's Site Plan. The minimum scale is 1" : 400'

Applicant's Site Plan Scale	1" = 400 '
Site Geologic Map Scale	1" = 400 '
Site Soils Map Scale (if more than 1 soil type)	1" = _____ '

6. Method of collecting positional data:

X Global Positioning System (GPS) technology.
__ Other method(s).

7. X The project site is shown and labeled on the Site Geologic Map.

8. X Surface geologic units are shown and labeled on the Site Geologic Map.

9. X Geologic or manmade features were discovered on the project site during the field investigation. They are shown and labeled on the Site Geologic Map and are described in the attached Geologic Assessment Table.
__ Geologic or manmade features were not discovered on the project site during the field investigation.

10. X The Recharge Zone boundary is shown and labeled, if appropriate.

11. All known wells (test holes, water, oil, unplugged, capped and/or abandoned, etc.):

X There are 2 (#) wells present on the project site and the locations are shown and labeled. (Check all of the following that apply.)
__ The wells are not in use and have been properly abandoned.
__ The wells are not in use and will be properly abandoned.
X The wells are in use and comply with 16 TAC Chapter 76.
__ There are no wells or test holes of any kind known to exist on the project site.

ADMINISTRATIVE INFORMATION

12. __ One (1) original and three (3) copies of the completed assessment has been provided.

Date(s) Geologic Assessment was performed: 8/3/06 - 9/20/06
Date(s)

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. My signature certifies that I am qualified as a geologist as defined by 30 TAC Chapter 213.

John Langan
Print Name of Geologist

210-342-9377
Telephone

210- 342-5727
Fax

Signature of Geologist

11/15/07
Date

Representing: PSI
(Name of Company)

If you have questions on how to fill out this form or about the Edwards Aquifer protection program, please contact us at 210/490-3096 for projects located in the San Antonio Region or 512/339-2929 for projects located in the Austin Region.

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GEOLOGIC ASSESSMENT TABLE

PROJECT NAME: Vintage Oaks at the Vineyard Geologic Assessment

LOCATION			FEATURE CHARACTERISTICS												EVALUATION			PHYSICAL SETTING		
1A	1B *	1C*	2A	2B	3	4			5	5A	6	7	8A	8B	9	10		11		12
FEATURE ID	LATITUDE	LONGITUDE	FEATURE TYPE	POINTS	FORMATION	DIMENSIONS (FEET)			TREND (DEGREES)	PRONE TO	DENSITY (NO/FT)	APERTURE (FEET)	INFILL	RELATIVE INFILTRATION RATE	TOTAL	SENSITIVITY		CATCHMENT AREA (ACRES)		TOPOGRAPHY
						X	Y	Z		10						<40	≥40	<1.6	≥1.6	
S-1	29-47-45	98-15-7.2	MB	30	Kek	100	40	5					F	5	35	X		X		Hillside
S-2	29-47-44	98-15-7.5	O	5	Kek	250	75	8	N20E	10	0.3	0.1	O	20	35	X		X		Hillside
S-3	29-47-45	98-15-13	CD	5	Kek	5	5	2					O	10	15	X		X		Hillside
S-4	29-47-40	98-15-12	CD	5	Kek	6	5	1.5					O	10	15	X		X		Hillside
S-5	29-47-35	98-15-23	CD	5	Kek	8	7	2					O	10	15	X		X		Hillside
S-6	29-47-34	98-15-11	CD	5	Kek	6	3	1.5					F	20	25	X		X		Hillside
S-7	29-47-34	98-15-16	MB	30	Kek	1	1	>100						5	35	X		X		hilltop/wall
S-8	29-47-58	98-15-22	O	5	Kek	1100	250	80			0.2	0.2	C	30	35	X			X	Drainage
S-9	29-47-46.3	98-15-29.4	O	5	Kek	220	90	8	NW-SE		3	0.2	C	20	25	X		X		Hillside
S-10	29-47-51	98-15-32	O	5	Kek	1000	250	60	N335W		5	0.4	N	30	35	X			X	Streambed
S-11	29-47-39	98-15-37	O	5	Kek	1500	250	100			2	0.2	O,F,C	25	30	X			X	Sreambed
S-12	29-47-43	98-15-38	MB	30	Kek	150	150	6					F	5	35	X		X		Hillside
S-13	29-47-42	98-15-31	CD	5	Kek	5	5	2					F	10	15	X		X		Hillside
S-14	29-47-57	98-15-40	O	5	Kgr	450	50	15			0.4	0.1	F	30	35	X			X	Streambed
S-15	29-47-45	98-15-45	O	5	Kek	700	150	60	N320W		0.3	0.25	C	30	35	X			X	Drainage
S-16	29-47-50	98-15-50	O	5	Kgr	300	60	10			2	0.2	C	30	35	X			X	Streambed
S-17	29-47-47	98-15-54	O	5	Kgr	340	75	15			2	0.1	C	30	35	X			X	Streambed

* DATUM:

2A TYPE	TYPE	2B POINTS
C	Cave	30
SC	Solution cavity	20
SF	Solution-enlarged fracture(s)	20
F	Fault	20
O	Other natural bedrock features	5
MB	Manmade feature in bedrock	30
SW	Swallow hole	30
SH	Sinkhole	20
CD	Non-karst closed depression	5
Z	Zone, clustered or aligned features	30

8A INFILLING	
N	None, exposed bedrock
C	Coarse - cobbles, breakdown, sand, gravel
O	Loose or soft mud or soil, organics, leaves, sticks, dark colors
F	Fines, compacted clay-rich sediment, soil profile, gray or red colors
V	Vegetation. Give details in narrative description
FS	Flowstone, cements, cave deposits
X	Other materials

12 TOPOGRAPHY
Cliff, Hilltop, Hillside, Drainage, Floodplain, Streambed

I have read, I understood, and I have followed the Texas Commission on Environmental Quality's Instructions to Geologists. The information presented here complies with that document and is a true representation of the conditions observed in the field.

My signature certifies that I am qualified as a geologist as defined by 30 TAC Chapter 213.

