

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.C., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 22, 2011

RECEIVED

JUL 27 2011

Mr. G. Phil Berryman
Berryman Properties, Ltd.
2873 IH-10W
Boerne, Texas 78006-9112

COUNTY ENGINEER

Re: Edwards Aquifer, Comal County

Name of Project: ~~Berryman Tract~~ -- State Hwy 46 and US Hwy 281; Located on the southeast corner of US Highway 281 and State Highway 46; Bulverde, Texas

Type of Plan: Request for the Approval of a ~~Contributing Zone Plan (CZP)~~; 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer

Edwards Aquifer Protection Program San Antonio File No. 2983.00; Investigation No. 921976; Regulated Entity No. RN160143647

Dear Mr. Berryman:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP Application for the above-referenced project submitted to the San Antonio Regional Office by Pape-Dawson Engineers, Inc. on behalf of Berryman Properties, Ltd. on May 20, 2011. Final review of the CZP was completed after additional material was received on June 16 and July 14, 2011. As presented to the TCEQ, the Temporary 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 ~~fully 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 commercial project will have an area of approximately 86.78 acres. It will include the mass clearing of existing trees and vegetation from approximately 26.85 acres. No impervious cover will be constructed by this project. No wastewater will be generated by this project.

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-490-3096 • FAX 210-545-4329

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

printed on recycled paper using soy-based ink.

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.

RECEIVED

JUL 27 2011

During Construction:

8. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
9. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been significantly reduced. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
10. Intentional discharges of sediment laden storm water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
11. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

After Completion of Construction:

14. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity

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COUNTY ENGINEER

Mr. G. Phil Berryman
Berryman Properties, Ltd.
2873 IH-10W
Boerne, Texas 78006-9112

Re: Edwards Aquifer, Comal County

Name of Project: **Berryman Tract** – State Hwy 46 and US Hwy 281; Located on the southeast corner of US Highway 281 and State Highway 46; Bulverde, Texas

Type of Plan: Request for the Approval of a **Contributing Zone Plan (CZP)**; 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer

Edwards Aquifer Protection Program San Antonio File No. 2983.00; Investigation No. 921976; Regulated Entity No. RN160143647

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Project Description

The proposed commercial project will have an area of approximately 86.78 acres. It will include the mass clearing of existing trees and vegetation from approximately 26.85 acres. No impervious cover will be constructed by this project. No wastewater will be generated by this project.

Permanent Pollution Abatement Measures

No permanent best management practices (BMP) are proposed for this project. In lieu of permanent BMPs, temporary BMPs in conjunction with interim and permanent site stabilization practices will be provided.

Special Conditions

1. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested format (Deed Recordation Affidavit, TCEQ-0625A) that you may use to deed record the approved CZP is enclosed.

Standard Conditions

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
3. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to the Commencement of Construction:

4. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
5. Any modification to the activities described in the referenced CZP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the name of the approved plan and file number for the regulated activity, the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.
7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) must be installed prior to construction and maintained during

construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

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JUL 27 2011

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COUNTY ENGINEER

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Mr. G. Phil Berryman

July 22, 2011

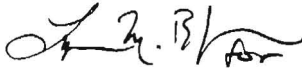
Page 4

having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone Plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
17. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone Plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

If you have any questions or require additional information, please contact Javier Anguiano of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210)490-3096.

Sincerely,



Mark R. Vickery, P.G., Executive Director
Texas Commission on Environmental Quality

MRV/JA/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625A

cc: Ms. Cara C. Tackett, P.E., LEED® AP, Pape-Dawson Engineers, Inc.
Mr. Thomas H Hornseth, P.E., Comal County
The Honorable Bill Krawietz, City of Bulverde
Mr. Karl J. Dreher, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC212

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 23, 2011

RECEIVED

MAY 25 2011

COUNTY ENGINEER

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: **Berryman Tract**, located on the southeast corner of US Highway 46 and Highway 281 North, Bulverde, Texas
PLAN TYPE: Application for **Contributing Zone Water Pollution Abatement Plan (WPAP)** 30 Texas Administration Code (TAC) Chapter 213; Edwards Aquifer Protection Program
EAPP File No.: 2983.00

Dear Mr. Hornseth:

The referenced application 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 June 22, 2011.

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

A handwritten signature in blue ink that reads "Todd Jones".

Todd Jones
Water Section Work Leader
San Antonio Regional Office

TJ/eg

**BERRYMAN TRACT –
STATE HWY 46
AND US HWY 281**
Contributing Zone Plan Application

May 2011

**BERRYMAN TRACT –
STATE HWY 46
AND US HWY 281
Contributing Zone Plan Application**

May 2011

Texas Board of Professional Engineers, Firm Registration # 470





LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

May 17, 2011

Mr. Richard Garcia
Texas Commission on Environmental Quality (TCEQ)
Region 13
14250 Judson Road
San Antonio, Texas 78233-4480

Re: Berryman Tract – State Hwy 46 and US Hwy 281
Contributing Zone Plan Application

Dear Mr. Garcia:

Please find attached one (1) original and three (3) copies of the Berryman Tract – State Hwy 46 and US Hwy 281 Contributing Zone Plan. This Contributing Zone Plan has been prepared in accordance with the Texas Administrative Code (30 TAC 213) and current policies for development over the Edwards Aquifer Contributing Zone.

This Contributing Zone Plan applies to an approximate 86.78-acre site as identified by the project limits. Please review the plan information for the items it is intended to address. If acceptable, please provide a written approval of the plan in order that construction may begin at the earliest opportunity.

Appropriate review fees (\$8,000) and fee application are included. If you have any questions or require additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,
Pape-Dawson Engineers, Inc.
Texas Board of Professional Engineers, Firm Registration # 470

Cara C. Tackett, P.E., LEED® AP
Vice President, Land Development



Attachments

P:\78\03\00\Word\Reports\110428a1.doc

Contributing Zone Plan Application
for Regulated Activities
on the Contributing Zone to the Edwards Aquifer
and Relating to 30 TAC §213.24(1), Effective June 1, 1999

TCEQ-R13
REV. 2-8-2011
SAN ANTONIO

Regulated Entity Name: Berryman Tract – State Hwy 46 and US Hwy 281

County: Comal Stream Basin: Lewis Creek

1. Regulated activities on this site will disturb at least 5 acres.
 Regulated activities on this site will disturb less than 5 acres and are part of a larger common plan of development or sale with the potential to disturb cumulatively five or more acres.

2. Customer (Applicant):

Contact Person: G. Phil Berryman
Entity: Berryman Properties, Ltd.
Mailing Address: 2873 IH-10W
City, State: Boerne, Texas Zip: 78006-9112
Telephone: (830) 755-5256 FAX: (830) 755-5258

Agent/Representative (If any):

Contact Person: Cara C. Tackett, P.E., LEED® AP
Entity: Pape-Dawson Engineers, Inc.
Mailing Address: 555 E. Ramsey
City, State: San Antonio, Texas Zip: 78216
Telephone: (210) 375-9000 FAX: (210) 375-9010

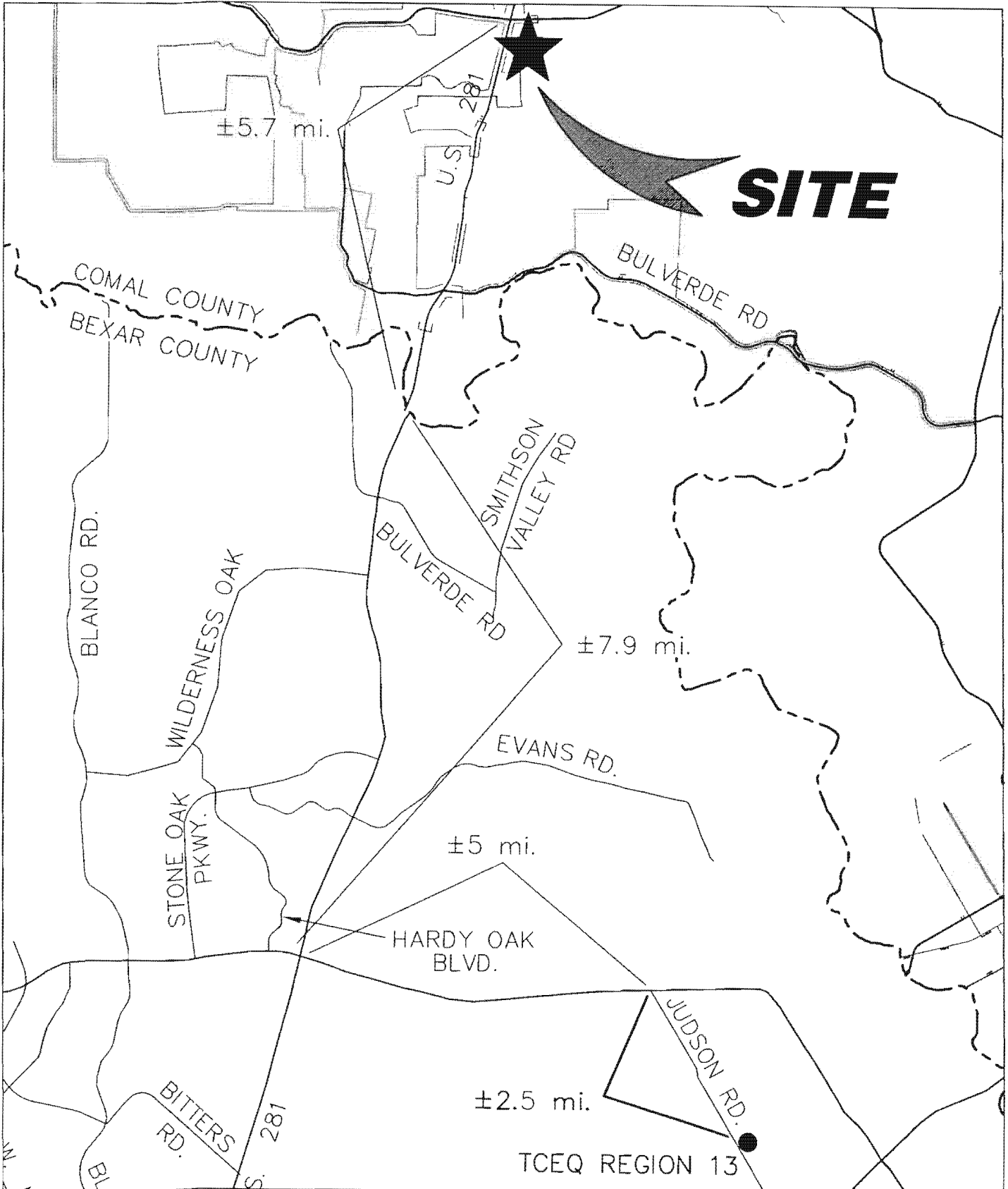
3. This project is inside the city limits of _____.
 This project is **partially inside the city limits and partially** outside the city limits but inside the ETJ (extra-territorial jurisdiction) of the City of Bulverde.
 This project is not located within any city's limits or ETJ.

4. The location of the project site is described below. Sufficient detail and clarity has been provided so that the TCEQ's Regional staff can easily locate the project and site boundaries for a field investigation.

From TCEQ's Regional office, travel north on Judson Road approximately 2.5 miles to Loop 1604. Turn left onto the access road and take the ramp onto Loop 1604 west-bound. Travel approximately 5 miles to US Hwy. 281 and make a right onto the access road. Proceed onto US Hwy. 281 North and travel approximately 13.6 miles to State Hwy. 46. The site is located at the southeast corner of US Hwy. 281 and SH 46.

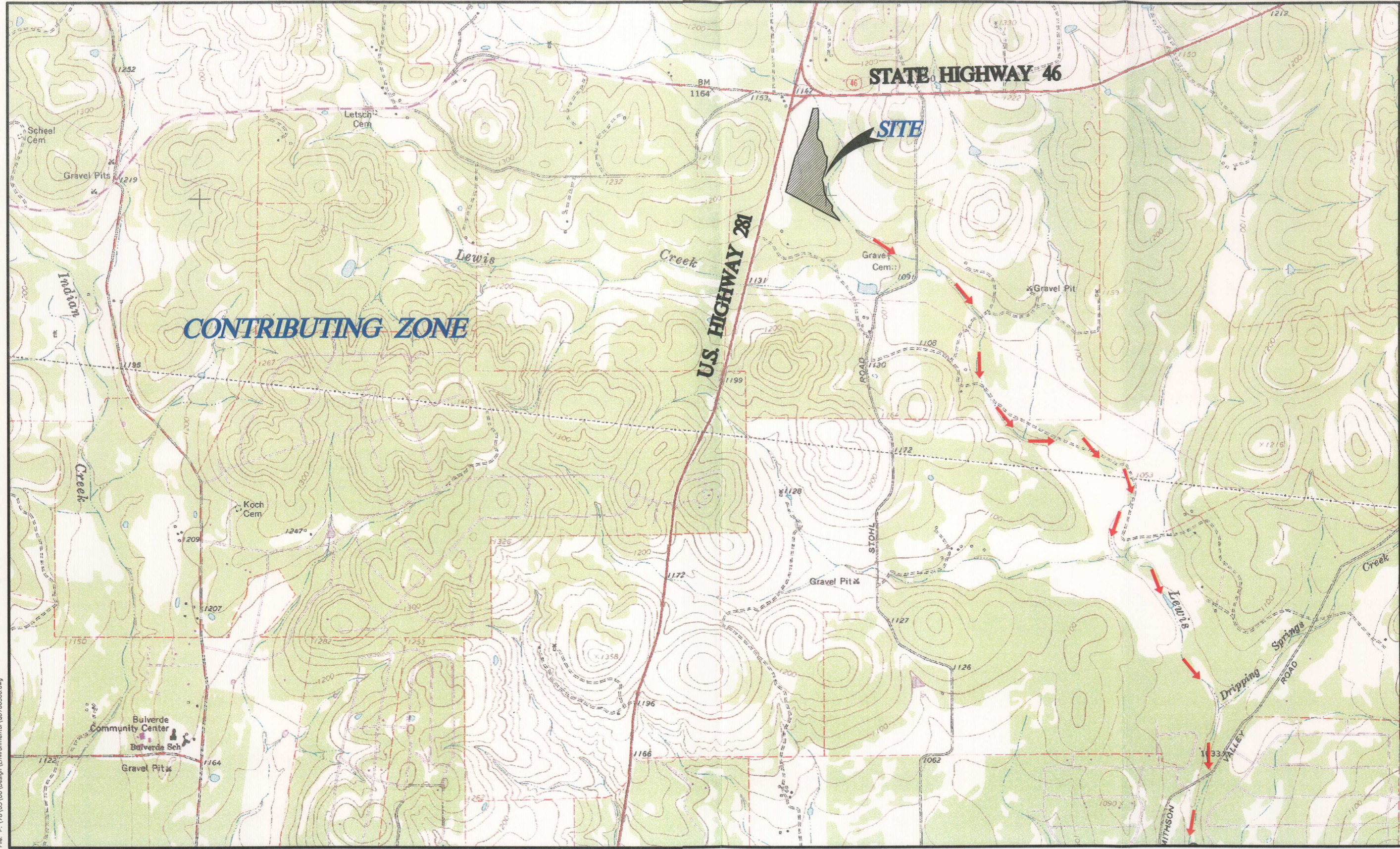
5. **ATTACHMENT A - Road Map.** A road map showing directions to and the location of the project site is found ~~at the end of this form~~ **directly behind this sheet.**
6. **ATTACHMENT B - USGS Quadrangle Map.** A copy of the USGS Quadrangle Map (Scale: 1" = 2000') is found ~~at the end of this form~~ **behind this sheet.** The map(s) clearly shows:
 Project site boundaries.

BERRYMAN TRACT
Contributing Zone Plan



BERRYMAN TRACT
Contributing Zone Plan

N
SCALE: 1" = 2000'



Date: May 12, 2011, 12:57pm User ID: K30rguao
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ANHALT & BULVERDE QUADRANGLE

SEE SHEET 2 OF 2

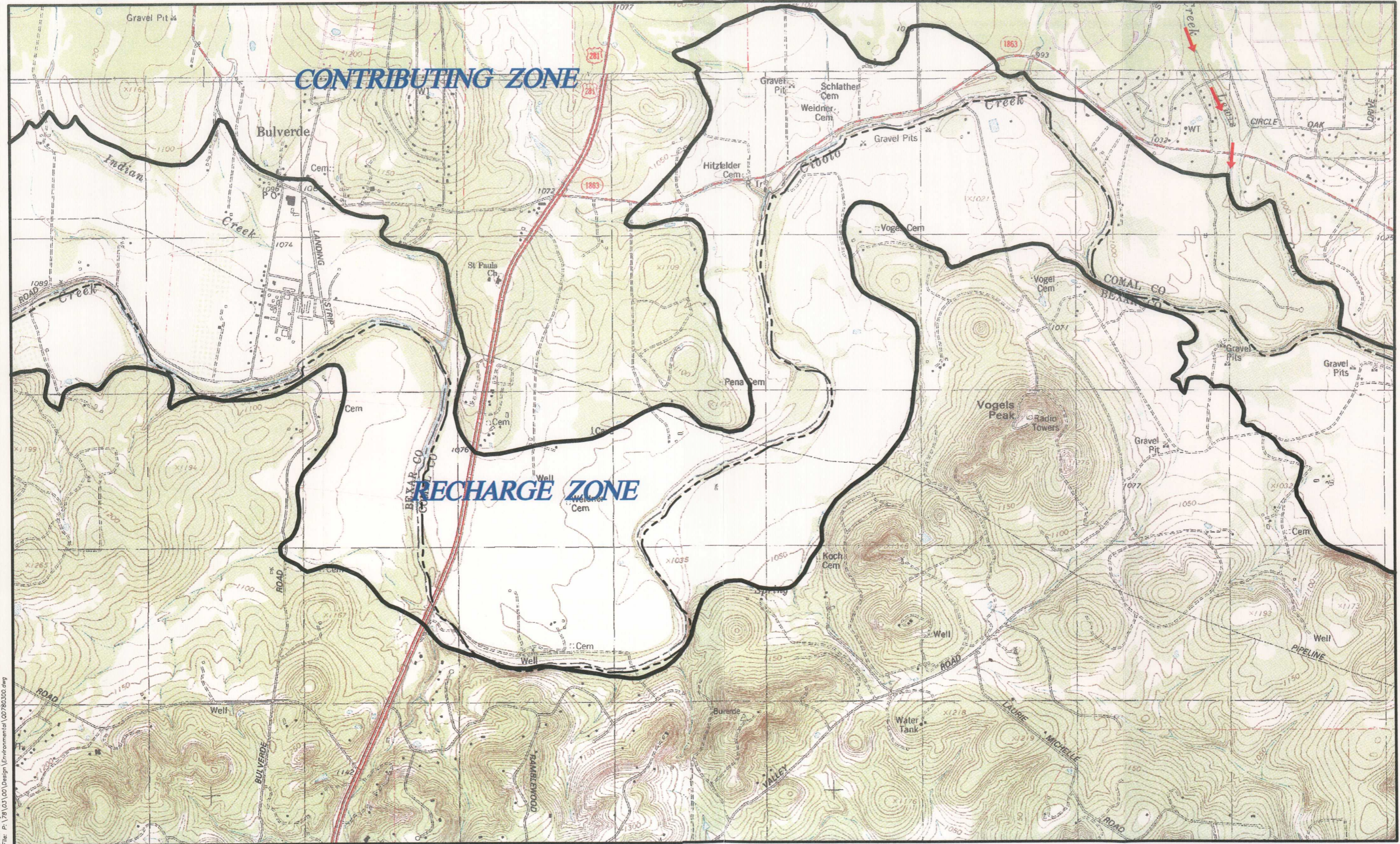
USGS/EDWARDS RECHARGE ZONE MAP
Sheet 1 Of 2
Attachment B

→ → Drainage Flow
Pape-Dawson Engineers, Inc.