Date: September 22, 2006

Sheet 1 of 3

TCEQ-0585-Table (Rev. 10-01-04)

GEOLOGIC ASSESSMENT TABLE — PROJECT NAME: Vintage Oaks at the Vineyard Geologic Assessment

LOCATION			FEATURE CHARACTERISTICS												EVALUATION			PHYSICAL SETTING		
1A	1B *	1C*	2A	2B	3	4			5	5A	6	7	8A	8B	9	10		11		12
FEATURE ID	LATITUDE	LONGITUDE	FEATURE TYPE	POINTS	FORMATION	DIMENSIONS (FEET)			TREND (DEGREES)	DIP	DENSITY (NO/FT)	APERTURE (FEET)	INFILL	RELATIVE INFILTRATION RATE	TOTAL	SENSITIVITY		CATCHMENT AREA (ACRES)		TOPOGRAPHY
						X	Y	Z		10						<40	≥40	<1.6	≥1.6	
S-18	29-47-43	98-15-53	O	5	Kek	160	45	5			0.2	0.2	F	15	20	X		X		Hillside
S-19	29-47-42	98-15-52	O	5	Kek	575	100	50			3	0.25	C	30	35	X			X	Streambed
S-20	29-47-37	98-15-51.5	C	30	Kek	3	1	10	NW-SE				N	20	50		X	X		Hillside
S-21	29-47-44	98-16-1	O	5	Kek	300	50	8			2	0.2	F	20	25	X		X		Streambed
S-22	29-47-58	98-15-22	O	5	Kek	1100	250	80			0.2	0.2	C	30	35	X			X	Drainage
S-23	29-47-43	98-16-2	O	5	Kek	150	30	3			1	0.2	F	15	20	X		X		Streambed
S-24	29-47-41	98-16-7	O	5	Kek	75	20	3			1	0.2	F	15	20	X		X		Streambed
S-25	29-47-33	98-15-53	O	5	Kek	475	75	25			0.2	0.1	F	20	25	X			X	Drainage
S-26	29-47-31	98-15-42	SC	20	Kek	1	1	2					O,F	10	30	X			X	Hilltop
S-27	29-47-20	98-15-39	CD	5	Kek	4	4	1					O	5	10	X			X	Hilltop
S-28	29-47-17	98-15-8	O	5	Kek	200	30	1			2	0.16	O	15	20	X			X	Hilltop
S-29	29-47-16	98-15-42	O	5	Kek	300	200	3			2	0.2	O	15	20	X			X	Hilltop
S-30	29-47-19	98-15-47	MB	30	Kek	150	75	5					F	5	35	X		X		Hillside/rock tank
S-31	29-47-12	98-15-44	SC	20	Kek	6	2	1					O	15	35	X			X	Hillside
S-32	29-47-10	98-14-48	CD	5	Kek	5	5	0.5					O	15	20	X			X	Hillside
S-33	29-47-14	98-15-44	O	5	Kek	400	300	5			1	0.1	O	15	20	X			X	Hilltop
S-34	29-47-12	98-15-43	O	5	Kek	350	300	6			1	0.2	O	15	20	X			X	Hilltop

* DATUM:

2A TYPE	TYPE	2B POINTS
C	Cave	30
SC	Solution cavity	20
SF	Solution-enlarged fracture(s)	20
F	Fault	20
O	Other natural bedrock features	5
MB	Manmade feature in bedrock	30
SW	Swallow hole	30
SH	Sinkhole	20
CD	Non-karst closed depression	5
Z	Zone, clustered or aligned features	30

8A INFILLING	
N	None, exposed bedrock
C	Coarse - cobbles, breakdown, sand, gravel
O	Loose or soft mud or soil, organics, leaves, sticks, dark colors
F	Fines, compacted clay-rich sediment, soil profile, gray or red colors
V	Vegetation. Give details in narrative description
FS	Flowstone, cements, cave deposits
X	Other materials

12 TOPOGRAPHY
Cliff, Hilltop, Hillside, Drainage, Floodplain, Streambed

I have read, I understood, and I have followed the Texas Commission on Environmental Quality's instructions to Geologists. The information presented here complies with that document and is a true representation of the conditions observed in the field.
My signature certifies that I am qualified as a geologist as defined by 30 TAC Chapter 213.

Date: September 22, 2006

Sheet 2 of 3

STATE OF TEXAS
John Langan
Geology
4871
LICENSED
PROFESSIONAL GEOSCIENTIST

TCEQ-0585-Table (Rev. 10-01-04)

GEOLOGIC ASSESSMENT TABLE

PROJECT NAME: Vintage Oaks at the Vineyard Geologic Assessment

LOCATION			FEATURE CHARACTERISTICS												EVALUATION			PHYSICAL SETTING		
1A	1B *	1C*	2A	2B	3	4			5	5A	6	7	8A	8B	9	10		11		12
FEATURE ID	LATITUDE	LONGITUDE	FEATURE TYPE	POINTS	FORMATION	DIMENSIONS (FEET)			TREND (DEGREES)	DIM	DENSITY (NO/FT)	APERTURE (FEET)	INFILL	RELATIVE INFILTRATION RATE	TOTAL	SENSITIVITY		CATCHMENT AREA (ACRES)		TOPOGRAPHY
						X	Y	Z		10						<40	>40	<1.6	>1.6	
S-35	29-47-13	98-15-54	O	5	Kek	500	250	5			1	0.15	O	15	20	X			X	Hilltop
S-36	29-47-16	98-15-55	O	5	Kek	300	100	3			2	0.2	O	15	20	X			X	Hilltop
S-37	29-47-15	98-16-13	O	5	Kek	1300	90	20			2	0.1	O	15	20	X		X		Hillside
S-38	29-47-29	98-16-11	CD	5	Kek	12	6	1					O	5	10	X			X	Hillside
S-39	29-47-36	98-16-9	MB	30	Kek	100	60	4					F	5	35	X		X		Hillside/rock tank
S-40	29-47-35	98-16-15	O	5	Kek	100	50	1			<1	0.1	O	15	20	X			X	Hillside
S-41	29-47-38	98-16-16	MB	30	Kek	1	1	>100						5	35	X		X		Hillside/well
S-42	29-47-40	98-16-17	C	30	Kek	60	50	30					N	30	60		X	X		Hillside
S-43	29-47-37	98-16-16	O	5	Kek	200	50	1			2	0.12	O	15	20	X			X	Hillside
S-44	29-48-1.2	98-15-35	O	5	Kek	1200	150	20	NE-SW	10	1	0.1	O	15	30	X		X		Streambed

* DATUM:

2A TYPE	TYPE	2B POINTS
C	Cave	30
SC	Solution cavity	20
SF	Solution-enlarged fracture(s)	20
F	Fault	20
O	Other natural bedrock features	5
MB	Manmade feature in bedrock	30
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F	Fines, compacted clay-rich sediment, soil profile, gray or red colors
V	Vegetation. Give details in narrative description
FS	Flowstone, cements, cave deposits
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12 TOPOGRAPHY

Cliff, Hilltop, Hillside, Drainage, Floodplain, Streambed

I have read, I understood, and I have followed the Texas Commission on Environmental Quality's Instructions to Geologists. The information presented here complies with that document and is a true representation of the conditions observed in the field.