BERRYMAN TRACT
Contributing Zone Plan

SEE SHEET 1 OF 2

N
SCALE: 1" = 2000'



Date: May 12, 2011, 12:57pm User: ID: K3reguad
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ANHALT & BULVERDE QUADRANGLE

→ → Drainage Flow
Pape-Dawson Engineers, Inc.

USGS/EDWARDS RECHARGE ZONE MAP
Sheet 2 Of 2
Attachment B

USGS Quadrangle Name(s).

7. **ATTACHMENT C - Project Narrative.** A detailed narrative description of the proposed project is found at the end of this form **below**.

The Berryman Tract is a 86.78-acre site located at the southeast corner of State Highway 46 and US Highway 281. It is located partially within the city limits of Bulverde and partially within its extra-territorial jurisdiction, in Comal County, Texas. The entire site is located over the Edwards Aquifer Contributing Zone.

This Contributing Zone Plan (CZP) proposes the clearing of approximately 26.85 acres of the 86.78-acre site. Clearing will be done with heavy machinery, not by hand, and will thus result in site disturbance, a regulated activity per 30 TAC 213. Clearing will not occur in the 100-year floodplain and will be limited to the western portion of the site. Temporary Best Management Practices (BMPs) will be in place for sediment and erosion control.

The site is anticipated for future commercial use. As the site plan is still being developed, grading of the site and construction of impervious cover are not proposed in this application. In the future, prior to commencement of construction of site improvements, a separate application will be submitted to the Texas Commission on Environmental Quality (TCEQ) to permit this work.

8. Existing project site conditions are noted below:

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

PROJECT INFORMATION

9. The type of project is:

Residential: # of Lots: _____
 Residential: # of Living Unit Equivalents: _____
 Commercial (**Future Development**)
 Industrial
 Other: _____

10. Total project area (size of site): 86.78 Acres
Total disturbed area: 27.30 Acres

11. Projected population: 0

12. The amount and type of impervious cover expected after construction is complete is shown below:

Impervious Cover of Proposed Project	Sq. Ft.	Sq. Ft./Acre	Acres
Structures/Rooftops	0	÷ 43,560 =	0
Parking	0	÷ 43,560 =	0
Other paved surfaces	0	÷ 43,560 =	0
Total Impervious Cover	0	÷ 43,560 =	0
Total Impervious Cover ÷ Total Acreage x 100 =			0%

13. **ATTACHMENT D - Factors Affecting Surface Water Quality.** A description of factors that could affect surface water quality is found ~~as at the end of this form~~ **below**. If applicable, this should included the location and description of any discharge associated with industrial activity other than construction.

Potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site include:

- Soil erosion due to the clearing of the site.
- Oil, grease, fuel, and hydraulic fluid contamination from construction equipment and vehicle drippings.
- Miscellaneous trash and litter from construction workers and material wrappings.
- Construction debris.
- Concrete truck washout.

Potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the site after development include:

- Oil, grease, fuel and hydraulic fluid contamination from vehicle and maintenance equipment drippings; and
- Miscellaneous trash and litter.

14. Only inert materials as defined by 30 TAC 330.2 will be used as fill material.

FOR ROAD PROJECTS ONLY

Complete questions 15-20 if this application is exclusively for a road project.

This application is not exclusively for a road project; therefore, Items 15-20 do not apply.

15. Type of project:
- TXDOT road project.
 - County road or roads built to county specifications.
 - City thoroughfare or roads to be dedicated to a municipality.
 - Street or road providing access to private driveways.

16. Type of pavement or road surface to be used:
- Concrete
 - Asphaltic concrete pavement
 - Other: _____

17. Length of Right of Way (R.O.W.): _____ feet.
Width of R.O.W.: _____ feet.

L x W = _____ Ft² ÷ 43,560 Ft²/Acre = _____ acres.

18. Length of pavement area: _____ feet.
Width of pavement area: _____ feet.
L x W = _____ Ft² ÷ 43,560 Ft²/Acre = _____ acres.
Pavement area _____ acres ÷ R.O.W. area _____ acres x 100 = _____% impervious cover.

19. A rest stop will be included in this project.
 A rest stop will **not** be included in this project.
20. Maintenance and repair of existing roadways that do not require approval from the TCEQ Executive Director. Modifications to existing roadways such as widening roads/adding shoulders totaling more than one-half (1/2) the width of one (1) existing lane require prior approval from the TCEQ.

STORMWATER TO BE GENERATED BY THE PROPOSED PROJECT

21. **ATTACHMENT E - Volume and Character of Stormwater.** A description of the volume and character (quality) of the stormwater runoff which is expected to occur from the proposed project is found ~~at the end of this form~~ **below**. The estimates of stormwater runoff quality and quantity are based on area and type of impervious cover. The runoff coefficient of the site for both pre-construction and post-construction conditions is included.

For a 25-year storm event, the overall project will generate approximately 144 cfs. The runoff coefficient for the site is 49 and is not anticipated to change significantly after this work. Values are based on the Rational Method using runoff coefficients per the City of San Antonio Unified Development Code.

WASTEWATER TO BE GENERATED BY THE PROPOSED PROJECT

As this application is solely for clearing, no wastewater is anticipated to be generated by this project at this stage; therefore, Item 22 does not apply.

22. Wastewater will be disposed of by:
- On-Site Sewage Facility (OSSF/Septic Tank):
ATTACHMENT F - Suitability Letter from Authorized Agent. An on-site sewage facility will be used to treat and dispose of the wastewater from this site. The appropriate licensing authority's written approval is provided at the end of this form. It states that the land is suitable for the use of private sewage facilities and will meet or exceed the requirements for on-site sewage facilities as specified under 30 TAC Chapter 285 relating to On-site Sewage Facilities, or it identifies those areas that are not suitable for the use of private sewage facilities. The system will be designed by a licensed professional engineer or a registered sanitarian and installed by a licensed installer in compliance with 30 TAC §285.
- Sewage Collection System (Sewer Lines):
Wastewater is to be disposed of by conveyance to the (name) treatment plant for treatment and disposal. The treatment facility is: _____
 existing.
 proposed.

- Wastewater is to be discharged in the contributing zone. Requirements under 30 TAC §213.6(c) relating to Wastewater Treatment and Disposal Systems have been satisfied.

FOR PERMANENT ABOVEGROUND STORAGE TANKS (ASTs) ≥ 500 GALLONS

Complete questions 23-29 if this project includes the installation of AST(s) with volume(s) greater than or equal to 500 gallons.

This project does not include the installation of AST(s) with volume(s) greater than or equal to 500 gallons; therefore, Items 23-29 do not apply.

23. Tanks and substance stored:

AST Number	Size (Gallons)	Substance to be Stored	Tank Material
1			
2			
3			
4			
Total		x 1.5 =	gallons

- 24. The AST will be placed within a containment structure that is sized to capture one and one-half (1 1/2) times the storage capacity of the system. For facilities with more than one tank system, the containment structure is sized to capture one and one-half (1 1/2) times the cumulative storage capacity of all systems.

- ATTACHMENT G - Alternative Secondary Containment Methods.** Alternative methods for providing secondary containment are proposed. Specifications showing equivalent protection for the Edwards Aquifer are found at the end of this form.

25. Inside dimensions and capacity of containment structure(s):

Length (L) (Ft.)	Width (W) (Ft.)	Height (H) (Ft.)	L x W x H = (Ft ³)	Gallons
Total				

- 26. All piping, hoses, and dispensers will be located inside the containment structure.
- Some of the piping to dispensers or equipment will extend outside the containment structure.
- The piping will be aboveground
- The piping will be underground

27. The containment area must be constructed of and in a material impervious to the substance(s) being stored. The proposed containment structure will be constructed of _____.
28. **ATTACHMENT H - AST Containment Structure Drawings.** A scaled drawing of the containment structure is found at the end of this form that shows the following:
- Interior dimensions (length, width, depth and wall and floor thickness).
 - Internal drainage to a point convenient for the collection of any spillage.
 - Tanks clearly labeled
 - Piping clearly labeled
 - Dispenser clearly labeled
29. Any spills must be directed to a point convenient for collection and recovery. Spills from storage tank facilities must be removed from the controlled drainage area for disposal within 24 hours of the spill.
- In the event of a spill, any spillage will be removed from the containment structure within 24 hours of the spill and disposed of properly.
 - In the event of a spill, any spillage will be drained from the containment structure through a drain and valve within 24 hours of the spill and disposed of properly. The drain and valve system are shown in detail on the scaled drawing.

SITE PLAN

Items 30 through 41 must be included on the Site Plan.

See Exhibit 1 for site plan requirements.

30. The Site Plan must have a minimum scale of 1" = 400'.
Site Plan Scale: 1" = 200'.
31. 100-year floodplain boundaries
- Some part(s) of the project site is located within the 100-year floodplain. The floodplain is shown and labeled.
 - No part of the project site is located within the 100-year floodplain.

The 100-year floodplain boundaries are based on the following specific (including date of material) sources(s):

FEMA (Flood Insurance Rate Map for Bexar County, Texas and Incorporated areas) Panel Number 220 of 505, Map Number 48091C0220F, dated September 2, 2009.

32. The layout of the development is shown with existing and finished contours at appropriate, but not greater than ten-foot contour intervals. Lots, recreation centers, buildings, roads, etc. are shown on the site plan.
- The layout of the development is shown with existing contours at appropriate, but not greater than ten-foot contour intervals. Finished topographic contours will not differ from the existing topographic configuration and are not shown. ~~Lots, recreation centers, buildings, roads, etc. are shown on the site plan.~~

33. A drainage plan showing all paths of drainage from the site to surface streams.
34. The drainage patterns and approximate slopes anticipated after major grading activities.
- Drainage patterns are illustrated by arrows. Slopes vary throughout the site. Typical slopes in this project will range from 0.5% to 10.0%.***
35. Areas of soil disturbance and areas which will not be disturbed.
- The nature of construction is such that it is difficult to predict areas that will be disturbed and revegetated. The construction plans include a note, which will require the contractor to revegetate disturbed areas with seeding, hydromulch or sod and sprinkling. Approximately 26.85 acres may be disturbed.***
36. Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.
37. Locations where soil stabilization practices are expected to occur.
- The nature of construction is such that it is difficult to predict areas that will be disturbed and revegetated. The construction plans include a note, which will require the contractor to revegetate disturbed areas with seeding, hydromulch or sod and sprinkling. Approximately 26.85 acres may be disturbed.***
38. Surface waters (including wetlands).
39. Locations where stormwater discharges to surface water.
 There will be no discharges to surface water.
40. Temporary aboveground storage tank facilities.
 Temporary aboveground storage tank facilities will not be located on this site.
- A temporary aboveground storage tank with a cumulative storage capacity less than 250 gallons may be located within the materials staging area shown on Exhibit 1, in accordance with 30 TAC 213.5(e)(1).***
41. Permanent aboveground storage tank facilities.
 Permanent aboveground storage tank facilities will not be located on this site.

Permanent best management practices (BMPs) and measures that will be used during and after construction is completed.

Construction of impervious cover is not proposed at this stage in development; therefore, no PBMPs are necessary.

42. N/A Permanent BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction.
43. N/A These practices and measures have been designed, and will be constructed, operated, and maintained to insure that 80% of the incremental increase in the annual mass loading of total suspended solids (TSS) from the site caused by the regulated activity is removed. These quantities have been calculated in accordance with technical guidance prepared or accepted by the executive director.

- The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.
 - A technical guidance other than the TCEQ TGM was used to design permanent BMPs and measures for this site. The complete citation for the technical guidance that was used is provided below.
-
-

44. N/A Owners must insure that permanent BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the appropriate regional office within 30 days of site completion.

45. N/A Where a site is used for low density single-family residential development and has 20% or less impervious cover, other permanent BMPs are not required. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.

- This site will be used for low density single-family residential development and has 20% or less impervious cover.
- This site will be used for low density single-family residential development but has more than 20% impervious cover.
- This site will not be used for low density single-family residential development.

46. N/A The executive director may waive the requirement for other permanent BMPs for multi-family residential developments, schools, or small business sites where 20% or less impervious cover is used at the site. This exemption from permanent BMPs must be recorded in the county deed records, with a notice that if the percent impervious cover increases above 20% or land use changes, the exemption for the whole site as described in the property boundaries required by 30 TAC §213.4(g) (relating to Application Processing and Approval), may no longer apply and the property owner must notify the appropriate regional office of these changes.

- ATTACHMENT I - 20% or Less Impervious Cover Waiver.** This site will be used for multi-family residential developments, schools, or small business sites and has 20% or less impervious cover. A request to waive the requirements for other permanent BMPs and measures is found at the end of this form.
- This site will be used for multi-family residential developments, schools, or small business sites but has more than 20% impervious cover.
- This site will not be used for multi-family residential developments, schools, or small business sites.

47. **ATTACHMENT J - BMPs for Upgradient Stormwater.**

- A description of the BMPs and measures that will be used to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site is provided as **ATTACHMENT J** at the end of this form.
- If no surface water, groundwater or stormwater originates upgradient from the site and flows across the site, an explanation is provided as **ATTACHMENT J** at the end of this form.

√ If permanent BMPs or measures are not required to prevent pollution of surface water, groundwater, or stormwater that originates upgradient from the site and flows across the site, an explanation is provided as ~~ATTACHMENT J~~ at the end of this form **below**.

Only clearing is proposed in this application. Temporary BMPS will be in place for sediment and erosion control. No construction of impervious cover is proposed at this stage; therefore, no Permanent BMPs are required as TSS is not being increased beyond its background load.

Once a site plan has been finalized, a separate application for construction of proposed site improvements will be submitted to the TCEQ to permit this work, including the design of Permanent BMPs for treatment of stormwater runoff as required by the TCEQ's TGM and 30 TAC 213.

48. **ATTACHMENT K - BMPs for On-site Stormwater.**

— A description of the BMPs and measures that will be used to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff from the site is provided as **ATTACHMENT K** at the end of this form.

√ If permanent BMPs or measures are not required to prevent pollution of surface water or groundwater that originates on-site or flows off the site, including pollution caused by contaminated stormwater runoff, an explanation is provided as ~~ATTACHMENT K~~ at the end of this form **below**.

Only clearing is proposed in this application. Temporary BMPS will be in place for sediment and erosion control. No construction of impervious cover is proposed at this stage; therefore, no Permanent BMPs are required as TSS is not being increased beyond its background load.

Once a site plan has been finalized, a separate application for other construction activities will be submitted to the TCEQ to permit this work, including the construction of Permanent BMPs for treatment of runoff from impervious cover areas.

49. √ **ATTACHMENT L - BMPs for Surface Streams.** A description of the BMPs and measures that prevent pollutants from entering surface streams is provided at the end of this form **below**.

Only clearing is proposed in this application. Temporary BMPS will be in place for sediment and erosion control. No construction of impervious cover is proposed at this stage; therefore, no Permanent BMPs are required as TSS is not being increased beyond its background load.

Once a site plan has been finalized, a separate application for other construction activities will be submitted to the TCEQ to permit this work, including the construction of Permanent BMPs for treatment of runoff from impervious cover areas.

50. N/A **ATTACHMENT M - Construction Plans.** Construction plans and design calculations for the proposed permanent BMPs and measures have been prepared by or under the direct supervision of a Texas Licensed Professional Engineer. All construction plans and design information have been signed, sealed, and dated by the Texas Licensed

Professional Engineer. Construction plans for the proposed permanent BMPs and measures are provided at the end of this form. Design Calculations, TCEQ Construction Notes, all proposed structural measures, and appropriate details must be shown on the construction plans.

51. N/A **ATTACHMENT N - Inspection, Maintenance, Repair and Retrofit Plan.** A plan for the inspection, maintenance, repair, and, if necessary, retrofit of the permanent BMPs and measures is provided at the end of this form. The plan has been prepared and certified by the engineer designing the permanent BMPs and measures. The plan has been signed by the owner or responsible party. The plan includes procedures for documenting inspections, maintenance, repairs, and, if necessary, retrofits as well as a discussion of record keeping procedures.
52. N/A The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.
— Pilot-scale field testing (including water quality monitoring) may be required for BMPs that are not contained in technical guidance recognized by or prepared by the executive director.
N/A **ATTACHMENT O - Pilot-Scale Field Testing Plan.** A plan for pilot-scale field testing is provided at the end of this form.
53. √ **ATTACHMENT P - Measures for Minimizing Surface Stream Contamination.** A description of the measures that will be used to avoid or minimize surface stream contamination and changes in the way in which water enters a stream as a result of the construction and development is provided ~~at the end of this form~~ **below**. The measures address increased stream flashing, the creation of stronger flows and in-stream velocities, and other in-stream effects caused by the regulated activity which increases erosion that result in water quality degradation.

Where erosive velocities exist at drain discharge points energy dissipators will be constructed to reduce the potential for erosion.

Responsibility for maintenance of permanent BMPs and measures after construction is complete.

54. N/A The applicant is responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred.
55. N/A A copy of the transfer of responsibility must be filed with the executive director at the appropriate regional office within 30 days of the transfer if the site is for use as a multiple single-family residential development, a multi-family residential development, or a non-residential development such as commercial, industrial, institutional, schools, and other sites where regulated activities occur.

ADMINISTRATIVE INFORMATION

- 56. Submit one (1) original and one (1) copy of the application, plus additional copies as needed for each affected incorporated city, groundwater conservation district, and county in which the project will be located. The TCEQ will distribute the additional copies to these jurisdictions. The copies must be submitted to the appropriate regional office.

- 57. Any modification of this Contributing Zone Plan may require TCEQ review and Executive Director approval prior to construction, and may require submission of a revised application, with appropriate fees.

- 58. The site description, controls, maintenance, and inspection requirements for the storm water pollution prevention plan (SWPPP) developed under the EPA NPDES general permits for stormwater discharges have been submitted to fulfill paragraphs 30 TAC §213.24(1-5) of the technical report. All requirements of 30 TAC §213.24(1-5) have been met by the SWPPP document.

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 **CONTRIBUTING ZONE PLAN APPLICATION** is hereby submitted for TCEQ review and Executive Director approval. The application was prepared by:

Pape-Dawson Engineers, Inc.
Texas Board of Professional Engineers, Firm Registration # 470

Cara C. Tackett, P.E., LEED® AP
Print Name of Customer/Agent


Signature of Customer/Agent

05/17/11
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.

Temporary Stormwater Section
for Regulated Activities
on the Edwards Aquifer Recharge Zone
and Relating to 30 TAC §213.5(b)(4)(A), (B), (D)(I) and (G); Effective June 1, 1999

REGULATED ENTITY NAME: **Berryman Tract – State Hwy 46 and US Hwy 281**

POTENTIAL SOURCES OF CONTAMINATION

Examples: Fuel storage and use, chemical storage and use, use of asphaltic products, construction vehicles tracking onto public roads, and existing solid waste.

1. Fuels for construction equipment and hazardous substances which will be used during construction:

- Aboveground storage tanks with a cumulative storage capacity of less than 250 gallons will **may** be stored on the site for less than one (1) year.
- Aboveground storage tanks with a cumulative storage capacity between 250 gallons and 499 gallons will be stored on the site for less than one (1) year.
- Aboveground storage tanks with a cumulative storage capacity of 500 gallons or more will be stored on the site. An **Aboveground Storage Tank Facility Plan** application must be submitted to the appropriate regional office of the TCEQ prior to moving the tanks onto the project.
- Fuels and hazardous substances will not be stored on-site.

Temporary aboveground storage tank(s) may be located within the construction staging area in compliance with 30 TAC §213.

2. **ATTACHMENT A - Spill Response Actions.** A description of the measures to be taken to contain any spill of hydrocarbons or hazardous substances is provided at the end of this form.

3. Temporary aboveground storage tank systems of 250 gallons or more cumulative storage capacity must be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.

4. **ATTACHMENT B - Potential Sources of Contamination.** Describe **below** ~~in an attachment at the end of this form~~ any other activities or processes which may be a potential source of contamination.

There are no other potential sources of contamination.

Other potential sources of contamination during construction include:

- | | |
|------------------------------------|--|
| <i>Potential Source</i> | <ul style="list-style-type: none">• <i>Oil, grease, fuel and hydraulic fluid contamination from construction equipment and vehicle dripping.</i> |
| <i>Preventative Measure</i> | <ul style="list-style-type: none">■ <i>Vehicle maintenance when possible will be performed within the construction staging area.</i>■ <i>Construction vehicles and equipment shall be checked regularly for leaks and repaired immediately.</i> |
| <i>Potential Source</i> | <ul style="list-style-type: none">• <i>Accidental leaks or spills of oil, petroleum products and substances listed under 40 CFR parts 110, 117, and 302 used or stored temporarily on site.</i> |

- Preventative Measure**
 - Contractor to incorporate into regular safety meetings, a discussion of spill prevention and appropriate disposal procedures.
 - Contractor's superintendent or representative overseer shall enforce proper spill prevention and control measures.
 - Hazardous materials and wastes shall be stored in covered containers and protected from vandalism.
 - A stockpile of spill cleanup materials shall be stored on site where it will be readily accessible.
- Potential Source**
 - Miscellaneous trash and litter from construction workers and material wrappings.
- Preventive Measure**
 - Trash containers will be placed throughout the site to encourage proper trash disposal.
- Potential Source**
 - Spills/Overflow of waste from portable toilets
- Preventative Measure**
 - Portable toilets will be placed away from high traffic vehicular areas and storm drain inlets.
 - Portable toilets will be placed on a level ground surface.
 - Portable toilets will be inspected regularly for leaks and will be serviced and sanitized at time intervals that will maintain sanitary conditions.

SEQUENCE OF CONSTRUCTION

5. √ **ATTACHMENT C - Sequence of Major Activities.** A description of the sequence of major activities which will disturb soils for major portions of the site (grubbing, excavation, grading, utilities, and infrastructure installation) is provided ~~at the end of this form~~ **below**. For each activity described, an estimate of the total area of the site to be disturbed by each activity is given.

The sequence of major activities which disturb soil during construction on this site will be clearing and grubbing of vegetation. This will disturb approximately 26.85 acres. No further construction is proposed at this time.

6. Name the receiving water(s) at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project: Lewis Creek

TEMPORARY BEST MANAGEMENT PRACTICES (TBMPs)

Erosion control examples: tree protection, interceptor swales, level spreaders, outlet stabilization, blankets or matting, mulch, and sod. Sediment control examples: stabilized construction exit, silt fence, filter dikes, rock berms, buffer strips, sediment traps, and sediment basins. Please refer to the Technical Guidance Manual for guidelines and specifications. **All structural BMPs must be shown on the site plan.**

7. √ **ATTACHMENT D - Temporary Best Management Practices and Measures.** A description of the TBMPs and measures that will be used during and after construction are provided ~~at the end of this form~~ **below**. For each activity listed in the sequence of construction, include appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented.

Please see Exhibit 1 for TBMP layout and the response to “a” through “d” below for more details.

√

TBMPs and measures will prevent pollution of surface water, groundwater, and stormwater. The construction-phase BMPs for erosion and sediment controls have been designed to retain sediment on site to the extent practicable. The following information has been provided ~~in the attachment at the end of this form~~ **below**.

- a. A description of how BMPs and measures will prevent pollution of surface water, groundwater or stormwater that originates upgradient from the site and flows across the site.

Upgradient water will cross the site at its eastern boundary, from the adjoining residential subdivision. As this site is developed and not currently under construction, no significant sedimentation is anticipated. Upgradient runoff will flow to the 100-year floodplain running north to south through the site. It will not cross the 26.85 acres to be disturbed by proposed clearing activities, as designated on Exhibit 1.

- b. A description of how BMPs and measures will prevent pollution of surface water or groundwater that originates on-site or flows off site, including pollution caused by contaminated stormwater runoff from the site.

Site preparation, which is the initiation of all activity on the project, will disturb the largest amount of soil. Therefore, before any of this work can begin, the clearing and grading contractor will be responsible for the installation of all on-site control measures. The methodology for pollution prevention of on-site stormwater will include: (1) erection of silt fences along the downgradient boundary of construction activities for temporary erosion and sedimentation controls, (2) installation of stabilized construction entrance/exit(s) to reduce the dispersion of sediment from the site, and (3) installation of construction staging area(s).

Prior to the initiation of construction, all previously installed control measures will be repaired or reestablished for their designed or intended purpose. This work, which is the remainder of all activity on the project, may also disturb additional soil. The construction contractor will be responsible for the installation of all remaining on-site control measures, as construction phasing warrants.

Temporary measures are intended to provide a method of slowing the flow of runoff from the construction site in order to allow sediment and suspended solids to settle out of the runoff. By containing the sediment and solids within the site, they will not enter surface streams downstream.

- c. A description of how BMPs and measures will prevent pollutants from entering surface streams, sensitive features, or the aquifer.

As this site is over the Edwards Aquifer Contributing Zone, a Geologic Assessment was not performed and is not required. No sensitive features are known to exist on-site.

Temporary measures are intended to provide a method of slowing the flow of runoff from the construction site in order to allow sediment and suspended

solids to settle out of the runoff. By containing the sediment and solids within the site, they will not enter the aquifer surface streams and/or sensitive features that may exist downstream.

- d. A description of how, to the maximum extent practicable, BMPs and measures will maintain flow to naturally-occurring sensitive features identified in either the geologic assessment, TCEQ inspections, or during excavation, blasting, or construction.

Since this project is located in the Contributing Zone, a Geologic Assessment was not conducted and is not required by 30 TAC 213 regulations. Therefore, no naturally-occurring sensitive features are known to exist on-site. 30 TAC 213.5(f)(2) only applies to projects located on the Recharge Zone.

BMP measures utilized in this plan are intended to allow stormwater to continue downstream after passing through the BMPs. This will allow stormwater runoff to continue downgradient to streams or features that may exist downstream of the site.

8. The temporary sealing of a naturally-occurring sensitive feature which accepts recharge to the Edwards Aquifer as a temporary pollution abatement measure during active construction should be avoided.

N/A **ATTACHMENT E - Request to Temporarily Seal a Feature.** A request to temporarily seal a feature is provided at the end of this form. The request includes justification as to why no reasonable and practicable alternative exists for each feature.
√ There will be no temporary sealing of naturally-occurring sensitive features on the site.

9. √ **ATTACHMENT F - Structural Practices.** Describe the structural practices that will be used to divert flows away from exposed soils, to store flows, or to otherwise limit runoff discharge of pollutants from exposed areas of the site. Placement of structural practices in floodplains has been avoided.

The following structural measures will be installed prior to the initiation of site preparation activities:

- **Erection of silt fences along the downgradient boundary of construction activities as located on Exhibit 1 and illustrated in Exhibit 2.**
- **Installation of stabilized construction entrance/exit(s) and construction staging area(s), as located on Exhibit 1 and illustrated on Exhibit 2.**

10. √ **ATTACHMENT G - Drainage Area Map.** A drainage area map is provided at the end of this form ~~as Exhibit 1~~ to support the following requirements.

___ For areas that will have more than 10 acres within a common drainage area disturbed at one time, a sediment basin will be provided.

___ For areas that will have more than 10 acres within a common drainage area disturbed at one time, a smaller sediment basin and/or sediment trap(s) will be used.

√ For areas that will have more than 10 acres within a common drainage area disturbed at one time, a sediment basin or other equivalent controls are not attainable, but other TBMPs and measures will be used in combination to protect down slope and side slope boundaries of the construction area.

___ There are no areas greater than 10 acres within a common drainage area that will be disturbed at one time. A smaller sediment basin and/or sediment trap(s) will be used in combination with other erosion and sediment controls within

each disturbed drainage area.

11. N/A **ATTACHMENT H - Temporary Sediment Pond(s) Plans and Calculations.** Temporary sediment pond or basin construction plans and design calculations for a proposed temporary BMP or measure has been prepared by or under the direct supervision of a Texas Licensed Professional Engineer. All construction plans and design information must be signed, sealed, and dated by the Texas Licensed Professional Engineer. Construction plans for the proposed temporary BMPs and measures are provided as at the end of this form.
12. √ **ATTACHMENT I - Inspection and Maintenance for BMPs.** A plan for the inspection of temporary BMPs and measures and for their timely maintenance, repair, and, if necessary, retrofit is provided at the end of this form. A description of documentation procedures and recordkeeping practices is included in the plan.
13. √ All control measures must be properly selected, installed, and maintained in accordance with the manufacturers specifications and good engineering practices. If periodic inspections by the applicant or the executive director, or other information indicates a control has been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations.
14. √ If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain).
15. N/A Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50%. A permanent stake will be provided that can indicate when the sediment occupies 50% of the basin volume.
16. √ Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).

SOIL STABILIZATION PRACTICES

Examples: establishment of temporary vegetation, establishment of permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, or preservation of mature vegetation.

17. √ **ATTACHMENT J - Schedule of Interim and Permanent Soil Stabilization Practices.** A schedule of the interim and permanent soil stabilization practices for the site is ~~attached at the end of this form~~ **below**.

Interim on-site stabilization measures, which are continuous, will include minimizing soil disturbances by exposing the smallest practical area of land required for the shortest period of time and maximizing use of natural vegetation. As soon as practical, all disturbed soil will be stabilized as per project specifications in accordance with pages 1-35 to 1-60 of TCEQ's Technical Guidance Manual (TGM) RG-348 (2005). Mulching, netting, erosion blankets and seeding are acceptable.

Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided below, will be initiated no more than fourteen (14) days after

the construction activity in that portion of the site has temporarily or permanently ceased. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site. In areas experiencing droughts where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is precluded by seasonably arid conditions, stabilization measures must be initiated as soon as practicable.

18. Records must be kept at the site of 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.
19. Stabilization practices must be initiated as soon as practicable where construction activities have temporarily or permanently ceased.

ADMINISTRATIVE INFORMATION

20. All structural controls will be inspected and maintained according to the submitted and approved operation and maintenance plan for the project.
21. N/A If any geologic or manmade features, such as caves, faults, sinkholes, etc., are discovered, all regulated activities near the feature will be immediately suspended. The appropriate TCEQ Regional Office shall be immediately notified. Regulated activities must cease and not continue until the TCEQ has reviewed and approved the methods proposed to protect the aquifer from any adverse impacts.
22. Silt fences, diversion berms, and other temporary erosion and sediment controls will be constructed and maintained as appropriate to prevent pollutants from entering sensitive features discovered during construction.

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 **TEMPORARY STORMWATER SECTION** is hereby submitted for TCEQ review and executive director approval. The application was prepared by:

Pape-Dawson Engineers, Inc.
Texas Board of Professional Engineers, Firm Registration # 470

Cara C. Tackett, P.E., LEED® AP
Print Name of Customer/Agent


Signature of Customer/Agent

05/17/11
Date

BERRYMAN TRACT – STATE HWY 46 AND US HWY 281

Contributing Zone Plan Application

Spill Response Actions

In the event of an accidental leak or spill:

- Contractor shall take action to contain spill. Contractor may use sand or other absorbent material stockpiled on site to absorb spill. Absorbent material should be spread over the spill area to absorb the spilled product.
- In the event of an uncontained discharge the contractor shall utilize onsite equipment to construct berms downgradient of the spill with sand or other absorbent material to contain and absorb the spilled product.
- Sand or material used to contain the spill should be collected and stored in such a way so as not to continue to affect additional ground. Once the spill has been contained, collected material should be placed on poly or plastic sheeting until removed from the site. In the event of potential rainfall the material should be covered with poly or plastic sheeting to prevent contaminating runoff.
- The contractor will be required to notify the owner, who will in turn contact TCEQ to notify them in the event of a spill. Additional notifications as required by the type and amount of spill will be conducted by owner or owner's representative.

In the event of an accidental significant or hazardous spill:

- The contractor will be required to report significant or hazardous spills in reportable quantities to:
 - the National Response Center at (800) 424-8802
 - the Edwards Aquifer Authority at (210) 222-2204
 - the TCEQ Regional Office (210) 490-3096 (if during business hours: 8 AM to 5 PM) or
 - the State Emergency Response Center (800) 832-8224 (if after hours)
- Contaminated soils will be sampled for waste characterization. When the analysis results are known the contaminated soils will be removed from the site and disposed in a permitted landfill in accordance with applicable regulations.

Additional guidance can be obtained from TCEQ's Technical Guidance Manual (TGM) RG-348 (2005) Section 1.4.16. Contractor shall review this section.

BERRYMAN TRACT – STATE HWY 46 AND US HWY 281

Contributing Zone Plan Application

INSPECTIONS

Designated and qualified person(s) shall inspect Pollution Control Measures weekly and within 24 hours after a storm event. An inspection report that summarizes the scope of the inspection, names and qualifications of personnel conducting the inspection, date of the inspection, major observations, and actions taken as a result of the inspection shall be recorded and maintained as part of Storm Water TPDES data for a period of three years after the date of the inspection. A copy of the Inspection Report Form is provided in this Storm Water Pollution Prevention Plan.

As a minimum, the inspector shall observe: (1) significant disturbed areas for evidence of erosion, (2) storage areas for evidence of leakage from the exposed stored materials, (3) structural controls (rock berm outlets, silt fences, drainage swales, etc.) for evidence of failure or excess siltation (over 6 inches deep), (4) vehicle exit point for evidence of off-site sediment tracking, (5) vehicle storage areas for signs of leaking equipment or spills, (6) concrete truck rinse-out pit for signs of potential failure, (7) embankment, spillways, and outlet of sediment basin (where applicable) for erosion damage, and (8) sediment basins (where applicable) for evidence that basin has accumulated 50% of its volume in silt. Deficiencies noted during the inspection will be corrected and documented within seven calendar days following the inspection or before the next anticipated storm event if practicable.

Contractor shall review Sections 1.3 and 1.4 of TCEQ's Technical Guidance Manual for additional BMP inspection and maintenance requirements.

BERRYMAN TRACT – STATE HWY 46 AND US HWY 281
Contributing Zone Plan Application

Pollution Prevention Measure	Inspected	Corrective Action	
		Description	Date Completed
General			
Revegetation			
Erosion/sediment controls			
Vehicle exits			
Material areas			
Equipment areas			
Concrete rinse			
Construction debris			
Trash receptacles			
Infrastructure			
Roadway clearing			
Utility clearing			
Roadway grading			
Utility construction			
Drainage construction			
Roadway base			
Roadway surfaces			
Site cleanups			
Building			
Clearing for building			
Foundation grading			
Utility construction			
Foundation construction			
Building construction			
Site grading			
Site cleanup			

**Indicate N/A where measure does not apply.*

By my signature below, I certify that all items are acceptable and the project site is in compliance with SWPPP.

 Inspector's Name

 Inspector's Signature

 Name of Owner/Operator (Firm)

 Date

Note: Inspector is to attach a brief statement of his qualifications to this report.

**BERRYMAN TRACT – STATE HWY 46 AND US HWY 281
Contributing Zone Plan Application**

PROJECT MILESTONE DATES

Date when major site grading activities begin:

<u>Construction Activity</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Dates when construction activities temporarily or permanently cease on all or a portion of the project:

<u>Construction Activity</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Dates when stabilization measures are initiated:

<u>Stabilization Activity</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

I _____, **G. Phil Berryman**,
Print Name

_____ **President of Berryman Investments, Inc.**,
Title - Owner/President/Other

of _____ Berryman Properties, Ltd. by its general partner Berryman Investments, Inc.,
Corporation/Partnership/Entity Name

have authorized _____ **Pape-Dawson Engineers, Inc.**,
Print Name of Agent/Engineer

of _____ **Pape-Dawson Engineers, Inc.**,
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. For those submitting an application who are not the property owner, but who have the right to control and possess the property, additional authorization is required from the owner.
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. A notarized copy of the Agent Authorization Form must be provided for the person preparing the application, and this form must accompany the completed application.
5. No person shall commence any regulated activity on the Edwards Aquifer Recharge Zone, Contributing Zone or Transition Zone until the appropriate application for the activity has been filed with and approved by the Executive Director.

SIGNATURE PAGE:

Berryman Properties, Ltd.
by its general partner
Berryman Investments, Inc.

G. Phil Berryman May 3, 2011
Applicant's Signature – G. Phil Berryman, President Date

THE STATE OF TEXAS §

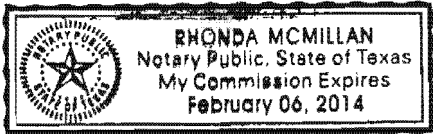
County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared G. Phil Berryman 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 3rd day of May, 2011.

Rhonda L. McMillan
NOTARY PUBLIC

Rhonda McMillan
Typed or Printed Name of Notary



MY COMMISSION EXPIRES: February 6, 2014

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

NAME OF PROPOSED REGULATED ENTITY: Berryman Tract – State Hwy 46 and US Hwy 281
 REGULATED ENTITY LOCATION: State Hwy 46 and US Hwy 281
 NAME OF CUSTOMER: Berryman Properties, Ltd. by its general partner Berryman Investments, Inc.
 CONTACT PERSON: G. Phil Berryman PHONE: (830) 755-5256
 (Please Print)

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

Austin Regional Office (3373) Hays Travis Williamson
San Antonio Regional Office (3362) Bexar Comal Medina Kinney 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):

- Austin Regional Office** **San Antonio Regional Office**
 Mailed to TCEQ: **Overnight Delivery to TCEQ:**
 TCEQ – Cashier TCEQ - Cashier
 Revenues Section 12100 Park 35 Circle
 Mail Code 214 Building A, 3rd Floor
 P.O. Box 13088 Austin, TX 78753
 Austin, TX 78711-3088 512/239-0347

Site Location (Check All That Apply): Recharge Zone Contributing Zone Transition Zone

Type of Plan	Size	Fee Due
Water Pollution Abatement Plan, Contributing Zone Plan: One Single Family Residential Dwelling	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Multiple Single Family Residential and Parks	Acres	\$
Water Pollution Abatement Plan, Contributing Zone Plan: Non-residential	86.78 Acres	\$ 8,000
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	\$
Extension of Time	Each	\$

Carla C. Jacob
Signature

05/17/11
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.