My signature certifies that I am qualified as a geologist as defined by 30 TAC Chapter 213.

Date: September 22, 2006

Sheet 3 of 3

TCEQ-0585-Table (Rev. 10-01-04)

STATE OF TEXAS
John Langan
Geology
4871
LICENSED PROFESSIONAL GEOLOGIST

SCALE: NONE

LEGEND

- BtG - BRACKETT-ROCK OUTCROP REAL COMPLEX, STEEP
- CrD - COMFORT-ROCK OUT CROP COMPLEX, UNDULATING
- DoC - DOSS SILTY CLAY, 1-5% SLOPES
- ErG - ECKERT-ROCK OUTCROP COMPLEX, STEEP
- KrB - KRUM CLAY 1-3% SLOPES
- RUD - RUMPLE-COMFORT ASSOCIATION, UNDULATING

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THREE BURWOOD LANE
SAN ANTONIO, TEXAS 78216

SOILS MAP

VINTAGE OAKS AT THE VINYARD

HIGHWAY 46
COMAL COUNTY, TEXAS

DATE:	01/09/07
DRAWN BY:	J. LEAL
PROJECT #:	435-7G002
DRAWING NAME:	435-7G002-03

SOILS NARRATIVE

According to the Soil Survey of Comal County, published by the United States Department of Agriculture, Soil Conservation Service, in cooperation with the Texas Agricultural Extension Service, reissued in 1984, the soils beneath the subject property have been classified as Comfort-Rock outcrop complex, undulating (CrD), Eckrant-Rock outcrop complex, steep (ErG), and Rumple-Comfort association, undulating (RUD).

Comfort extremely stony clay makes up between 49 and 95% of the Comfort-Rock outcrop series, and indurated rock outcrop and soil less than 4 inches deep make up 5 to 36% of the complex. Typically, the surface layer is dark brown extremely stony soil about 6 inches thick. Cobbles, stones and "float" rock comprise about 45% of the surface. The subsoil extends to about 13 inches, and overlies the fractured limestone parent material. Comfort soil is well-drained, with slow to medium surface runoff, slow permeability, and very low water capacity.

Eckrant-Rock outcrop complex, steep is similar in profile, but are found on long, narrow slopes on high hills and ridges and along escarpments. The surface layer of Eckrant soil is very dark gray extremely stony clay about 10 inches thick. The lower portion of the surface layer is up to 75% stones and cobbles, and overlies the fractured limestone parent material.

Rumple-Comfort association consists of shallow and moderately deep soils on uplands in the Edwards Plateau Land Resource Area. The surface layer of Rumple soil is dark reddish brown very cherty clay loam about 10 inches thick. The stoniness increases with depth, becoming about 75% cobbles and stone between 14 and 28 inches in depth. The surface layer of Comfort soil was described above. This association is well drained, with medium surface runoff, slow permeability and very low water capacity. These soils are best suited for range and wildlife habitat.

STRATIGRAPHIC COLUMN

Vintage Oaks at the Vineyard
Unit 2 Approximate 625-Acre Tract
Highway 46
Comal County, Texas

FORMATION	THICKNESS	LITHOLOGIC DESCRIPTION
Georgetown Formation	<10'	Light tan limestone identified by proximity to Del Rio clay and diagnostic marker fossil: *waconella wacoensis* brachiopod; low porosity and permeability development.
Person Formation	180-224'	Limestones and dolomites, extensive porosity development in "honeycomb sections, interbedded with massive recrystallized limestones with more limited permeabilities (especially Regional Dense Member separating the Person and Kainer Formations.
Kainer Formation	260-310'	Hard, miliolid limestones, overlying calcified dolomites and dolomite. Leached evaporitic "Kirschberg" zone of very porous and permeable collapse breccia formed by the dissolution of gypsum. Overlies the basal nodular (Walnut) bed.
Glen Rose Limestone (upper)	350-500'	Yellowish-tan thinly bedded limestone and marl. Alternating beds of varying hardness erodes to "stairstep" topography. Marine fossils common.

PSI Information To Build On
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January 15, 2007

M&S Engineering, Ltd.
6477 F.M. 311, P.O. Box 970
Spring Branch, Texas 78070

Attn: Mr. Keith Strimple, P.E.

Re: Geologic Assessment
Vintange Oaks at the Vineyard
Unit 2 Approximate 625-Acre Tract
Highway 46
Comal County, Texas
PSI Project No. PO-435-7G002

Dear Mr. Strimple:

Professional Service Industries, Inc. (PSI) has completed a geologic recharge assessment for the above referenced project in compliance with the Texas Commission on Environmental Quality (TCEQ) requirements for regulated developments located on the Edwards Aquifer Recharge Zone (EARZ). The purpose of this report is to describe surficial geologic units and identify the locations and extent of significant recharge features present in the development area.

AUTHORIZATION

Authorization to perform this assessment was given by a signed copy of PSI Proposal No. PO-435-6G0156 between M&S Engineering, Ltd. dated June 12, 2006.

PROJECT DESCRIPTION

The subject site is located on the north side of Highway 46, approximately one and a half miles east of F.M. 3009 in Comal County, Texas. The Unit 2 tract is an approximate 625-acre, irregularly shaped parcel of undeveloped land that is hilly, with rugged, occasionally steep slopes that dip in all directions. Unnamed tributaries to the Dry Comal Creek drain the property in a southerly direction, towards Highway 46. The site vegetation consists primarily of native grasses, ashe juniper, live oak, burr oak, cedar elm and persimmon trees, with abundant mountain laurel, agarita, and prickly pear cactus.