Texas Commission on Environmental Quality
 Edwards Aquifer Protection Program
Application Fee Schedule
 30 TAC Chapter 213 (effective 05/01/2008)

**Water Pollution Abatement Plans and Modifications
 Contributing Zone Plans and Modifications**

PROJECT	PROJECT AREA IN ACRES	FEE
One Single Family Residential Dwelling	< 5	\$650
Multiple Single Family Residential and Parks	< 5	\$1,500
	5 < 10	\$3,000
	10 < 40	\$4,000
	40 < 100	\$6,500
	100 < 500	\$8,000
	≥ 500	\$10,000
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	< 1	\$3,000
	1 < 5	\$4,000
	5 < 10	\$5,000
	10 < 40	\$6,500
	40 < 100	\$8,000
	≥ 100	\$10,000

Organized Sewage Collection Systems and Modifications

PROJECT	COST PER LINEAR FOOT	MINIMUM FEE MAXIMUM FEE
Sewage Collection Systems	\$0.50	\$650 - \$6,500

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	\$650	\$650 - \$6,500

Exception Requests

PROJECT	FEE
Exception Request	\$500

Extension of Time Requests

PROJECT	FEE
Extension of Time Request	\$150

FROST NATIONAL BANK
SAN ANTONIO, TX 78296

13964

30-9/1140
31

BERRYMAN INVESTMENTS, INC.
28731 IH 10 W
BOERNE, TX 78006

5/3/2011

PAY TO THE ORDER OF Texas Commission on Environmental Quality

\$ **8,000.00

Eight Thousand and 00/100*****

DOLLARS

Texas Commission on Environmental Quality
12100 Park 35 Circle
Building A, 3rd Floor
Austin, Texas 78753

MEMO

Application Fee for Berryman Properties, Ltd.


AUTHORIZED SIGNATURE

⑈013964⑈ ⑆114000093⑆

318128073⑈

Details on Back. Security Features Included

EXHIBITS



TCEQ Core Data Form

TCEQ Use Only

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)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other	
2. Attachments Describe Any Attachments: (ex. Title V Application, Waste Transporter Application, etc.)		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Contributing Zone Plan Application and Exhibits		
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		RN

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:		
<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Operator	<input type="checkbox"/> Owner & Operator
<input type="checkbox"/> Occupational Licensee	<input type="checkbox"/> Responsible Party	<input type="checkbox"/> Voluntary Cleanup Applicant
<input type="checkbox"/> Other: _____		
7. General Customer Information		
<input checked="" type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership		
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State) <input type="checkbox"/> No Change**		
**If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.		
8. Type of Customer:	<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> City Government	<input type="checkbox"/> County Government	<input type="checkbox"/> Federal Government
<input type="checkbox"/> Other Government	<input type="checkbox"/> General Partnership	<input checked="" type="checkbox"/> Limited Partnership
		<input type="checkbox"/> Sole Proprietorship- D.B.A
		<input type="checkbox"/> State Government
		<input type="checkbox"/> Other: _____
9. Customer Legal Name (If an individual, print last name first: ex: Doe, John)		If new Customer, enter previous Customer below
Berryman Properties, Ltd.		End Date:
10. Mailing Address:		
28731 IH 10W		
City	Boerne	State TX
ZIP	78006	ZIP + 4 9112
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)
(830) 755-5256		(830) 755-5258
16. Federal Tax ID (9 digits)	17. TX State Franchise Tax ID (11 digits)	18. DUNS Number (if applicable)
742583730		
		19. TX SOS Filing Number (if applicable)
		0005898710
20. Number of Employees		21. Independently Owned and Operated?
<input checked="" type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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)	
<input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information <input type="checkbox"/> 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)	
Berryman Tract - State Hwy 46 and US Hwy 281	

24. Street Address of the Regulated Entity: (No P.O. Boxes)	Not yet assigned							
	City		State		ZIP		ZIP + 4	
25. Mailing Address:	28731 IH 10W							
	City	Boerne	State	TX	ZIP	78006	ZIP + 4	9112
26. E-Mail Address:								
27. Telephone Number	28. Extension or Code			29. Fax Number (if applicable)				
(830) 755-5256				(830) 755-5258				
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)			
1629			23499					
34. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)								
Land clearing								

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

35. Description to Physical Location:	Southwest corner of the intersection of SH 46 and US Hwy. 281							
36. Nearest City	County			State		Nearest ZIP Code		
Bulverde	Comal			TX		78163		
37. Latitude (N) In Decimal:	29.79663			38. Longitude (W) In Decimal:		98.41757		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds			
29	47	47.9	98	25	3.3			

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.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input checked="" type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Industrial Hazardous Waste	<input type="checkbox"/> Municipal Solid Waste
<input type="checkbox"/> New Source Review - Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS	<input type="checkbox"/> Sludge
<input type="checkbox"/> Stormwater	<input type="checkbox"/> Title V - Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil	<input type="checkbox"/> Utilities
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

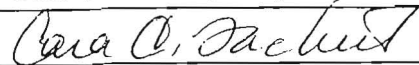
SECTION IV: Preparer Information

40. Name:	Miranda G. Briones, E.I.T., LEED® AP	41. Title:	Engineer III
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(210) 375-9000		(210) 375-9010	mbriones@pape-dawson.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.

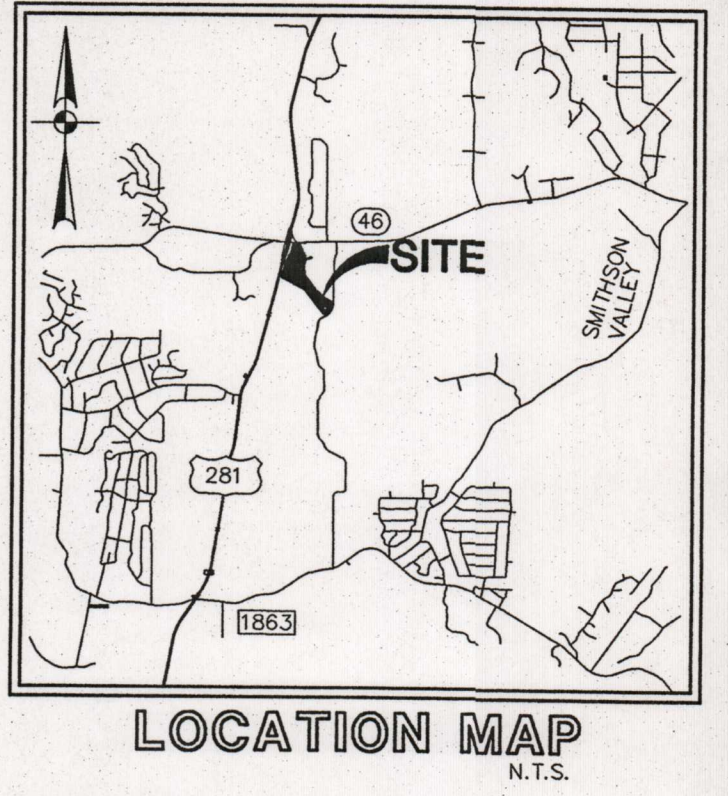
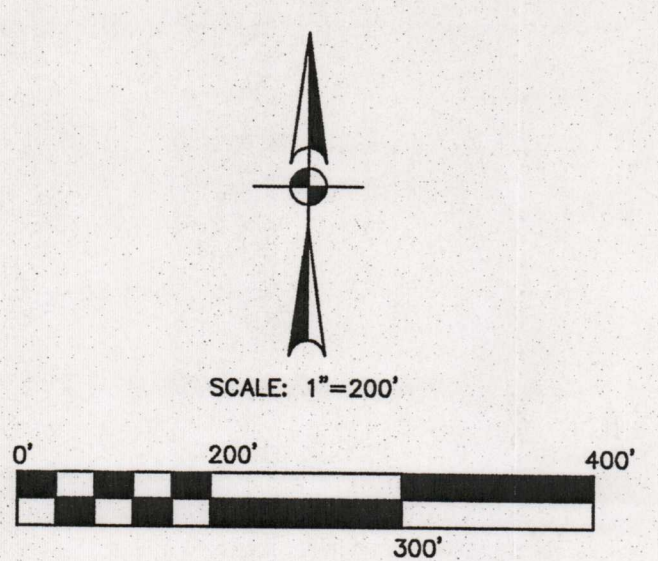
(See the Core Data Form instructions for more information on who should sign this form.)

Company:	Pape-Dawson Engineers, Inc.	Job Title:	Vice President, Land Development
Name (In Print):	Cara C. Tackett, P.E., LEED® AP	Phone:	(210) 375-9000
Signature:		Date:	05/17/11

STATE HIGHWAY 46
(RIGHT-OF-WAY VARIES, RETRACTION SURVEY 5/10/215/01RA)

LEGEND

- PROJECT LIMITS
- SITE LIMITS
- - - EXISTING CONTOURS
- - - DRAINAGE FLOW (EXISTING)
- - - 100 YEAR FLOODPLAIN
- - - SILT FENCE
- [Hatched Box] AREA TO BE DISTURBED (CLEARING ONLY)
- [Hatched Box] CONSTRUCTION STAGING AREA (TO BE FIELD LOCATED)
- [Hatched Box] STABILIZED CONSTRUCTION ENTRANCE/EXIT (TO BE FIELD LOCATED)



REVISIONS:

Cara C. Tackett
05/17/11

PAPE-DAWSON ENGINEERS

555 EAST RAMSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210-275-9000
FAX: 210-275-9010

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 710

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CONTRIBUTING ZONE PLAN
GENERAL CONSTRUCTION NOTES

- GENERAL NOTES:**
- DO NOT DISTURB VEGETATED AREAS (TREES, GRASS, WEEDS, BRUSH, ETC.) ANY MORE THAN NECESSARY FOR CONSTRUCTION.
 - LOCATIONS OF CONSTRUCTION ENTRANCE/EXITS, CONCRETE WASHOUT PITS, AND CONSTRUCTION EQUIPMENT AND MATERIAL STORAGE YARDS TO BE DETERMINED IN THE FIELD.
 - STORM WATER POLLUTION PREVENTION CONTROLS MAY NEED TO BE MODIFIED IN THE FIELD TO ACCOMPLISH THE DESIRED EFFECT. ALL MODIFICATIONS ARE TO BE NOTED ON THIS EXHIBIT AND SIGNED AND DATED BY THE RESPONSIBLE PARTY.
 - RESTRICT ENTRY/EXIT TO THE PROJECT SITE TO DESIGNATED LOCATIONS BY USE OF ADEQUATE FENCING, IF NECESSARY.
 - ALL STORM WATER POLLUTION PREVENTION CONTROLS ARE TO BE MAINTAINED AND IN WORKING CONDITIONS AT ALL TIMES.
 - CONTRACTOR, TO THE EXTENT PRACTICAL, SHALL MINIMIZE THE AMOUNT OF AREA DISTURBED. AS SOON AS PRACTICAL, ALL DISTURBED SOIL THAT WILL NOT BE COVERED BY IMPERVIOUS COVER SUCH AS PARKWAY AREAS, EASEMENT AREAS, EMBANKMENT SLOPES, ETC. WILL BE STABILIZED PER APPLICABLE PROJECT SPECIFICATIONS.
 - BEST MANAGEMENT PRACTICES MAY BE INSTALLED IN STAGES TO COINCIDE WITH THE DISTURBANCE OF UPGRADIENT AREAS.
 - BEST MANAGEMENT PRACTICES MAY BE REMOVED IN STAGES ONCE THE WATERSHED FOR THAT PORTION CONTROLLED BY THE BEST MANAGEMENT PRACTICES HAS BEEN STABILIZED.
 - ALL TEMPORARY BMPs WILL BE REMOVED ONCE WATERSHED IS STABILIZED.
 - MUD OR DIRT INADVERTENTLY TRACKED OFF-SITE AND ONTO EXISTING STREETS SHALL BE REMOVED IMMEDIATELY BY HAND OR MECHANICAL BROOM SWEEPING.
 - PRIOR TO INITIATION OF SUBSEQUENT PHASES OF CONSTRUCTION, TEMPORARY BMPs INCLUDING SILT FENCING, CONSTRUCTION ENTRANCE/EXIT, CONCRETE WASHOUT PIT, AND CONSTRUCTION STAGING AREA SHALL BE FIELD LOCATED AS APPROPRIATE FOR THE AREA OF CONSTRUCTION.
 - TEMPORARY POLLUTION ABATEMENT MEASURES SHOWN ON THE PLAN ARE FOR THE OVERALL DEVELOPMENT. TEMPORARY BMPs MAY REQUIRE ADJUSTMENT BASED ON PHASING OF CONSTRUCTION OF THE DEVELOPMENT. RECORDS OF ADJUSTMENTS AND REVISIONS SHALL BE MAINTAINED AS APPROPRIATE.
 - TEMPORARY BMPs SHOWN ON THIS SHEET ARE FOR GRAPHICAL PURPOSES AND MAY NOT BE TO SCALE. BMPs SHALL BE LOCATED WITHIN THE PROJECT LIMITS.
 - UPON COMPLETION OF THE PROJECT AND BEFORE FINAL PAYMENT IS ISSUED, CONTRACTOR SHALL REMOVE ALL SEDIMENT AND EROSION CONTROL MEASURES.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION SEQUENCING AND REMOVAL OF TEMPORARY POLLUTION ABATEMENT MEASURES THAT CONFLICT WITH SITE IMPROVEMENTS SUCH AS LANDSCAPING AND FENCES SO AS TO PREVENT SEDIMENT FROM ESCAPING THE PROJECT SITE.
- NOTE:**
TOPOGRAPHICAL INFORMATION WAS GENERATED BY USGS MAPS, NO FIELD SURVEY WAS DONE.

- THE FOLLOWING RECORDS SHOULD BE MAINTAINED AND MADE AVAILABLE TO THE TCEQ 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.
- THE HOLDER OF ANY APPROVED CONTRIBUTING ZONE PLAN MUST NOTIFY THE APPROPRIATE REGIONAL OFFICE IN WRITING AND OBTAIN APPROVAL FROM THE EXECUTIVE DIRECTOR PRIOR TO INITIATING ANY OF THE FOLLOWING:
 - A. ANY PHYSICAL OR OPERATIONAL MODIFICATION OF ANY BEST MANAGEMENT PRACTICES OR STRUCTURE(S), INCLUDING BUT NOT LIMITED TO TEMPORARY OR PERMANENT PONDS, DAMS, BERMS, SILT FENCES, AND DIVERSIONARY STRUCTURES;
 - B. ANY CHANGE IN THE NATURE OR CHARACTER OF THE REGULATED ACTIVITY FROM THAT WHICH WAS ORIGINALLY APPROVED;
 - C. ANY CHANGE THAT WOULD SIGNIFICANTLY IMPACT THE ABILITY TO PREVENT POLLUTION OF THE EDWARDS AQUIFER AND HYDROLOGICALLY CONNECTED SURFACE WATER; OR
 - D. ANY DEVELOPMENT OF LAND PREVIOUSLY IDENTIFIED IN A CONTRIBUTING ZONE PLAN AS UNDEVELOPED.

SAN ANTONIO REGIONAL OFFICE
14255 JUDSON ROAD
SAN ANTONIO, TEXAS 78233-4480
PHONE (210) 490-3096
FAX (210) 545-4329

TEMPORARY BMP MODIFICATIONS

SIGNATURE	DESCRIPTION

THE ENGINEERING SEAL HAS BEEN AFFIXED TO THIS SHEET ONLY FOR THE PURPOSE OF DEMONSTRATING COMPLIANCE WITH THE POLLUTION ABATEMENT SIZING AND TREATMENT REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL.

THIS SHEET HAS BEEN PREPARED FOR PURPOSES OF POLLUTION ABATEMENT ONLY. ALL OTHER CIVIL ENGINEERING RELATED INFORMATION SHOULD BE ACQUIRED FROM THE APPROPRIATE SHEET IN THE CIVIL IMPROVEMENT PLANS.

EXHIBIT 1

**BERRYMAN TRACT: COMAL COUNTY, TEXAS
CONTRIBUTING ZONE PLAN
TEMPORARY POLLUTION ABATEMENT PLAN**

JOB NO.	7803-00
DATE	MAY 2011
DESIGNER	MGB
CHECKED	LM, DRAWN FG
SHEET	1 OF 1

Date: May 17, 2011, 4:57pm User: Dr. Rohnartz
File: P:\158\03\00\Design\Environmental\117820300.dwg

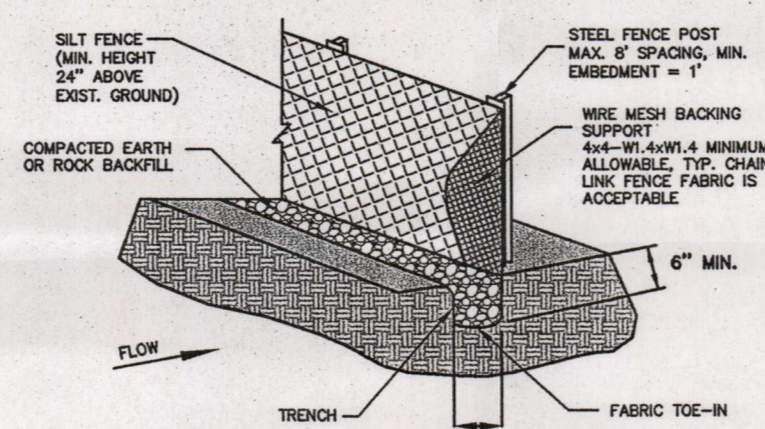
THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARD COPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

SILT FENCE

A silt fence is a barrier consisting of geotextile fabric supported by metal posts to prevent soil and sediment loss from a site. When properly used, silt fences can be highly effective at controlling sediment from disturbed areas. They cause runoff to pond, allowing heavier solids to settle out. If not properly installed, silt fences are not likely to be effective.

The purpose of a silt fence is to intercept and detain water-borne sediment from unprotected areas of a limited extent. Silt fence is used during the period of construction near the perimeter of a disturbed area to intercept sediment while allowing water to percolate through. This fence should remain in place until the disturbed area is permanently stabilized. Silt fence should not be used where there is a concentration of water in a channel or drainage way. If concentrated flow occurs after installation, corrective action must be taken such as placing a rock berm in the areas of concentrated flow.

Silt fencing within the site may be temporarily moved during the day to allow construction activity provided it is replaced and properly anchored to the ground at the end of the day. Silt fences on the perimeter of the site or around drainage ways should not be moved at any time.



ISOMETRIC PLAN VIEW

N.T.S.

Schematic of a Silt Fence Installation (NCTCOG, 1993b)

SILT FENCE

MATERIALS:

- (1) Silt fence material should be polypropylene, polyethylene, or polyamide woven or nonwoven fabric. The fabric should be 36 inches, with a minimum unit weight of 4.5 oz/yd, mullen burst strength exceeding 190 lb/ft², ultraviolet stability exceeding 70%, and minimum apparent opening size of U.S. sieve No.30
- (2) Fence posts should be made of hot rolled steel, at least 4 feet long with tee or Y-bar cross section, surface pointed or galvanized, minimum weight 1.25 lb/ft, and brinell hardness exceeding 140.
- (3) Woven wire backing to support the fabric should be galvanized 2" x 4" welded wire, 12 gauge minimum

INSTALLATION:

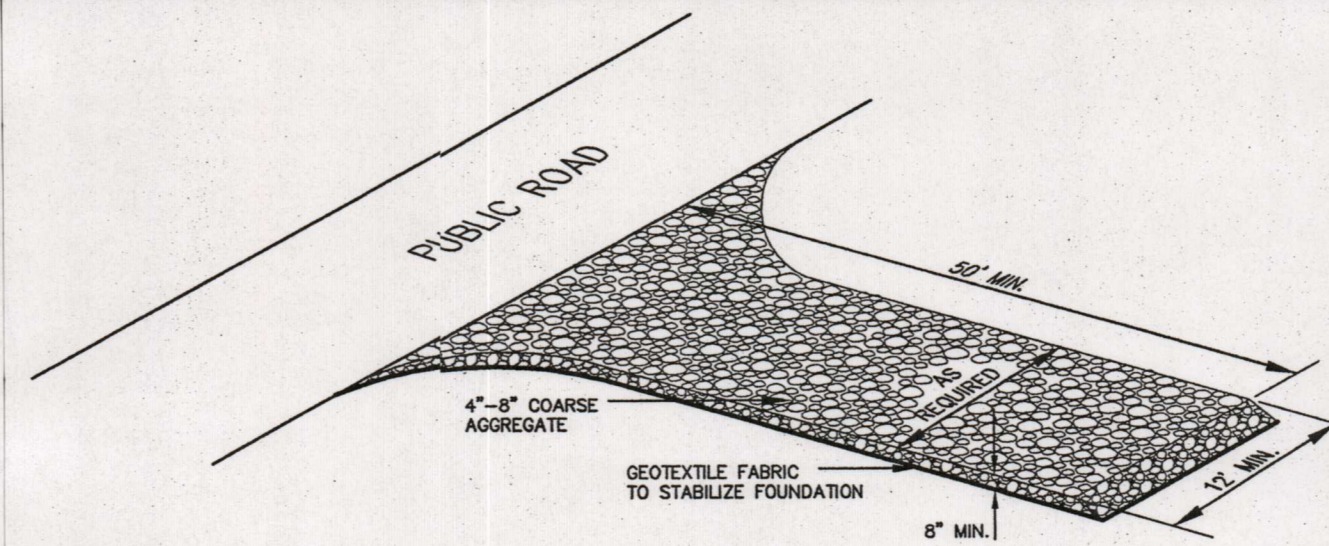
- (1) Steel posts, which support the silt fence, should be installed on a slight angle toward the anticipated runoff source. Posts must be embedded a minimum of 1-foot deep and spaced not more than 8 feet, on center. Where water concentrates, the maximum spacing should be 6 feet.
- (2) Lay out fencing down-slope of disturbed area, following the contour as closely as possible. The fence should be sited so that the maximum drainage area is 1/4 acre/100 feet of fence.
- (3) The toe of the silt fence should be trenched in with a spade or mechanical trencher, so that the down-slope face of the trench is flat and perpendicular to the line of flow. Where fence cannot be trenched in (e.g., pavement or rock outcrop), weight fabric flap with 3 inches of pea gravel on uphill side to prevent flow from seeping under fence.
- (4) The trench must be a minimum of 6 inches deep and 6 inches wide to allow for the silt fence fabric to be laid in the ground and backfilled with compacted material.
- (5) Silt fence should be securely fastened to each steel support post or to woven wire, which is in turn attached to the steel fence post. There should be a 3-foot overlap, securely fastened where ends of fabric meet.
- (6) Silt fence should be removed when the site is completely stabilized so as not to block or impede storm flow or drainage.

COMMON TROUBLE POINTS:

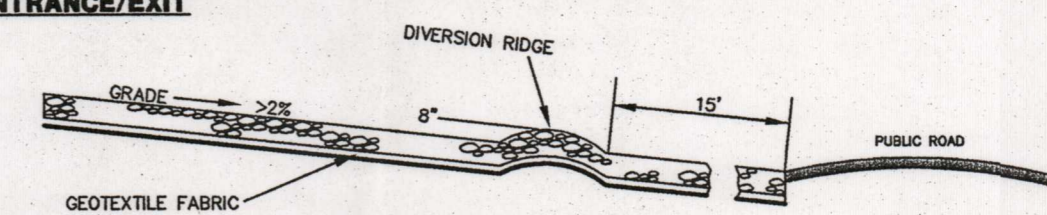
- (1) Fence not installed along the contour causing water to concentrate and flow over the fence.
- (2) Fabric not seated securely to ground (runoff passing under fence).
- (3) Fence not installed perpendicular to flow line (runoff escaping down sides).
- (4) Fence treating too large an area, or excessive channel flow (runoff overtops or collapses fence).

INSPECTION AND MAINTENANCE GUIDELINES:

- (1) Inspect all fencing weekly, and after rainfall.
- (2) Remove sediment when buildup reaches 6 inches.
- (3) Replace torn fabric or install a second line of fencing parallel to the torn section.
- (4) Replace or repair sections crushed or collapsed in the course of construction activity. If a section of fence is obstructing vehicular access consider relocating it to a spot where it will provide equal protection, but will not obstruct vehicles. A triangular filter dike may be preferable to a silt fence at common vehicle access points.
- (5) When construction is complete, the sediment should be disposed of in a manner that will not cause additional siltation and the prior location of the silt fence should be revegetated. The fence itself should be disposed of in an approved landfill.



SCHEMATIC OF TEMPORARY CONSTRUCTION ENTRANCE/EXIT



CROSS-SECTION OF A CONSTRUCTION ENTRANCE/EXIT

MATERIALS:

- (1) The aggregate should consist of 4 to 8 inch washed stone over a stable foundation as specified in the plan.
- (2) The aggregate should be placed with a minimum thickness of 8 inches.
- (3) The geotextile fabric should be designed specifically for use as a soil filtration media with an approximate weight of 8 oz/yd², a mullen burst rating of 140 lb/ft², and an equivalent opening size greater than a number 50 sieve.
- (4) If a washing facility is required, a level area with a minimum of 4 inch diameter washed stone or commercial rock should be included in the plans. Divert wastewater to a sediment trap or basin.

INSTALLATION:

- (1) Avoid curves on public roads and steep slopes. Remove vegetation and other objectionable material from the foundation area. Grade crown foundation for positive drainage.
- (2) The minimum width of the entrance/exit should be 12 feet or the full width of exit roadway, whichever is greater.
- (3) The construction entrance should be at least 50 feet long.
- (4) If the slope toward the road exceeds 2%, construct a ridge, 6 to 8 inches high with 3:1 (H:V) side slopes, across the foundation approximately 15 feet from the entrance to divert runoff away from the public road.
- (5) Place geotextile fabric and grade foundation to improve stability, especially where wet conditions are anticipated.
- (6) Place stone to dimensions and grade shown on plans. Leave surface smooth and slope for drainage.
- (7) Divert all surface runoff and drainage from the stone pad to a sediment trap or basin.
- (8) Install pipe under pad as needed to maintain proper public road drainage.

STABILIZED CONSTRUCTION ENTRANCE/EXIT

COMMON TROUBLE POINTS:

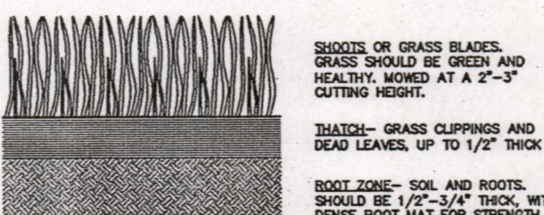
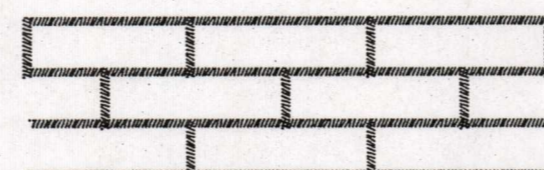
- (1) Inadequate runoff control-sediment washes onto public road.
- (2) Stone too small or geotextile fabric absent, results in muddy condition as stone is pressed into soil.
- (3) Pad too short for heavy construction traffic-extend pad beyond the minimum 50 foot length as necessary.
- (4) Pad not forced sufficiently at road surface, results in mud being tracked on to road and possible damage to road.
- (5) Unstable foundation - use geotextile fabric under pad and/or improve foundation drainage.

INSPECTION AND MAINTENANCE GUIDELINES:

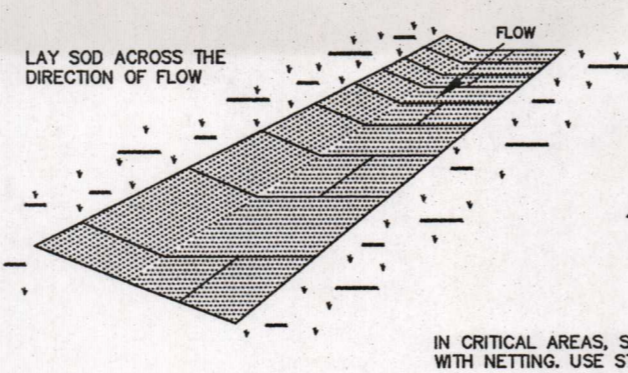
- (1) The entrance should be maintained in a condition, which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanout of any measures used to trap sediment.
- (2) All sediment spilled, dropped, washed or tracked onto public rights-of-way should be removed immediately by contractor.
- (3) When necessary, wheels should be cleaned to remove sediment prior to entrance onto public right-of-way.
- (4) When washing is required, it should be done on an area stabilized with crushed stone that drains into an approved sediment trap or sediment basin.
- (5) All sediment should be prevented from entering any storm drain, ditch or water course by using approved methods.

NOTES:

- ROLL SOD IMMEDIATELY TO ACHIEVE FIRM CONTACT WITH THE SOIL.
- WATER TO A DEPTH OF 4" AS NEEDED. WATER WELL AS SOON AS THE SOD IS LAID.
- MOW WHEN THE SOD IS ESTABLISHED - IN 2-3 WEEKS. SET THE MOWER HIGH (2"-3").



APPEARANCE OF GOOD SOD



MATERIALS:

- (1) Sod should be machine cut at a uniform soil thickness of 3/4 inch (± 1/4 inch) at the time of cutting. This thickness should exclude shoot growth and thatch.
- (2) Pieces of sod should be cut to the supplier's standard width and length, with a maximum allowable deviation in any dimension of 5%. Torn or uneven pads should not be acceptable.
- (3) Standard size sections of sod should be strong enough to support their own weight and retain their size and shape when suspended from a firm grasp on one end of the section.
- (4) Sod should be harvested, delivered, and installed within a period of 36 hours.

SITE PREPARATION:

- (1) Prior to soil preparation, areas to be sodded should be brought to field grade in accordance with the approved plan.
- (2) The surface should be cleared of all trash, debris and of all roots, brush, wire, grade stakes and other objects that would interfere with planting, fertilizing or maintenance operations.
- (3) Fertilize according to soil tests. Fertilizer needs can be determined by a soil testing laboratory or regional recommendations can be made by county agricultural extension agents. Fertilizer should be worked into the soil to a depth of 3 inches with a disc, spring-tooth harrow or other suitable equipment. On sloping land, the final harrowing or discing operation should be on the contour.

INSTALLATION IN CHANNELS:

- (1) Sod strips in waterways should be laid perpendicular to the direction of flow. Care should be taken to butt ends of strips tightly (see Figure above).
- (2) After rolling or tamping, sod should be pegged or stapled to resist washout during the establishment period. Mesh or other netting may be pegged over the sod for extra protection in critical areas.

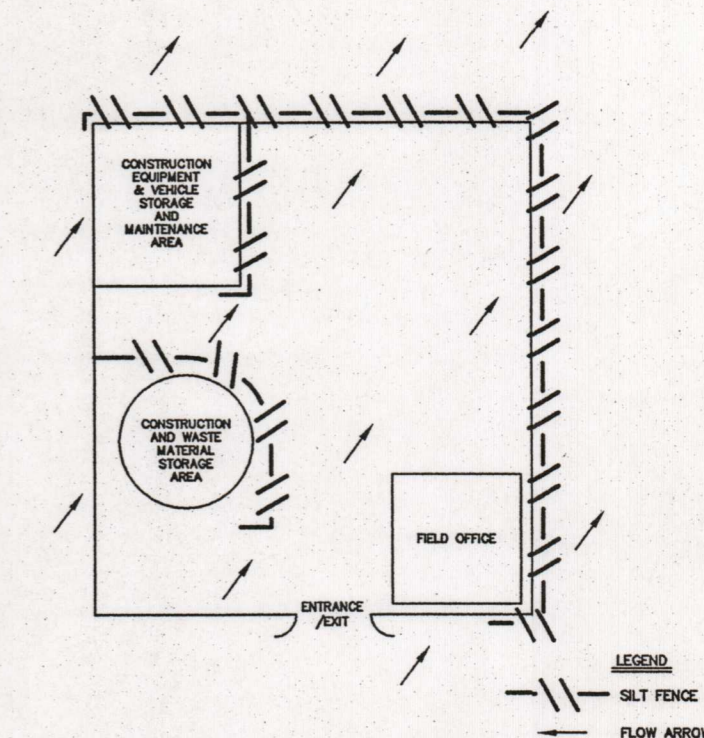
SOD INSTALLATION

GENERAL INSTALLATION (VA DEPT. OF CONSERVATION, 1992):

- (1) Sod should not be cut or laid in excessively wet or dry weather. Sod also should not be laid on soil surfaces that are frozen.
- (2) During periods of high temperature, the soil should be lightly irrigated immediately prior to laying the sod, to cool the soil and reduce root burning and dieback.
- (3) The first row of sod should be laid in a straight line with subsequent rows placed parallel to and butting tightly against each other. Lateral joints should be staggered to promote more uniform growth and strength. Care should be exercised to ensure that sod is not stretched or overlapped and that all joints are butted tight in order to prevent voids which would cause drying of the roots (see above).
- (4) On slopes 3:1 or greater, or wherever erosion may be a problem, sod should be laid with staggered joints and secured by stapling or other approved methods. Sod should be installed with the length perpendicular to the slope (on contour).
- (5) As sodding of clearly defined areas is completed, sod should be rolled or tamped to provide firm contact between roots and soil.
- (6) After rolling, sod should be irrigated to a depth sufficient that the underside of the sod pad and the soil 4 inches below the sod is thoroughly wet.
- (7) Until such time a good root system becomes developed, in the absence of adequate rainfall, watering should be performed as often as necessary to maintain moist soil to a depth of at least 4 inches.
- (8) The first mowing should not be attempted until the sod is firmly rooted, usually 2-3 weeks. Not more than one third of the grass leaf should be removed at any one cutting.

INSPECTION AND MAINTENANCE GUIDELINES:

- (1) Sod should be inspected weekly and after each rain event to locate and repair any damage.
- (2) Damage from storms or normal construction activities such as soil ruts or disturbance of sod stabilization should be repaired as soon as practical.



TYP. CONSTRUCTION STAGING AREA

THE ENGINEERING SEAL HAS BEEN AFFIXED TO THIS SHEET FOR THE CONSTRUCTION STAGING AREA ONLY. ALL OTHER INFORMATION IS FROM TCEQ'S TECHNICAL GUIDANCE MANUAL.

THE ENGINEERING SEAL HAS BEEN AFFIXED TO THIS SHEET ONLY FOR THE PURPOSE OF DEMONSTRATING COMPLIANCE WITH THE POLLUTION ABATEMENT SIZING AND TREATMENT REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL.

THIS SHEET HAS BEEN PREPARED FOR PURPOSES OF POLLUTION ABATEMENT ONLY. ALL OTHER CIVIL ENGINEERING RELATED INFORMATION SHOULD BE ACQUIRED FROM THE APPROPRIATE SHEET IN THE CIVIL IMPROVEMENT PLANS.

EXHIBIT 2

LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

TO: TCEQ Region 13
14250 Judson Road
San Antonio, TX 78233

DATE: June 16, 2011

ATTN: Javier Anguiano

PROJECT NO.: 7803-00

FROM: Miranda G. Briones, E.I.T., LEED AP

CC:

RE: Berryman Tract - SH 46 & Hwy 281 CZP
Revised Sheet

Quantity	Description
5	Copies

If enclosures are not as noted, kindly notify us at once.

For Approval
 For Your Use
 As Required
 For Review and Comment

COMMENTS:

Javier,

The total disturbed area listed in Item 10 of TCEQ-10257 has been revised to "26.85" 2011 acres, to match the figures given in the rest of the report. The previously listed acreage in Item 10 was a typo. Please see revised sheets attached.

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USGS Quadrangle Name(s).

7. **ATTACHMENT C - Project Narrative.** A detailed narrative description of the proposed project is found ~~at the end of this form~~ **below.**

The Berryman Tract is a 86.78-acre site located at the southeast corner of State Highway 46 and US Highway 281. It is located partially within the city limits of Bulverde and partially within its extra-territorial jurisdiction, in Comal County, Texas. The entire site is located over the Edwards Aquifer Contributing Zone.

This Contributing Zone Plan (CZP) proposes the clearing of approximately 26.85 acres of the 86.78-acre site. Clearing will be done with heavy machinery, not by hand, and will thus result in site disturbance, a regulated activity per 30 TAC 213. Clearing will not occur in the 100-year floodplain and will be limited to the western portion of the site. Temporary Best Management Practices (BMPs) will be in place for sediment and erosion control.

The site is anticipated for future commercial use. As the site plan is still being developed, grading of the site and construction of impervious cover are not proposed in this application. In the future, prior to commencement of construction of site improvements, a separate application will be submitted to the Texas Commission on Environmental Quality (TCEQ) to permit this work.

8. Existing project site conditions are noted below:

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

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REGION
2011 JUN 16 PM 4:36

PROJECT INFORMATION

9. The type of project is:
- Residential: # of Lots: _____
 Residential: # of Living Unit Equivalents: _____
 Commercial (**Future Development**)
 Industrial
 Other: _____

10. Total project area (size of site): 86.78 Acres
Total disturbed area: 26.85 Acres

11. Projected population: 0

12. The amount and type of impervious cover expected after construction is complete is shown below:

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TRANSMITTAL

LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

TO: TCEQ Region 13
14250 Judson Road
San Antonio, Texas 78233

DATE: 05/23/11

ATTN: Todd Jones

PROJECT NO.: 7803-00

FROM: Miranda G. Briones, E.I.T., LEED® AP

CC:

RE: Berryman Tract – State Hwy. 46 and US Hwy. 281 CZP
Revised Quadrangle Map (Attachment B)

Quantity	Description
6	Copies

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REGION
2011 MAY 23 AM 11:32

If enclosures are not as noted, kindly notify us at once.