REGIONAL GEOLOGY

Physiography

Comal County lies within two physiographic provinces, the Edwards Plateau and the Blackland Prairie. Most of Comal County lies within the Edwards Plateau, which is characterized by rugged and hilly terrain, with elevations in excess of 1,400' feet above sea level in the northwestern portion of the county. This area is underlain by beds of limestone that dip gently to the southeast. South of the Edwards Plateau is the Balcones Fault Zone, which is also the northernmost limit of the Blackland Prairie. The Balcones Fault Zone extends northeast-southwest across Comal County and is composed of fault blocks of limestone, chalk, shale and marl. The undulating, hilly topography of the Blackland Prairie ranges in elevation from about 650 feet to 1100 feet above sea level. The regional dip of the lower Cretaceous rocks in Comal County is 15 feet per mile towards the southeast. The faults are predominantly normal, down-to-the Gulf Coast, with near vertical throws. Elevations at the Vintage Oaks at the Vineyard site range from approximately 1,320 feet above mean sea level in the northwestern portion of the tract to approximately 1,060 feet above mean sea level in the southeast portion of the tract, along Highway 46.

Stratigraphy and Structure

Rocks at the site are members of the Lower Cretaceous Edwards Kainer Formation. Lower elevation sections in the northern portion of the Unit 2 tract have outcrops of the underlying Glen Rose limestone. The site is covered with a thin veneer of soil, and large expanses of vuggy and fractured rock outcrops are exposed throughout the site. According to United States Geologic Survey (USGS) maps reviewed as part of this assessment, northeast-southwest trending Bear Creek Fault, Hidden Valley Fault, and an unnamed fault north of the Hidden Valley Fault have been mapped on the site. In general, the streams contained large amounts of boulders, gravel and vuggy/fractured to relatively dense Edwards Kainer outcrops. According to "The Geologic Framework and Hydrogeologic Characteristics of the Edwards Aquifer Outcrop, Comal County Texas" written by the USGS, the Kainer Formation ranges between 260 and 310 feet thick and forms the lower member of the Edwards Group, beneath the Person Formation which compromises the Edwards Aquifer, a federally-designated sole source aquifer for the region.

SITE INVESTIGATION

The site investigation was performed by systematically traversing the subject tract, and mapping fractured or vuggy rock outcrops, closed depressions, sinkholes, caves, or indications of fault/fracture zones. Several closed depressions and solution cavities were observed on the site, and two caves were noted on the tract. As stated previously, numerous outcrops of Kainer Formation were observed throughout the site, on hilltops and hillsides, with varying degrees of fracturing and indications of interconnectedness, such as vugs, solution cavities or fractured rock zones. The purpose of the site investigation was to delineate features with recharge potential that may warrant special protection or consideration. The results of the site investigation are included in the attached TCEQ report format.

SUMMARY

Sensitive recharge features that scored higher than 40 points on the TCEQ scoring system were noted on the subject tract. These features were the two caves located in the central and western portions of Unit 2. Two functioning water wells with windmills are also located in Unit 2.

The cave features scoring 40 points or more included S-20, an obscure cave in the west-central portion of the site, in a vuggy hillside outcrop. Cave S-42 is a well-known cave in the northwest corner of Unit 2, north of a water well. This cave is an apparent collapsed sinkhole with cavern development up to several hundred feet horizontally. The preponderance of potentially sensitive karst features on the subject site appears to be related to proximity of the mapped Bear Creek, Hidden Valley, and unnamed faults which traverse the site NE-SW. Fault displacement often results in fracture zones and porosity development in the vicinity of faults.

The grass on the subject site is fairly tall, 1 to 3 feet high. Please note that subtle features, obscured from view, may be present in the grassy areas. It is also likely that clearing/construction activities will reveal the presence of features currently hidden by thick vegetation and/or soil cover. As caves, sinkholes, or solution cavities are encountered during future clearing/construction activities, please contact our office for additional assistance.

We appreciate this opportunity to be of service to you. If you have any questions, please

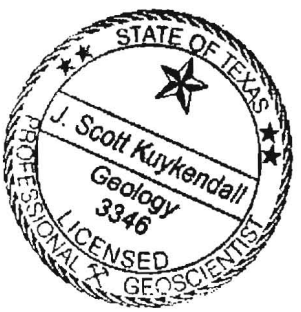
do not hesitate to contact our office.

Respectfully submitted,

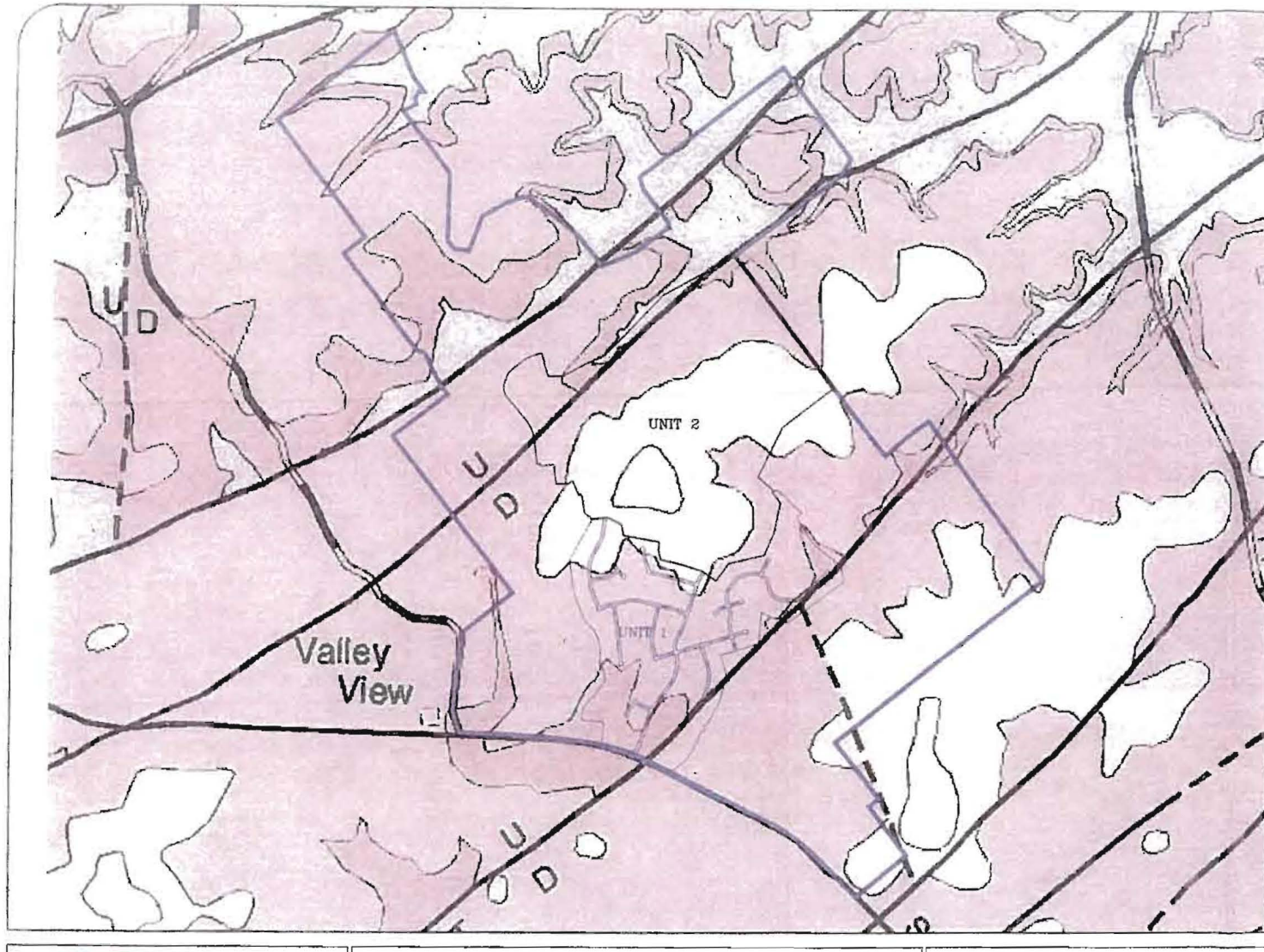
PROFESSIONAL SERVICE INDUSTRIES, INC.