- For Approval
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- As Required
- For Review and Comment

COMMENTS:

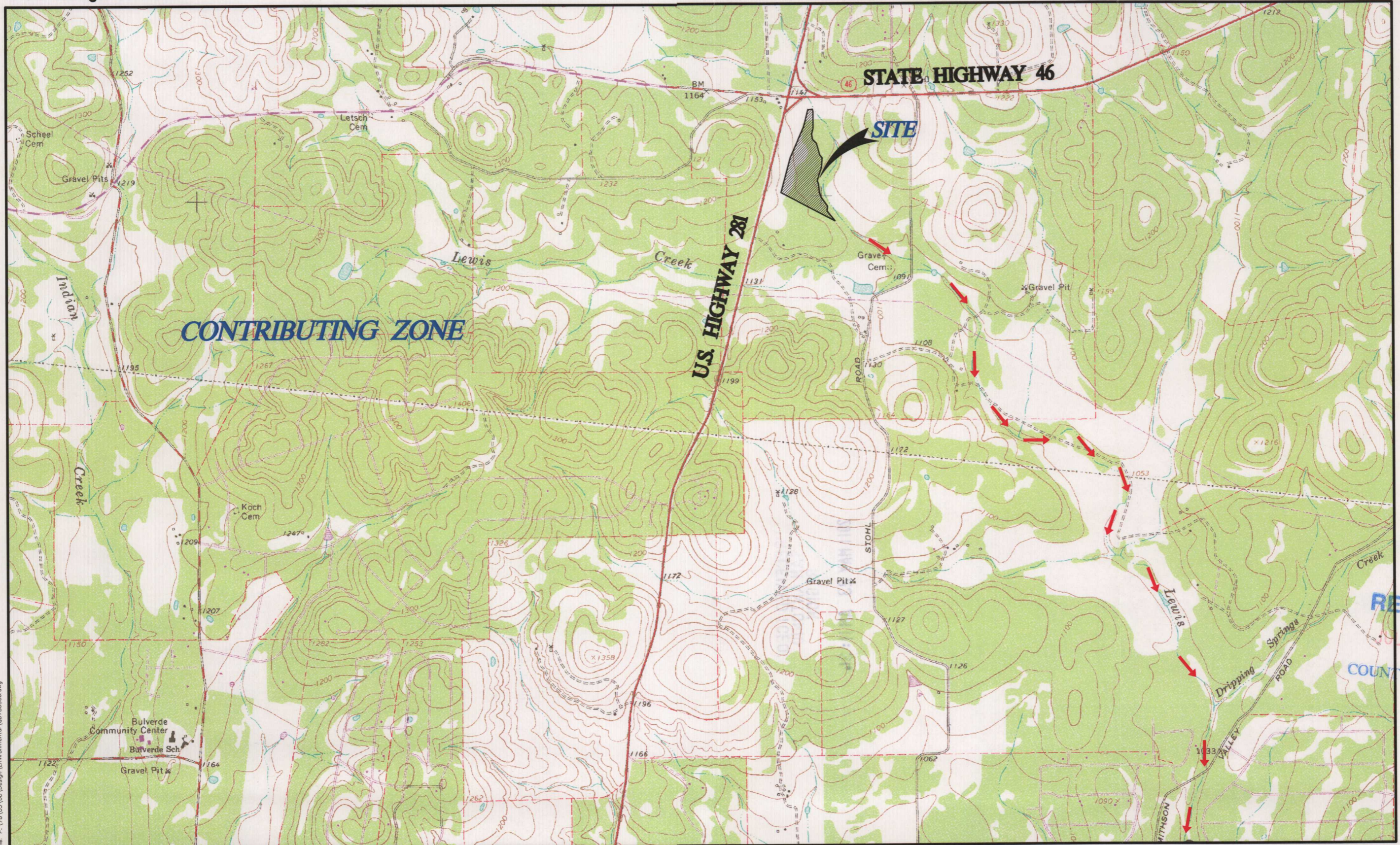
Todd,
Attached are revised Quadrangle Maps (Attachment B) for the Berryman Tract – State Hwy. 46 and US Hwy. 281 CZP. The quadrangle names were not shown on the previous exhibits, but have since been included. Please see copies of the revised version attached.

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BERRYMAN TRACT
Contributing Zone Plan

N
 SCALE: 1" = 2000'



Date: May 20, 2011, 3:21pm User ID: Rollarez
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 JUN 26 2011
 COUNTY ENGINEER


SEE SHEET 2 OF 2

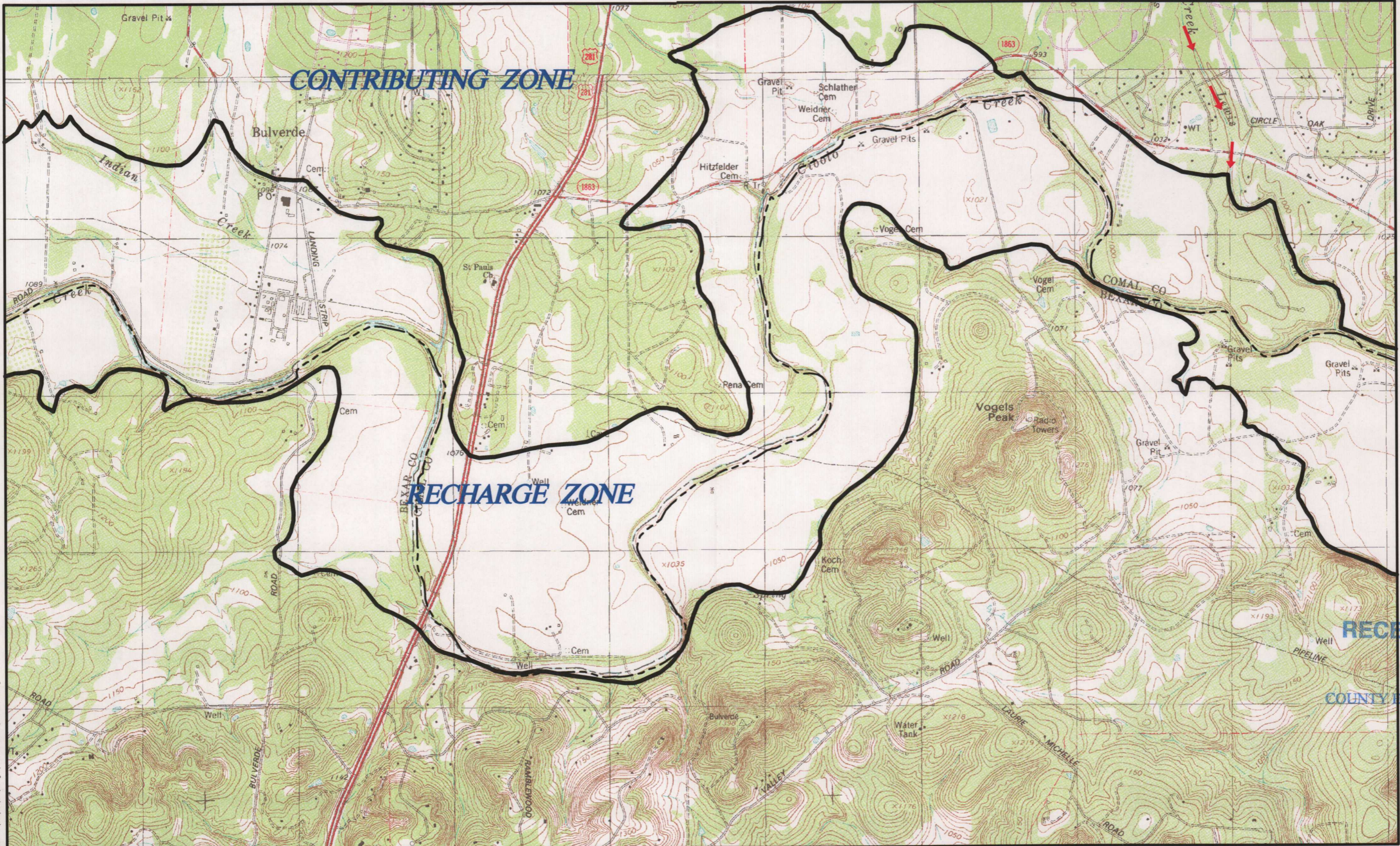
USGS/EDWARDS RECHARGE ZONE MAP
 Sheet 1 Of 2
 Attachment B

ANHALT TX, QUADRANGLE
 BULVERDE, TX QUADRANGLE
 → → Drainage Flow
 Pape-Dawson Engineers, Inc.

BERRYMAN TRACT
Contributing Zone Plan

SEE SHEET 1 OF 2


SCALE: 1" = 2000'



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MAY 26 2011
COUNTY ENGINEER

ANHALT TX, QUADRANGLE
BULVERDE, TX QUADRANGLE
→ → Drainage Flow
Pape-Dawson Engineers, Inc.

USGS/EDWARDS RECHARGE ZONE MAP
Sheet 2 Of 2
Attachment B



LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

July 14, 2011

RECEIVED TCEQ
SAN ANTONIO
REGION
2011 JUL 14 PM 4:24

Mr. Javier Anguiano
TCEQ Region 13
14250 Judson Road
San Antonio, Texas 78233-4480

Re: Berryman Tract
Edwards Aquifer Protection Program (EAPP) ID No. 2983.00
Response to Notice of Deficiency (NOD)

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JUL 26 2011

COUNTY ENGINEER

Dear Mr. Anguiano:

The following are responses to the comments from your office dated June 27, 2011, regarding the Contributing Zone Plan (CZP) technical review for the above referenced project. A copy of the comment fax is attached for reference.

General Concerns:

1. Because of recent experiences, most notably the extreme drought conditions the past couple of years, we are requiring additional clarification concerning interim and permanent stabilization practices. This in part to address several calls for concerns about the establishment of vegetation during drought conditions and enacted water restrictions.

Clarification on what types of best management practices can be used as interim stabilization during drought conditions is necessary. These can include, but are not limited to, geotextile blanket and matting, hydromulch, diversion structures and other structural controls (i.e., silt fence, rock berms, etc.). Please provide reference that all structural and non-structural controls will follow the inspection/maintenance schedule provided in the application (TCEQ-0602, Attachment I).

Response: Trees cleared on site will be ground on-site and the mulch will be used for interim stabilization on the Berryman Tract. Silt fence will also remain in place until final stabilization can be achieved. Structural and non-structural controls are to follow the inspection/maintenance schedule provided in the application (Attachment I) as part of compliance with the WPAP permit, once approved, and in compliance with the TCEQ General Construction Permit (TXR150000) to be obtained for this project.

Mr. Javier Anguiano
Berryman Tract - Response to NOD
July 14, 2011
Page 2 of 2

2. Please revise TCEQ-0602, Item 17 (Attachment J) and the construction notes on the site plan(s) to include the management practices that will be utilized for the above referenced project in the event of drought conditions until vegetation can begin to be established.

Response: Attachment "J" addresses stabilization "in areas experiencing drought" but has been revised with more detailed instructions. Notes 4 and 9 of the TCEQ General Construction Notes address the timing of stabilization, but a more site specific note has been added to the "General Notes" addressing the use of mulch.

Your prompt attention to this submittal is greatly appreciated. Please do not hesitate to contact our office, if you have further questions or require additional information.

Sincerely,

Pape-Dawson Engineers, Inc.

Texas Board of Professional Engineers, Firm Registration # 470



Cara C. Tackett, P.E., LEED® AP
Vice President, Land Development

Attachments

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JUL 26 2011

COUNTY ENGINEER

the construction activity in that portion of the site has temporarily or permanently ceased. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within twenty-one (21) days, temporary stabilization measures do not have to be initiated on that portion of site. Areas experiencing drought conditions or unseasonably arid conditions prior to the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased must initiate the installation of temporary stabilization measures as soon as practicable. Mulch can be used as temporary stabilization onsite. Silt fence must remain in place until final stabilization can be achieved.

18. Records must be kept at the site of 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.
19. Stabilization practices must be initiated as soon as practicable where construction activities have temporarily or permanently ceased.

ADMINISTRATIVE INFORMATION

20. All structural controls will be inspected and maintained according to the submitted and approved operation and maintenance plan for the project.
21. N/A If any geologic or manmade features, such as caves, faults, sinkholes, etc., are discovered, all regulated activities near the feature will be immediately suspended. The appropriate TCEQ Regional Office shall be immediately notified. Regulated activities must cease and not continue until the TCEQ has reviewed and approved the methods proposed to protect the aquifer from any adverse impacts.
22. Silt fences, diversion berms, and other temporary erosion and sediment controls will be constructed and maintained as appropriate to prevent pollutants from entering sensitive features discovered during construction.

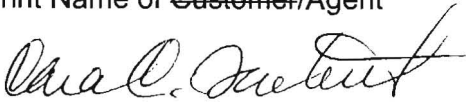
To the best of my knowledge, the responses to this form accurately reflect all information requested concerning the proposed regulated activities and methods to protect the Edwards Aquifer. This **TEMPORARY STORMWATER SECTION** is hereby submitted for TCEQ review and executive director approval. The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

Pape-Dawson Engineers, Inc.

Texas Board of Professional Engineers, Firm Registration # 470

Cara C. Tackett, P.E., LEED® AP

Print Name of Customer/Agent



Signature of Customer/Agent

07/14/11

Date

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COUNTY ENGINEER



Protecting Texas
by Reducing and
Preventing Pollution

F A X T R A N S M I T T A L

DATE: June 27, 2011

NUMBER OF PAGES (including this
cover sheet):

2

TO: Name Ms. Cara C. Tackett, P.E./Ms. Miranda
Briones, E.I.T.

Organization Pape-Dawson Engineers, Inc. RECEIVED
JUL 28 2011

FAX Number 210/375-9010

TO: Name Mr. G. Phil Berryman COUNTY ENGINEER

Organization Berryman Properties, Ltd.

FAX Number 830/755-5258

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Javier Anguiano

Division/Region EAPP/San Antonio

Telephone
Number 210/403-4019

FAX Number 210/545-4329

NOTES:

Re: Edwards Aquifer, Coaml County
NAME OF PROJECT: Berryman Tract; Located on the southeast corner of US
Highway 281 and State Highway 46; Bulverde, Texas
TYPE OF PLAN: Request for the Approval of a Contributing Zone Plan (CZP); 30
Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer;
Edwards Aquifer Protection Program San Antonio File No. 2983.00; Investigation
No. 921976; Regulated Entity No. RN106143647

Dear Ms. Tackett:

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

General Concerns:

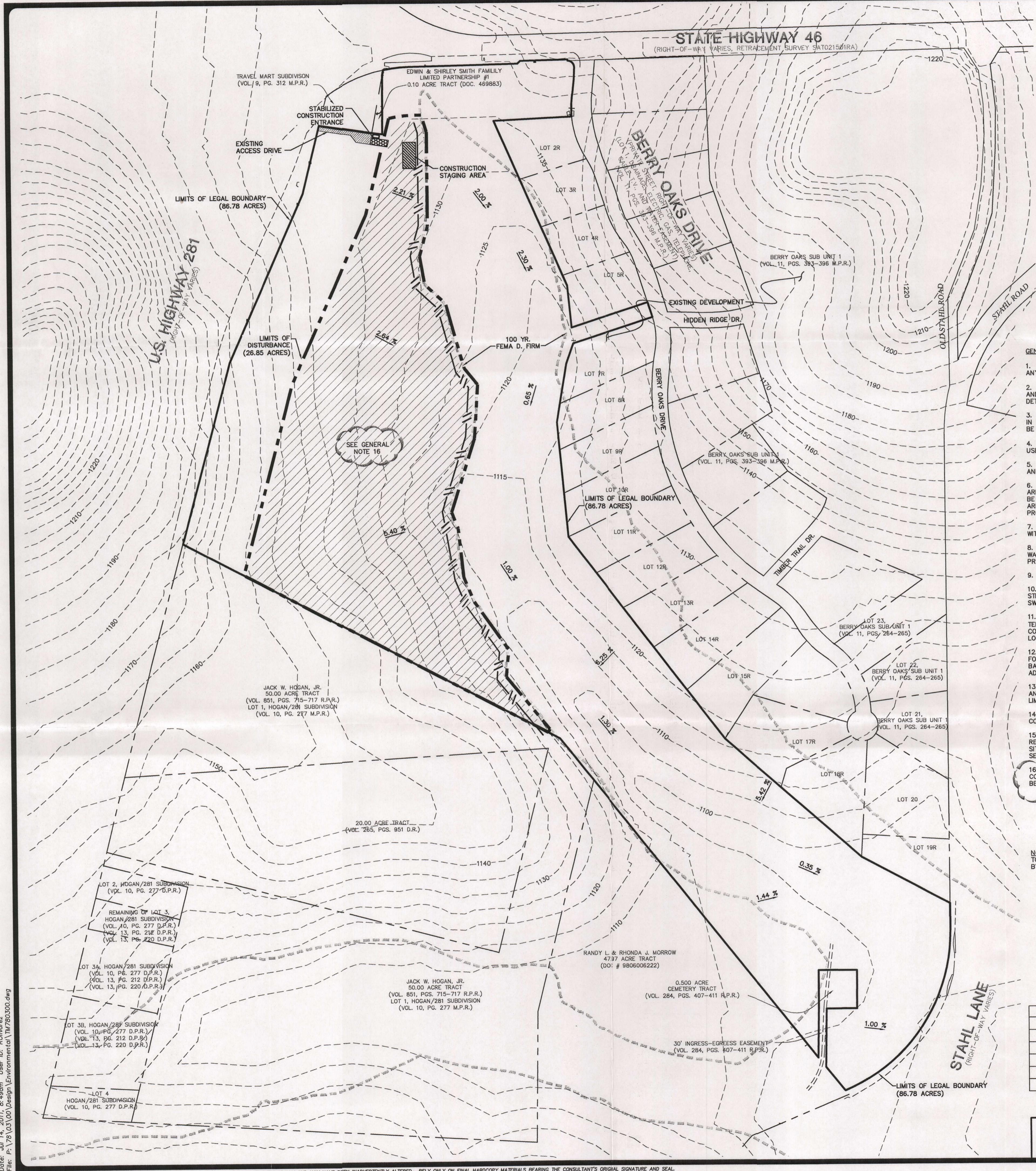
1. Because of recent experiences, most notably the extreme drought conditions the
past couple of years, we are requiring additional clarification concerning interim
and permanent stabilization practices. This in part to address several calls for
concerns about the establishment of vegetation during drought conditions and
enacted water restrictions.

Ms. Cara C. Tackett, P.E./Ms. Miranda Briones, E.I.T.
June 27, 2011
Page 2

Clarification on what types of best management practices can be used as interim stabilization during drought conditions is necessary. These can include, but are not limited to, geotextile blankets and matting, hydromulch, diversion structures and other structural controls (i.e., silt fence, rock berms, etc.). Please provide reference that all structural and non-structural controls will follow the inspection/maintenance schedule provided in the application (TCEQ-0602, Attachment I).

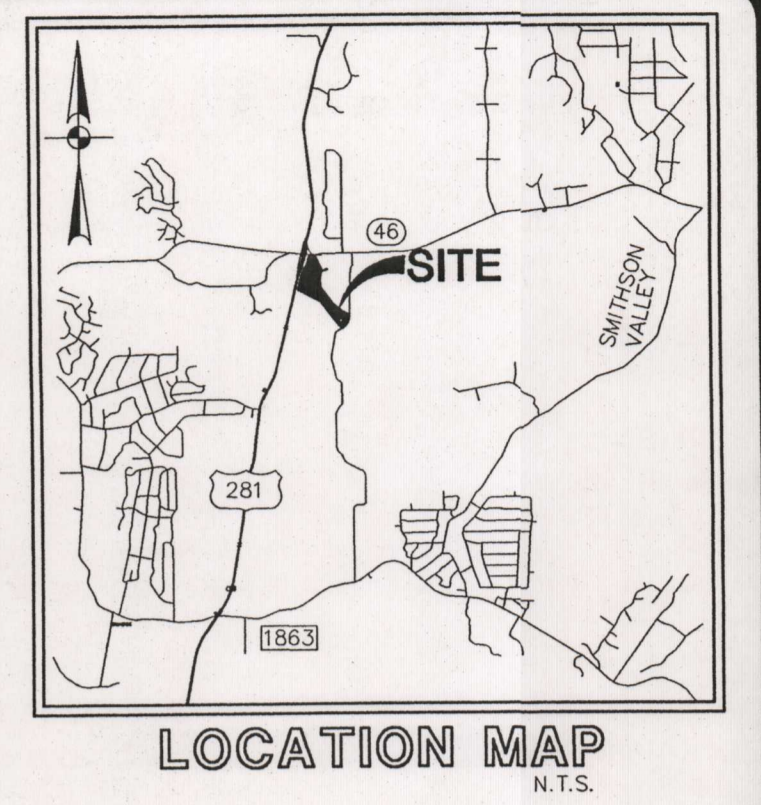
Please revise TCEQ-0602, Item 17 (Attachment J) and the construction notes on the site plan(s) to include the management practices that will be utilized for the above referenced project in the event of drought conditions until vegetation can begin to be established.

We ask that you submit **one original and four copies** of the amended materials to supplement the CZP application to this office by no later than **14 days from the date of this letter** to avoid denial of the plan. If the response to this notice is not received, is incomplete or inadequate, or provides new information that is incomplete or inadequate, a second notice will be sent to you requiring a response within 14 days from the notice date. If the response to the second is not received, is incomplete or inadequate, or provides new information that is incomplete or inadequate, the application will be denied unless you provide written notification that the application is being withdrawn. Please note that the application fee will be forfeited if the plan is not withdrawn. If you have any questions or require additional information, please contact Javier Anguiano of the Edwards Aquifer Protection Program of the San Antonio Regional Office at the number listed above.



LEGEND

- PROJECT LIMITS
- SITE LIMITS
- EXISTING CONTOURS
- DRAINAGE FLOW (EXISTING)
- 100 YEAR FLOODPLAIN
- SILT FENCE
- AREA TO BE DISTURBED (CLEARING ONLY)
- CONSTRUCTION STAGING AREA (TO BE FIELD LOCATED)
- STABILIZED CONSTRUCTION ENTRANCE/EXIT (TO BE FIELD LOCATED)



GENERAL NOTES:

1. DO NOT DISTURB VEGETATED AREAS (TREES, GRASS, WEEDS, BRUSH, ETC.) ANY MORE THAN NECESSARY FOR CONSTRUCTION.
2. LOCATIONS OF CONSTRUCTION ENTRANCE/EXITS, CONCRETE WASHOUT PITS, AND CONSTRUCTION EQUIPMENT AND MATERIAL STORAGE YARDS TO BE DETERMINED IN THE FIELD.
3. STORM WATER POLLUTION PREVENTION CONTROLS MAY NEED TO BE MODIFIED IN THE FIELD TO ACCOMPLISH THE DESIRED EFFECT. ALL MODIFICATIONS ARE TO BE NOTED ON THIS EXHIBIT AND SIGNED AND DATED BY THE RESPONSIBLE PARTY.
4. RESTRICT ENTRY/EXIT TO THE PROJECT SITE TO DESIGNATED LOCATIONS BY USE OF ADEQUATE FENCING, IF NECESSARY.
5. ALL STORM WATER POLLUTION PREVENTION CONTROLS ARE TO BE MAINTAINED AND IN WORKING CONDITIONS AT ALL TIMES.
6. CONTRACTOR, TO THE EXTENT PRACTICAL, SHALL MINIMIZE THE AMOUNT OF AREA DISTURBED. AS SOON AS PRACTICAL, ALL DISTURBED SOIL THAT WILL NOT BE COVERED BY IMPERVIOUS COVER SUCH AS PARKWAY AREAS, EASEMENT AREAS, EMBANKMENT SLOPES, ETC. WILL BE STABILIZED PER APPLICABLE PROJECT SPECIFICATIONS.
7. BEST MANAGEMENT PRACTICES MAY BE INSTALLED IN STAGES TO COINCIDE WITH THE DISTURBANCE OF UPGRADIENT AREAS.
8. BEST MANAGEMENT PRACTICES MAY BE REMOVED IN STAGES ONCE THE WATERSHED FOR THAT PORTION CONTROLLED BY THE BEST MANAGEMENT PRACTICES HAS BEEN STABILIZED.
9. ALL TEMPORARY BMPs WILL BE REMOVED ONCE WATERSHED IS STABILIZED.
10. MUD OR DIRT INADVERTENTLY TRACKED OFF-SITE AND ONTO EXISTING STREETS SHALL BE REMOVED IMMEDIATELY BY HAND OR MECHANICAL BROOM SWEEPING.
11. PRIOR TO INITIATION OF SUBSEQUENT PHASES OF CONSTRUCTION, TEMPORARY BMPs INCLUDING SILT FENCING, CONSTRUCTION ENTRANCE/EXIT, CONCRETE WASHOUT PIT, AND CONSTRUCTION STAGING AREA SHALL BE FIELD LOCATED AS APPROPRIATE FOR THE AREA OF CONSTRUCTION.
12. TEMPORARY POLLUTION ABATEMENT MEASURES SHOWN ON THE PLAN ARE FOR THE OVERALL DEVELOPMENT. TEMPORARY BMPs MAY REQUIRE ADJUSTMENT BASED ON PHASING OF CONSTRUCTION OF THE DEVELOPMENT. RECORDS OF ADJUSTMENTS AND REVISIONS SHALL BE MAINTAINED AS APPROPRIATE.
13. TEMPORARY BMPs SHOWN ON THIS SHEET ARE FOR GRAPHICAL PURPOSES AND MAY NOT BE TO SCALE. BMPs SHALL BE LOCATED WITHIN THE PROJECT LIMITS.
14. UPON COMPLETION OF THE PROJECT AND BEFORE FINAL PAYMENT IS ISSUED, CONTRACTOR SHALL REMOVE ALL SEDIMENT AND EROSION CONTROL MEASURES.
15. CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION SEQUENCING AND REMOVAL OF TEMPORARY POLLUTION ABATEMENT MEASURES THAT CONFLICT WITH SITE IMPROVEMENTS SUCH AS LANDSCAPING AND FENCES SO AS TO PREVENT SEDIMENT FROM ESCAPING THE PROJECT SITE.
16. MULCH MAY BE USED AS TEMPORARY STABILIZATION DURING DROUGHT CONDITIONS. SILT FENCE IS TO REMAIN IN PLACE UNTIL FINAL STABILIZATION CAN BE ACHIEVED.

NOTE:
TOPOGRAPHICAL INFORMATION WAS GENERATED BY USGS MAPS, NO FIELD SURVEY WAS DONE.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CONTRIBUTING ZONE PLAN GENERAL CONSTRUCTION NOTES

1. WRITTEN CONSTRUCTION NOTIFICATION SHOULD BE PROVIDED TO THE APPROPRIATE TCEQ REGIONAL OFFICE NO LATER THAN 48 HOURS PRIOR TO COMMENCEMENT OF THE REGULATED ACTIVITY. INFORMATION SHOULD INCLUDE THE DATE ON WHICH THE REGULATED ACTIVITY WILL COMMENCE, THE NAME OF THE APPROVED PLAN FOR THE REGULATED ACTIVITY, AND THE NAME OF THE PRIME CONTRACTOR WITH THE NAME AND TELEPHONE NUMBER OF THE CONTACT PERSON.
2. ALL CONTRACTORS CONDUCTING REGULATED ACTIVITIES ASSOCIATED WITH THIS PROJECT SHOULD BE PROVIDED WITH COMPLETE COPIES OF THE APPROVED CONTRIBUTING ZONE PLAN AND THE TCEQ LETTER INDICATING THE SPECIFIC CONDITIONS OF ITS APPROVAL. DURING THE COURSE OF THESE REGULATED ACTIVITIES, THE CONTRACTOR(S) SHOULD KEEP COPIES OF THE APPROVED PLAN AND APPROVAL LETTER ON-SITE.
3. NO TEMPORARY ABOVEGROUND HYDROCARBON AND HAZARDOUS SUBSTANCE STORAGE TANK SYSTEM MAY BE INSTALLED WITHIN 150 FEET IF A DOMESTIC, INDUSTRIAL, IRRIGATION, OR PUBLIC WATER SUPPLY WELL.
4. PRIOR TO COMMENCING CONSTRUCTION, ALL TEMPORARY EROSION AND SEDIMENTATION (E&S) CONTROL MEASURES MUST BE PROPERLY SELECTED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND GOOD ENGINEERING PRACTICES. CONTROLS SPECIFIED IN THE SWPPP SECTION OF THE APPROVED EDWARDS AQUIFER CONTRIBUTING ZONE PLAN ARE REQUIRED DURING CONSTRUCTION. IF INSPECTIONS INDICATE A CONTROL HAS BEEN USED INAPPROPRIATELY, OR INCORRECTLY, THE APPLICANT MUST REPLACE OR MODIFY THE CONTROL FOR SITE SITUATIONS. THE CONTROLS MUST REMAIN IN PLACE UNTIL DISTURBED AREAS ARE REVEGETATED AND THE AREAS HAVE BECOME PERMANENTLY STABILIZED.
5. IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED AT A FREQUENCY SUFFICIENT TO MINIMIZE OFFSITE IMPACTS TO WATER QUALITY (E.G., FUGITIVE SEDIMENT IN STREET BEING WASHED INTO SURFACE STREAMS OR SENSITIVE FEATURES BY THE NEXT RAIN).
6. SEDIMENT MUST BE REMOVED FROM SEDIMENT TRAPS OR SEDIMENTATION PONDS NOT LATER THAN WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50%. A PERMANENT STAKE MUST BE PROVIDED THAT CAN INDICATE WHEN THE SEDIMENT OCCUPIES 50% OF THE BASIN VOLUME.
7. LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORMWATER SHALL BE PREVENTED FROM BECOMING A POLLUTANT SOURCE FOR STORMWATER DISCHARGES (E.G., SCREENING OUTFALLS, PICKED UP DAILY).
8. ALL SPOILS (EXCAVATED MATERIAL) GENERATED FROM THE PROJECT SITE AND STORED ON-SITE MUST HAVE PROPER E&S CONTROLS INSTALLED.
- *9. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND CONSTRUCTION ACTIVITIES WILL NOT RESUME WITHIN 21 DAYS. WHEN THE INITIATION OF STABILIZATION MEASURES BY THE 14TH DAY IS PRECLUDED BY WEATHER CONDITIONS, STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE.
10. THE FOLLOWING RECORDS SHOULD BE MAINTAINED AND MADE AVAILABLE TO THE TCEQ 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.
11. THE HOLDER OF ANY APPROVED CONTRIBUTING ZONE PLAN MUST NOTIFY THE APPROPRIATE REGIONAL OFFICE IN WRITING AND OBTAIN APPROVAL FROM THE EXECUTIVE DIRECTOR PRIOR TO INITIATING ANY OF THE FOLLOWING:
 - A. ANY PHYSICAL OR OPERATIONAL MODIFICATION OF ANY BEST MANAGEMENT PRACTICES OR STRUCTURE(S), INCLUDING BUT NOT LIMITED TO TEMPORARY OR PERMANENT PONDS, DAMS, BERMS, SILT FENCES, AND DIVERSIONARY STRUCTURES;
 - B. ANY CHANGE IN THE NATURE OR CHARACTER OF THE REGULATED ACTIVITY FROM THAT WHICH WAS ORIGINALLY APPROVED;
 - C. ANY CHANGE THAT WOULD SIGNIFICANTLY IMPACT THE ABILITY TO PREVENT POLLUTION OF THE EDWARDS AQUIFER AND HYDROLOGICALLY CONNECTED SURFACE WATER; OR
 - D. ANY DEVELOPMENT OF LAND PREVIOUSLY IDENTIFIED IN A CONTRIBUTING ZONE PLAN AS UNDEVELOPED.

SAN ANTONIO REGIONAL OFFICE
14250 JUDSON ROAD
SAN ANTONIO, TEXAS 78233-4480
PHONE (210) 490-3096
FAX (210) 545-4329

TEMPORARY BMP MODIFICATIONS	
SIGNATURE	DESCRIPTION

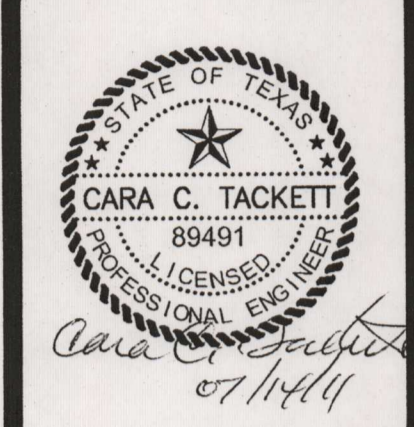
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SAN ANTONIO REGION
2011 JUL 14 PM 4:24

THE ENGINEERING SEAL HAS BEEN AFFIXED TO THIS SHEET ONLY FOR THE PURPOSE OF DEMONSTRATING COMPLIANCE WITH THE POLLUTION ABATEMENT SIZING AND TREATMENT REQUIREMENTS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S EDWARDS AQUIFER TECHNICAL GUIDANCE MANUAL.

THIS SHEET HAS BEEN PREPARED FOR PURPOSES OF POLLUTION ABATEMENT ONLY. ALL OTHER CIVIL ENGINEERING RELATED INFORMATION SHOULD BE ACQUIRED FROM THE APPROPRIATE SHEET IN THE CIVIL IMPROVEMENT PLANS.

EXHIBIT 1

REVISIONS:
07/12/2011
NOTE ADDED TO "GENERAL NOTES" SECTION



PAPE-DAWSON ENGINEERS
555 EAST RAMSEY | SAN ANTONIO, TEXAS 78216 | PHONE: 210.375.9000
FAX: 210.375.9010
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470

BERRYMAN TRACT: COMAL COUNTY, TEXAS
CONTRIBUTING ZONE PLAN
TEMPORARY POLLUTION ABATEMENT PLAN
RECEIVED JUL 26 2011
COUNTY ENGINEER

JOB NO. 7803-00
DATE MAY 2011
DESIGNER MGB
CHECKED LM DRAWN FG
SHEET 1 OF 1

H
C

**Deed Recordation Affidavit
Contributing Zone Plan**



THE STATE OF TEXAS §
County of Bexar §

Berryman Properties, Ltd.
by its general partner,
Berryman Investments, Inc.
G. Phil Berryman who,
President

BEFORE ME, the undersigned authority, on this day personally appeared _____
being duly sworn by me, deposes and says:

- (1) That my name is G. Phil Berryman and that I own the real property described below.
- (2) That said real property is subject to an CONTRIBUTING ZONE PLAN which was required under the 30 Texas Administrative Code (TAC) Chapter 213.
- (3) That the CONTRIBUTING ZONE PLAN for said real property was approved by the Texas Commission on Environmental Quality (TCEQ) on July 22, 2011.

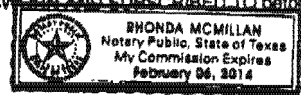
A copy of the letter of approval from the TCEQ is attached to this affidavit as Exhibit A and is incorporated herein by reference.

- (4) The said real property is located in Comal County, Texas, and the legal description of the property is as follows: See Exhibit B, attached hereto and made a part hereof.

Berryman Properties, Ltd.
by its general partner,
Berryman Investments, Inc.

G. Phil Berryman
LANDOWNER-AFFIANT - G. Phil Berryman, President

SWORN AND SUBSCRIBED TO before me, on this 28th day of June, 2012.

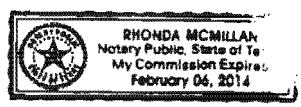


Rhonda L. McMillan
NOTARY PUBLIC

THE STATE OF TEXAS §
County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared G. Phil Berryman 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 28th day of June, 2012



Rhonda L. McMillan
NOTARY PUBLIC

Rhonda L. McMillan
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: February 6, 2014

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.C., *Executive Director*



EXHIBIT "A"

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 22, 2011

Mr. G. Phil Berryman
Berryman Properties, Ltd.
2873 IH-10W
Boerne, Texas 78006-9112

Re: Edwards Aquifer, Comal County

Name of Project: Berryman Tract – State Hwy 46 and US Hwy 281; Located on the southeast corner of US Highway 281 and State Highway 46; Bulverde, Texas

Type of Plan: Request for the Approval of a Contributing Zone Plan (CZP); 30 Texas Administrative Code (TAC) Chapter 213 Subchapter B Edwards Aquifer

Edwards Aquifer Protection Program San Antonio File No. 2983.00; Investigation No. 921976; Regulated Entity No. RN160143647

Dear Mr. Berryman:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the CZP Application for the above-referenced project submitted to the San Antonio Regional Office by Pape-Dawson Engineers, Inc. on behalf of Berryman Properties, Ltd. on May 20, 2011. Final review of the CZP was completed after additional material was received on June 16 and July 14, 2011. As presented to the TCEQ, the Temporary 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 commercial project will have an area of approximately 86.78 acres. It will include the mass clearing of existing trees and vegetation from approximately 26.85 acres. No impervious cover will be constructed by this project. No wastewater will be generated by this project.

REPLY TO: REGION 13 • 14250 JUDSON RD. • SAN ANTONIO, TEXAS 78233-4480 • 210-490-3096 • FAX 210-545-4329

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

Permanent Pollution Abatement Measures

No permanent best management practices (BMP) are proposed for this project. In lieu of permanent BMPs, temporary BMPs in conjunction with interim and permanent site stabilization practices will be provided.

Special Conditions

1. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the San Antonio Regional Office, proof of recordation of notice in the county deed records, with the volume and page number(s) of the county deed records of the county in which the property is located. A description of the property boundaries shall be included in the deed recordation in the county deed records. A suggested format (Deed Recordation Affidavit, TCEQ-0625A) that you may use to deed record the approved CZP is enclosed.

Standard Conditions

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.
2. The holder of the approved Edwards Aquifer protection plan must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the approved plan. Additional and separate approvals, permits, registrations and/or authorizations from other TCEQ Programs (i.e., Stormwater, Water Rights, UIC) can be required depending on the specifics of the plan.
3. In addition to the rules of the Commission, the applicant may also be required to comply with state and local ordinances and regulations providing for the protection of water quality.

Prior to the Commencement of Construction:

4. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved Contributing Zone Plan and this notice of approval shall be maintained at the project location until all regulated activities are completed.
5. Any modification to the activities described in the referenced CZP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
6. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the name of the approved plan and file number for the regulated activity, the date on which the regulated activity will commence, and the name of the prime contractor with the name and telephone number of the contact person.
7. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved Storm Water Pollution Prevention Plan (SWPPP) must be installed prior to construction and maintained during

construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. If a water quality pond is proposed, it shall be used as a sedimentation basin during construction. The TCEQ may monitor stormwater discharges from the site to evaluate the adequacy of temporary E&S control measures. Additional controls may be necessary if excessive solids are being discharged from the site.

During Construction:

8. During the course of regulated activities related to this project, the applicant or his agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
9. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been significantly reduced. Litter, construction debris, and construction chemicals exposed to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls, picked up daily).
10. Intentional discharges of sediment laden storm water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
11. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
12. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.
13. This approval does not authorize the installation of temporary aboveground storage tanks on this project. If the contractor desires to install a temporary aboveground storage tank for use during construction, an application to modify this approval must be submitted and approved prior to installation. The application must include information related to tank location and spill containment. Refer to Standard Condition No. 5, above.