Scott Kuykendall, P.G.
Project Manager

John Langan, P.G.
Environmental Department Manager



SCALE: NONE



psi Information To Build On Engineering • Consulting • Testing THREE BURWOOD LANE SAN ANTONIO, TEXAS 78216	REGIONAL GEOLOGIC MAP	VINTAGE OAKS AT THE VINYARD HIGHWAY 46 COMAL COUNTY, TEXAS	DATE: 01/09/07 DRAWN BY: J. LEAL PROJECT #: 435- 7G002 DRAWING NAME: 435- 7G002-02

WARRANTY

The field observations and research reported herein are considered sufficient in detail and scope to form a reasonable basis for a general geological recharge assessment of this site. PSI warrants that the findings and conclusions contained herein have been promulgated in accordance with generally accepted geologic methods, only for the site described in this report. These methods have been developed to provide the client with information regarding apparent indications of existing or potential conditions relating to the subject site and are necessarily limited to the conditions observed at the time of the site visit and research. This report is also limited to the information available at the time it was prepared. In the event additional information is provided to PSI following the report, it will be forwarded to the client in the form received for evaluation by the client. There is a possibility that conditions may exist which could not be identified within the scope of the assessment or which were not apparent during the site visit. PSI believes that the information obtained from others during the review of public information is reliable; however, PSI cannot warrant or guarantee that the information provided by others is complete or accurate.

This report has been prepared for the exclusive use of M&S Engineering, Ltd. for the site discussed herein. Reproductions of this report cannot be made without the expressed approval M&S Engineering, Ltd. The general terms and conditions under which this assessment was prepared apply solely to M&S Engineering, Ltd. No other warranties are implied or expressed.

SOIL DISTURBANCE NOTE

Soil distrubances will occur due to clearing, grubbing, and grading of areas to be used for roads, road right-of-ways, and detention facilities. Disturbances will also occure during the home building process. These disturbances can be attributed to, but not limited to, clearing and grubbing related to building pad, driveway, and landscape preparation.

Existing construction entrances for Unit 1 shall be used for this and future units that will be accessed from Highway 46.

SOIL STABILIZATION NOTE

Temporary erosion control measures will be used to stabilize disturbed areas (refer to Edwards Aquifer Technical Guidance Manual for construction of erosion control measures). Traffic will be routed around these areas to reduce the extent of disturbed areas by reducing sediment loads to surface water.

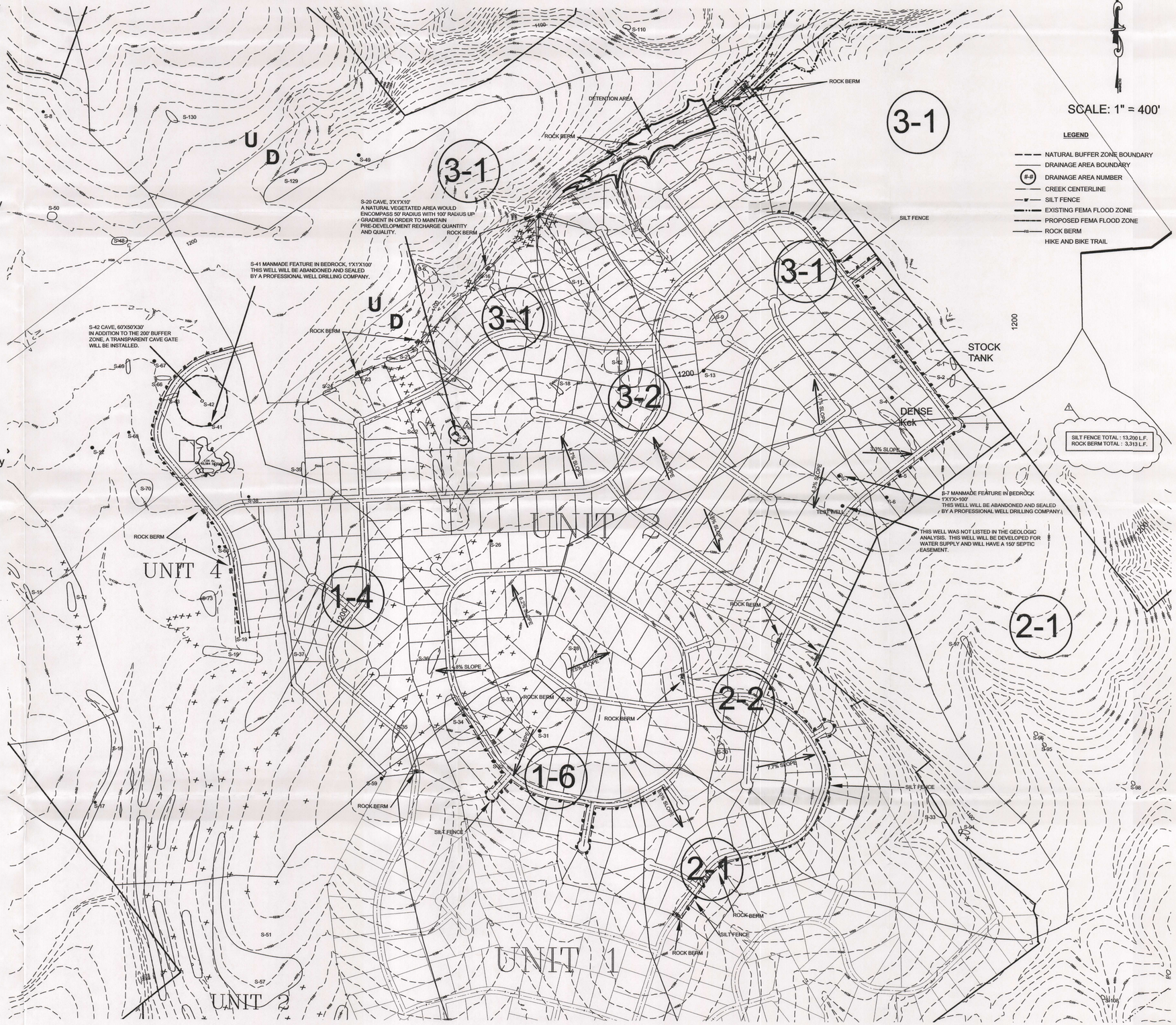
Bare soils should be seeded or otherwise stabilized within 14 calendar days after final grading or where construction activity has temporarily ceased for more than 21 days.

Mulching/mats can be used to protect the disturbed areas while vegetation bacomes established.

NATURAL BUFFER ZONE NOTE

Native grasses, forbs and trees adjacent to and upgradient of sensitive features will remain undistrubed so that rainfall may continue to enter the feature. The natural vegetated areas will encompass a two hundred (200) foot raduis from the perimeter of feature in order to maintain pre-development recharge quantity and quality.

When all or a protion of the buffer zone for a sensitive feature is located within the yard of a residential tract, it should be separated by a barrier, such as a fence, from conventional landscaping and maintained in the natural state.



REVISIONS
9-20-07 - REVISED SILT FENCE AND ROCK BERM TO UNIT 2.
3-20-08 - REVISED SENSITIVE FEATURE AND BUFFER S-20

M&S ENGINEERING, LTD.
ENGINEERS, PLANNERS AND SURVEYORS

MAIN OFFICE
P.O. BOX 970
SPRING BRANCH, TEXAS 78070
PHONE # (830) 228-5446
FAX # (830) 885-2170

BRANCH OFFICE
P.O. BOX 391
McQUEENEY, TEXAS 78123
PHONE # (830) 560-3200
FAX # (830) 560-3203

STATE OF TEXAS
KEITH C. STRIMPLE
66212
REGISTERED PROFESSIONAL ENGINEER
3/24/08

Vintage Oaks at the Vineyard
Unit 2
Site Plan

DESIGNED BY:	LEK
CHECKED BY:	KCS
DRAWN BY:	HJS
JOB:	6BSW002
DATE:	3-20-08
SCALE:	1" = 400'

SHEET: 1 OF 1

Date: Mar 20, 2008, 8:29am User ID: sjackson
File: S:\Active Projects\6BSW001 VOV Unit 2\WPAP-Unit2\Unit 2 Site Plan- Final 3-20-08.dwg

Recharge And Transition Zone
Exception Request Form
30 TAC §213.9 Effective June 1, 1999

Regulated Entity Name: Vintage Oaks At The Vineyard – Unit 2

1. X **ATTACHMENT A - Nature of Exception.** A narrative description of the nature of each exception requested is provided as **ATTACHMENT A** at the end of this form. All provisions of 30 TAC §213 Subchapter A for which an exception is being requested have been identified in the description.

2. X **ATTACHMENT B - Documentation of Equivalent Water Quality Protection.** Documentation demonstrating equivalent water quality protection for the Edwards Aquifer is provided as **ATTACHMENT B** at the end of this form.

ADMINISTRATIVE INFORMATION

3. X One (1) original and three (3) copies of the completed application has been submitted to the appropriate regional office of the TCEQ.

4. X The applicant understands that no exception will be granted for a prohibited activity in Chapter 213.

5. X The applicant understands that prior approval under this section must be obtained from the executive director for the exception to be authorized.

To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **RECHARGE AND TRANSITION ZONE EXCEPTION REQUEST FORM** application is hereby submitted for TCEQ review and executive director approval. The request was prepared by:

Keith Strimple, P.E
Print Name of Customer/Agent

Signature of Customer/Agent 3/24/08
Date

Attachment A – Nature of Exception

An exception to the submission of a modification to a previously accepted plan is requested. The proposed change to the plan is a readjustment of the natural buffer and associated fence surrounding a sensitive feature based on updated information on the orientation of the feature and a close look at the contributing drainage area. See Attachment B for a detailed description of the change and documentation of equivalent water quality protection. An exception is sought rather than a modification due to the small nature of the change compared to the cost of a modification submission.

Attachment B – Documentation of Equivalent Water Quality Protection

The sensitive feature S-20 is located on the ridge of a hillside. The feature lies on a low slope with no defined catchment area around the feature or defined drainage into the feature. The opening of the feature is on the same level as the surrounding terrain. Recharge to the feature is by stormwater flow over the hillside up gradient from the feature. Based on local topography the maximum upstream drainage area extends 100 ft.

The trend of this feature is NW-SE, which does not correlate with the dominant structural trend (NE-SW) of the project area. The infiltration rate was listed to be high, but dark brown organic clay was observed inside this feature, which may indicate slower infiltration rate. The footprint of this feature measured approximately 15 feet (N-S) by 8 feet (E-W). This small cave has very limited human access; a cave grate will be installed to restrict access by pets or small children.

This feature was originally recommended to have a 200-foot natural buffer separated by a visual barrier such as a lowboy or rock wall.

The guidance provided in *RG-348: Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* states: *The natural buffer around a feature should extend a minimum of 50 feet in all directions. Where the boundary of the drainage area to the feature lies more than 50 feet from the feature, the buffer should extend to the boundary of the drainage area or 200 feet, whichever is less.*

Due to the relatively small footprint and lack of a catchment area for this feature, we recommend that the natural buffer be reduced to 100 feet up gradient (South) by 50 feet down gradient (North). The natural buffer will be contained in the 200-foot wide by 450-foot long residential lot 693. The only development planned for the lot is a single-family home that will have water provided by a centralized water system and individual septic system that will be located outside of the designated buffer.

As this natural buffer extends to the boundary of the drainage area, it provides equivalent water quality protection to the approved site plan.

psi Information To Build On
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March 17, 2008

M&S Engineering, Ltd.
6477 F.M. 311, P.O. Box 970
Spring Branch, Texas 78070

Attn: Mr. Heath Woods, E.I.T.

Re: Geologic Assessment-Feature S-20 Sensitivity Considerations
Vintage Oaks at the Vineyard Unit 2
Highway 46
Comal County, Texas
PSI Project No. PO-435-6G010

Dear Mr. Woods:

The cave feature S-20 is located on a hillside and has a NW-SE trend, which is down the topographic slope, and roughly 90 degrees from the dominant NE-SW structural trend. This cave is located south of a large fault, and may be related to smaller, conjugate faulting associated with the main fault. Based on the small size of this feature, Professional Service Industries, Inc. (PSI), recommends an appropriate natural buffer that will comply with the Texas Commission on Environmental Quality's (TCEQ) Best Management Practices (BMP) Guidelines, and appropriate civil engineering practices.

We appreciate this opportunity to be of service to you. If you have any questions, please do not hesitate to contact our office.

Respectfully submitted,
PROFESSIONAL SERVICE INDUSTRIES, INC.

John Langan, P.G.
Environmental Department Manager

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 2007

Mr. Jack Dean
Bluegreen Southwest Land, Inc.
P.O. Box 986
Wimberley, Texas 78676

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Vintage Oaks at the Vineyard Unit 2; Located on Vintage Oaks Pkwy, northeast of Hwy 46, Comal County, Texas
TYPE OF PLAN: Request for the Approval of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer; Edwards Aquifer Protection Program ID No. 2631.00; Investigation No. 542800; Regulated Entity No. RN105172993

Dear Mr. Dean:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the above-referenced project submitted to the San Antonio Regional Office by M & S Engineering, Ltd. on behalf of Bluegreen Southwest Land, Inc. on March 1, 2007. Final review of the WPAP was completed after additional material was received on May 2, 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 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 single family residential project will have a total site area of approximately 625.40 acres. The impervious cover will be 87.10 acres (14%) and will include 472 house lots, roads, driveways, utilities and one recreation park and swimming pool area. Project wastewater will be disposed of by an onsite sewage facility for each individual lot. According to a letter dated February 5, 2007, signed by Thomas Hornseth P.E. with Comal County, the sites in the development are acceptable for the use of onsite sewage facilities.

PERMANENT POLLUTION ABATEMENT MEASURES

The single family residential project will not have more than 20 percent impervious cover, an exemption from permanent BMPs is approved.

GEOLOGY

According to the geologic assessment included with the application, 44 geologic or manmade features were identified at the project site. Two features were rated as sensitive (>40) and a 200 foot natural buffer area will be provided for each feature. The San Antonio Regional Office did not conduct a site inspection.

SPECIAL CONDITIONS

I. The holder of the approved Edwards Aquifer WPAP must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the application.

II. If the impervious cover ever increases above 20 percent or the land use changes, the exemption for the whole site may no longer apply and the property owner must notify the San Antonio Regional Office of these changes.

III. The project engineer stated two wells (Feature ID S7 and S41) located onsite will be properly abandoned. Within 60 days of the date of this letter provide correspondence that the two wells have been properly abandoned.

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. All homebuyers shall be provided with:

a. Lot plat showing any sensitive features and any recharge feature buffer areas for sensitive features within the plat boundary.
b. Notice of the requirements that sensitive feature buffer areas must be maintained as natural vegetation and that sensitive feature buffer areas, which are located within a residential tract, shall be separated by a visual barrier from conventional landscaping.
c. Copy of Title 30 TAC Chapter 285, Sub Chapter E, Special Requirements for OSSFs Located in the Edwards Aquifer Recharge Zone, §285.40 - §285.42, (enclosed).

VI. The WPAP application proposed the installation of a cave gate for sensitive feature S-42. This cave gate shall be certified by a Texas Licensed Professional Engineer to be installed as designed. Proof of certification shall be submitted to the TCEQ San Antonio Regional Office within 15 days of installing and completing the cave gate.

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. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the appropriate 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 form (Deed Recordation Affidavit, TCEQ-0625) that you may use to deed record the approved WPAP is enclosed.

3. 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 WPAP and this notice of approval shall be maintained at the project location until all regulated activities are complete.

4. Modification to the activities described in the referenced WPAP 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.

5. 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 date on which the regulated activity will commence, the name of the approved plan and program ID number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.

6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, 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.

7. All borings with depths greater than or equal to 20 feet must be plugged with non-shrink grout from the bottom of the hole to within three (3) feet of the surface. The remainder of the hole must be backfilled with cuttings from the boring. All borings less than 20 feet must be backfilled with cuttings from the boring. All borings must be backfilled or plugged within four (4) days of completion of the drilling operation. Voids may be filled with gravel.

During Construction:

8. During the course of regulated activities related to this project, the applicant or 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 any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.

10. 2 wells exist on site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.

11. 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 reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.

12. 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.

13. 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.

<u>After Completion of Construction:</u>

14. 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. The regulated 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.

16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. 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.

17. An Edwards Aquifer 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 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.

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.

If you have any questions or require additional information, please contact Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.

Sincerely,

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

GS/CEF/eg

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625
Title 30 TAC Chapter 285, Sub Chapter E, Special Requirements for OSSFs Located in the Edwards Aquifer Recharge Zone, §285.40 - §285.42

cc: Mr. Keith Strimple, P.E., M & S Engineering, Ltd.
Mr. Robert Potts, Edwards Aquifer Authority
Mr. Thomas Hornseth, P.E., Comal County
TCEQ Central Records, Building F, MC 212

LOCATION MAP

SCALE:
1" = 400' HORIZONTAL

LEGEND	
U / D	FAULT LINE / BOUNDARY LINE
	FLOOD PLAIN
S-27	ROCK OUTCROP
	BOULDER FLOAT
Kek	LOWER CRETACEOUS EDWARDS KANIER FORMATION

GEOLOGIC ASSESSMENT
for
VINTAGE OAKS AT THE VINEYARD
UNITS 2

STATE OF TEXAS
John Langan
Geology
4871
LICENSED
PROFESSIONAL GEOSCIENTIST

John Langan

psi Information To Build On
Engineering • Consulting • Testing
THREE BURWOOD LANE
SAN ANTONIO, TEXAS 78216

REVISIONS:

JOB NO. 4357G002
FILE: 4357G002-01
DATE: 01/09/07
DESIGN: -
DRAWN: J LEAL
CHECKED: J LANGAN
SHEET 1 OF 1

Well by Cave
29-47-38
98-16-11

Water
29-47-31
98-16-31

29-47-36
98-16-29

Agent Authorization Form
For Required Signature
Edwards Aquifer Protection Program
Relating to 30 TAC Chapter 213
Effective June 1, 1999

I **Jack Dean**,
Print Name

Vice President
Title Owner/President/Other

of **Bluegreen Southwest Land, Inc.**
Corporation/Partnership/Entity Name

have authorized **Keith Strimple, P.E.**
Print Name of Agent/Engineer

of **M & S Engineering, Ltd.**
Print Name of Firm

to represent and act on the behalf of the above named Corporation, Partnership, or Entity for the purpose of preparing and submitting this plan application to the Texas Commission on Environmental Quality (TCEQ) for the review and approval consideration of regulated activities.

I also understand that:

1. The applicant is responsible for compliance with 30 Texas Administrative Code Chapter 213 and any condition of the TCEQ's approval letter. The TCEQ is authorized to assess administrative penalties of up to $10,000 per day per violation.

2. A notarized copy of the Agent Authorization Form must be provided for the person preparing the application, and the forms must accompany the completed application.

3. Application fees are due and payable at the time the application is submitted. The application fee must be sent to the TCEQ cashier or to the appropriate regional office. The application will not be considered until the correct fee is received by the commission.

4. For applicants who are not the property owner, but who have the right to control and possess and control the property, additional authorization is required from the owner.

Bluegreen Southwest Land, Inc.

Applicant's Signature

1/31/07
Date

THE STATE OF TX §

County of Hays §

BEFORE ME, the undersigned authority, on this day personally appeared Jack Dean known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed same for the purpose and consideration therein expressed.

GIVEN under my hand and seal of office on this 31st day of January, 2007.

Patricia D. Shirley
NOTARY PUBLIC

PATRICIA D. SHIRLEY
Notary Public, State of Texas
My Commission Expires
SEPTEMBER 20, 2009

Patricia D. Shirley
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: 09-20-09

Texas Commission on Environmental Quality
Edwards Aquifer Protection Plan
Application Fee Form

NAME OF PROPOSED REGULATED ENTITY: **Vintage Oaks At The Vineyard- Unit 2**
REGULATED ENTITY LOCATION: **Along Vintage Oaks Parkway approximately 4,350 from the intersection of Vintage Oaks Parkway and State Highway 46, in Comal County.**
NAME OF CUSTOMER: **Bluegreen Southwest Land, Inc.**
CONTACT PERSON: **Keith Strimple, P.E.** PHONE: **830-228-5446**
(Please Print)

Customer Reference Number (if issued): CN 602609984 (nine digits)
Regulated Entity Reference Number (if issued): RN _____ (nine digits)

AUSTIN REGIONAL OFFICE (3373)
~ Hays
~ Travis
~ Williamson

SAN ANTONIO REGIONAL OFFICE (3362)
~ Bexar
X Comal
~ Kinney
~ Medina
~ Uvalde

APPLICATION FEES MUST BE PAID BY CHECK, CERTIFIED CHECK, OR MONEY ORDER, PAYABLE TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. YOUR CANCELED CHECK WILL SERVE AS YOUR RECEIPT. **THIS FORM MUST BE SUBMITTED WITH YOUR FEE PAYMENT**. THIS PAYMENT IS BEING SUBMITTED TO (CHECK ONE):

X SAN ANTONIO REGIONAL OFFICE
~ **Mailed to TCEQ:**
TCEQ - Cashier
Revenues Section
Mail Code 214
P.O. Box 13088
Austin, TX 78711-3088

~ **AUSTIN REGIONAL OFFICE**
~ **Overnight Delivery to TCEQ:**
TCEQ - Cashier
12100 Park 35 Circle
Building A, 3rd Floor
Austin, TX 78753
512/239-0347

Type of Plan	Size	Fee Due
Water Pollution Abatement, One Single Family Residential Dwelling	Acres	$
Water Pollution Abatement, Multiple Single Family Residential and Parks	Acres	$
Water Pollution Abatement, Non-residential	Acres	$
Sewage Collection System	L.F.	$
Lift Stations without sewer lines	Acres	$
Underground or Aboveground Storage Tank Facility	Tanks	$
Piping System(s)(only)	Each	$
Exception	Each	$250
Extension of Time	Each	$

Signature

3/24/08
Date

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512/239-3282.

Texas Commission on Environmental Quality
Edwards Aquifer Protection Program
Application Fee Schedule
30 TAC .213.14 (effective 11/14/97) & 30 TAC .213.9 (effective 6/1/99)

Water Pollution Abatement Plans and Modifications

PROJECT	PROJECT AREA IN ACRES	FEE
One Single Family Residential Dwelling	<5	$500
Multiple Single Family Residential and Parks	<5 5 < 10 10 < 50 ≥50	$1,000 $2,000 $3,000 $5,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	< 1 1 < 5 5 < 10 ≥10	$2,000 $3,000 $4,000 $5,000

Organized Sewage Collection Systems and Modifications

PROJECT	COST PER LINEAR FOOT	MINIMUM FEE MAXIMUM FEE
Sewage Collection Systems	$0.50	$500 - $5,000

Underground and Aboveground Storage Tank System Facility Plans and Modifications

PROJECT	COST PER TANK OR PIPING SYSTEM	MINIMUM FEE MAXIMUM FEE
Underground and Aboveground Storage Tank Facility	$500	$500 - $5,000

Exception Requests

PROJECT	FEE
Exception Request	$250

Extension of Time Requests

PROJECT	FEE
Extension of Time Request	$100