After Completion of Construction:

14. Owners of permanent BMPs and measures must insure that the BMPs and measures are constructed and function as designed. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity

Mr. G. Phil Berryman
July 22, 2011
Page 4

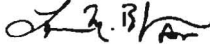
EXHIBIT "A"

having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through the San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.

16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Contributing Zone Plan. If the new owner intends to commence any new regulated activity on the site, a new Contributing Zone Plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
17. A Contributing Zone Plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Contributing Zone Plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.
18. At project locations where construction is initiated and abandoned, or not completed, the site shall be returned to a condition such that the aquifer is protected from potential contamination.

If you have any questions or require additional information, please contact Javier Anguiano of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210)490-3096.

Sincerely,



Mark R. Vickery, P.G., Executive Director
Texas Commission on Environmental Quality

MRV/JA/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625A

cc: Ms. Cara C. Tackett, P.E., LEED® AP, Pape-Dawson Engineers, Inc.
Mr. Thomas H Hornseth, P.E., Comal County
The Honorable Bill Krawietz, City of Bulverde
Mr. Karl J. Dreher, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC212

FIELD NOTES

FOR

An 86.78 acre, or 3,780,210 square feet more or less, tract of land being out of the remaining portion of 183.555 acre tract conveyed to Berryman Properties, Ltd. in Special Warranty Deed recorded in Volume 739, Pages 146-149 of the Deed Records of Comal County, Texas, out of the Carl George Survey No. 432 and Phillip Wagner Survey No. 573, Comal County, Texas. Said 86.78 acre tract being more fully described as follows, with bearings established from the Texas Coordinate System as established from the North American Datum of 1983(CORS96) for the South Central Zone and base on the south right-of-way line of State Highway 46, a variable width right-of-way;

BEGINNING At a set 1/2" iron rod with yellow cap marked "Pape-Dawson", the south right-of-way line of State Highway 46, a variable width right-of-way as shown in the retracement survey TXDOT file SAT021501RA, the northeast corner of Travel Mart Subdivision recorded in Volume 9, Page 312 of the Map and Plat Records of Comal County, Texas, a northwest corner of said remaining portion of 183.555 acre tract, from which a found Texas Department of Transportation monument with a brass plate bears a chord bearing and distance of S 66°37'32"W, 239.55 feet and arc length of 241.30 feet to the northeast corner of said Travel Mart Subdivision and the intersection of the southeast right-of-way line of U.S. Highway 281, a variable width right-of-way and the south right-of-way line of said State Highway 46;

THENCE: Along and with the south right-of-way line of said State Highway 46 and the north line of said remaining portion of 183.555 acre tract, the following calls and distances:

Northeasterly, along the arc of a curve to the right, said curve having a radial bearing of S 11°23'33" E, a radius of 576.94 feet, a central angle of 10°15'10", a chord bearing and distance of N 83°44'02" E, 103.10 feet, an arc length of 103.24 feet to a set 1/2" iron rod with yellow cap marked "Pape-Dawson";

N 88°51'37"E, a distance of 417.14 feet to a found Texas Department of Transportation monument with a brass plate;

N 45°36'42"E, a distance of 15.32 feet to a found Texas Department of Transportation monument with a brass plate;

EXHIBIT "B"

N 88°47'15"E, a distance of 184.35 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", the west right-of-way line of Berry Oaks Drive, a private street, also being Lot 1, Drainage, Electric, Gas, Telephone, Cable T.V., and Water Easement out of Berry Oaks Subdivision Unit 1 recorded in Volume 11, Pages 393-396 of the Map and Plat Records of Comal County, Texas;

THENCE: Departing the south right-of-way line of State Highway 46, along and with the west line of said Berry Oaks Drive and the east line of said remaining portion of 183.555 acre tract, the following calls and distances:

S 01°25'26"E, a distance of 4.66 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", a point of non tangent curvature;

Southeasterly, along the arc of a curve to the right, said curve having a radial bearing of S 01°27'35" E, a radius of 25.00 feet, a central angle of 92°07'18", a chord bearing and distance of S 45°23'56" E, 36.00 feet, an arc length of 40.20 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

Southwesterly, along the arc of a curve to the right, said curve having a radial bearing of N 89°20'17" W, a radius of 707.00 feet, a central angle of 7°24'45", a chord bearing and distance of S 04°22'05" W, 91.40 feet, an arc length of 91.47 feet to a found ½" iron rod, from which a found ½" iron rod bears N10°28'11"E a distance of 4.59 feet;

S 08°04'28"W, a distance of 19.93 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

Southwesterly, along the arc of a curve to the left, said curve having a radial bearing of S 82°19'30" E, a radius of 350.00 feet, a central angle of 12°48'47", a chord bearing and distance of S 01°16'07" W, 78.11 feet, an arc length of 78.27 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", being the northeast corner of Lot 2R of said Berry Oaks Subdivision Unit 1;

THENCE: S 87°26'47"W, departing the east right-of-way line of said Berry Oaks Drive and along and with the north line of said Lot 2R, a distance of 303.41 feet to a found ½" iron rod with cap marked "ACE";

THENCE: Along and with the west line of said Berry Oaks Subdivision Unit 1 and the east line of said remaining portion of 183.555 acre tract, the following calls and distances:

S 23°42'23"E, a distance of 694.70 feet to a found ½" iron rod with cap marked "ACE", being a west angle point of Lot 5R of said Berry Oaks Subdivision;

S 05°38'29"E, a distance of 162.30 feet to a found ½" iron rod, being the southwest corner of said Lot 5R;

N 71°57'28"E, along and with the south line of said Lot 5R, a distance of 311.16 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", being the southeast corner of said Lot 5R, in the east right-of-way line of said Berry Oaks Drive;

S 18°02'32"E, along and with the east right-of-way line of said Berry Oaks Drive, a distance of 60.00 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", the northeast corner of Lot 7R of said Berry Oaks Subdivision;

S 71°57'28"W, along and with the north line of said Lot 7R, a distance of 324.35 feet to a found ½" iron rod, being the northwest corner of said Lot 7R;

S 19°42'10"W, a distance of 84.84 feet to a found ½" iron rod with cap marked "ACE", being a west angle point of said Lot 7R;

S 09°39'41"W, a distance of 226.86 feet to a found ½" iron rod with cap marked "ACE", being a west angle point of Lot 8R of said Berry Oaks Subdivision;

S 05°16'46"E, a distance of 441.98 feet to a found ½" iron rod with cap marked "ACE", being the southwest corner of Lot 10R and the northwest corner of Lot 11R of said Berry Oaks Subdivision;

S 37°37'14"E, a distance of 986.25 feet to a found ½" iron rod with cap marked "ACE", being the southwest corner of Lot 15R and a west angle point of Lot 17R of said Berry Oaks Subdivision;

S 48°46'32"E, a distance of 695.56 feet to a found ½" iron rod with cap marked "ACE", being the southeast corner of Lot 18R and the southwest corner of Lot 19R of said Berry Oaks Subdivision;

S 61°49'54"E, a distance of 385.79 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", being the southeast corner of Lot 19R, in the west right-of-way line of Stahl Lane, a variable width right-of-way, from which a found ½" iron rod with cap marked "ACE" bears S64°00'16"E a distance of 0.65 feet;

THENCE: S 00°14'31"E, departing said Berry Oaks Subdivision, along and with the west line of said Stahl Lane, a distance of 103.55 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", the beginning of a tangent curve to the right;

THENCE: Southwesterly, along and with the west line of said Stahl Lane and the said curve to the right, said curve having a radius of 663.42 feet, a central angle of 67°45'22", a chord bearing and distance of S 33°38'10" W, 739.62 feet, an arc length of 784.54 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", the southeast corner of said remaining portion of 183.555 acre tract, the east line of a 47.97 acre tract recorded in Document #9806006222 of the Official Records of Comal County, Texas;

THENCE: N 38°46'18"W, departing the west right-of-way line of said Stahl Lane, along and with the south line of said remaining portion of 183.555 acre tract and the north line of said 47.87 acre tract, a distance of 117.96 feet to a found ½" iron rod, being the east line of a 30' Ingress-Egress Easement recorded in Volume 284, Pages 407-411 of the Deed Records of Comal County, Texas;

THENCE: N 00°53'07"E, along and with the east line of said easement, a distance of 224.63 feet to a found ½" iron rod, being the south line of a called 0.50 acre cemetery tract recorded in Volume 284, Pages 407-411 of the Deed Records of Comal County, Texas;

THENCE: N 89°44'36"E, a distance of 117.83 feet (117.60' Deed) to a found ½" iron rod, being the southeast corner of said called 0.50 acre tract;

- THENCE: N 00°08'03"E, a distance of 147.58 feet (147.60' Deed) to a found ½" iron rod, being the northeast corner of said called 0.50 acre tract;
- THENCE: N 89°47'54"W, a distance of 147.92 feet (147.60' Deed) to a found ½" iron rod, being the northwest corner of said easement and said called 0.50 acre tract;
- THENCE: S 00°05'59"W, along and with the west line of said easement, a distance of 148.37 feet (147.60' Deed) to a found ½" iron rod, the southwest corner of said called 0.50 acre tract;
- THENCE: S 00°53'07"W, along and with the west line of said easement, a distance of 188.24 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", the southwest corner of said easement, the south line of said remaining portion of 183.555 acre tract and the north line of said 47.87 acre tract;
- THENCE: N 38°46'18"W, along and with the south line of said remaining portion of 183.555 acre tract and the north line of said 47.87 acre tract, at a distance of 1380.24 feet passing a found 1/2" iron rod being the upper northwest corner of said 47.97 acre tract and the northeast corner of Hogan/281 Subdivision recorded in Volume 10, Page 277 of the Map and Plat Records of Comal County, Texas and continuing a total distance of 1585.70 feet (1585.15' Deed) to a found ½" iron rod;
- THENCE: N 62°19'48"W, along and with the south line of said remaining portion of 183.555 acre tract and the north line of said Hogan/281 Subdivision, a distance of 1638.05 feet (1639.06' Deed) to a found ½" iron rod, being the northwest corner of said Hogan/281 Subdivision, the east right-of-way line of said U.S. Highway 281 and the west line of said remaining portion of 183.555 acre tract;
- THENCE: Along and with the east right-of-way line of said U.S. Highway 281 and the west line of said remaining portion of 183.555 acre tract, the following calls and distances:
- N 14°59'26"E, a distance of 720.33 feet (720.25' Deed) to a found Texas Department of Transportation monument with a brass plate, from which a found Texas Department of Transportation monument with a brass plate bears S20°29'29"W a distance of 16.21 feet;
-

N 24°00'39"E, a distance of 710.68 feet (709.96' Deed) to a set ½" iron rod with yellow cap marked "Pape-Dawson";

N 14°05'08"E, a distance of 269.89 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson", being the southwest corner of said Travel Mart Subdivision;

THENCE: S 81°16'30"E, along and with the south line of said Travel Mart Subdivision, a distance of 205.99 feet to a found 1" iron pipe, being the southeast corner of said Travel Mart Subdivision and the southwest corner of a 0.10 acre tract recorded in Document #469883 of the Official Records of Comal County, Texas;

THENCE: S 82°28'54"E, along and with the south line of said 0.10 acre tract, a distance of 40.47 feet to a found ½" iron rod, being the southeast corner of said 0.10 acre tract;

THENCE: N 00°17'23"E, along and with the east line of said 0.10 acre tract, a west line of the remaining portion of said 183.555 acre tract, a distance of 226.14 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";

THENCE: N 10°35'05"E, along and with the east line of said Travel Mart Subdivision, a distance of 20.00 feet to the POINT OF BEGINNING and containing 86.78 acres in Comal County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
JOB No.: 9285-06
DATE: October 4, 2006
DOC. ID.: N:\Survey06\6-9300\9285-06\9285-06FN.doc

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
07/03/2012 04:04:19 PM
DORLA 11 Page(s)
201206022909



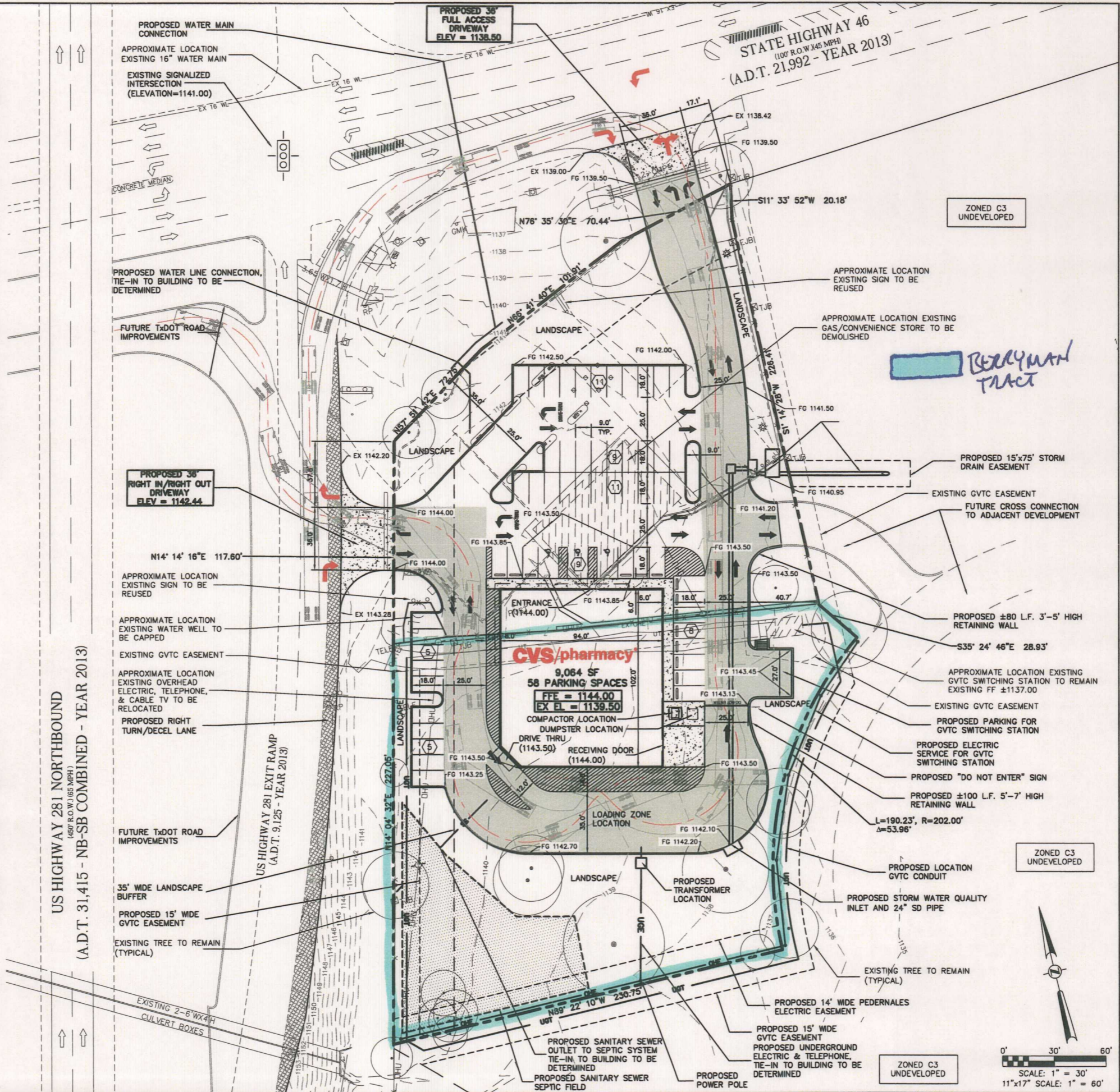
Joy Streater

SITE CRITERIA CHECKLIST	
PROJECT DATA	
PARKING PROVIDED	58 (1 SPACE / 156 SF)
PARKING REQUIRED	45 (1 SPACE / 200 SF)
LOADING AREA PROVIDED	1 SPACE PROVIDED
LOADING AREA REQUIRED	N/A
LAND INFORMATION	
LAND LOT / DISTRICT	LOT 1, TRAVEL MART SUBDIVISION AND A PORTION OF LOT A-673 OUT OF THE PAUL WAGNER SURVEY 573, COMAL COUNTY, TEXAS
BOUNDARY SURVEY	COMPLETED
TOPOGRAPHICAL SURVEY	COMPLETED
ENVIRONMENTAL REPORT (PHASE I)	COMPLETED
GEOTECHNICAL REPORT	COMPLETED
DETENTION EVALUATION	TO BE DETERMINED
CUT / FILL EVALUATION (APPROX)	±5,000 C.Y. FILL
OFF SITE IMPROVEMENTS	RIGHT TURN/DECEL LANE ON US HIGHWAY 281; WATER QUALITY OUTFALL EASEMENTS
ZONING INFORMATION	
EXISTING ZONING	C3 - COMMERCIAL
ADJACENT ZONING	C3 - COMMERCIAL
CONDITIONS OF REZONING	NONE
BUILDING HEIGHT LIMIT	NONE
OPERATIONS INFORMATION	
DRIVE-THRU ALLOWED	DRIVE-THRU IS PERMITTED
24-HOUR SERVICE ALLOWED	24-HOUR SERVICE IS PERMITTED
BEER / WINE SALES ALLOWED	BEER AND WINE SALES ARE PERMITTED
MINUTE CLINIC ALLOWED AND PERMITTED USE	MINUTE CLINIC USE IS A PERMITTED USE
SIGNAGE LOCATION AND REQUIREMENTS	PER SIGNAGE PLAN BY SOUTHWEST SIGNS
LANDSCAPE INFORMATION	
EXTERNAL REQUIREMENTS	MEET BULVERDE LANDSCAPE AND TREE PRESERVATION REGULATIONS
INTERNAL REQUIREMENTS	MEET BULVERDE LANDSCAPE AND TREE PRESERVATION REGULATIONS
ACCESS INFORMATION	
CURB CUT EVALUATION	NO EXISTING CURBS, MODIFY EXISTING DRIVES
DECELERATION LANE(S)	LEFT TURN/DECEL LANE ON US HIGHWAY 281
LINE(S) OF SIGHT	SIGHT DISTANCE SHOULD NOT BE AN ISSUE
JURISDICTIONAL CONTROL	STATE HIGHWAY 46 AND US HIGHWAY 281 - TxDOT
STORM AND UTILITY INFORMATION	
STORM AVAILABILITY	NOT APPLICABLE
ELECTRIC AVAILABILITY	OVERHEAD ALONG EAST ROW US HIGHWAY 281
TELEPHONE AVAILABILITY	OVERHEAD ALONG EAST ROW US HIGHWAY 281
CABLE AVAILABILITY	OVERHEAD ALONG EAST ROW US HIGHWAY 281
WATER AVAILABILITY	16" ALONG NORTH SIDE OF STATE HIGHWAY 46
SEWER AVAILABILITY	NO SANITARY SEWER SERVICE AVAILABLE TO THE SITE
GAS AVAILABILITY	6" ALONG SOUTH SIDE OF STATE HIGHWAY 46

SITE DATA	
SITE AREA	2.12 ACRES TOTAL
PERVIOUS AREA	0.86 ACRES (41%)
IMPERVIOUS AREA	1.26 ACRES (59%)
MAXIMUM IMPERVIOUS AREA	N/A
BUILDING AREA	9,064 SF
BUILDING DENSITY	9,064 SF (BUILDING) / 92,165 SF (LOT) = 9.83%
MAXIMUM BUILDING DENSITY	N/A

SITE PLAN LEGEND	
	EXISTING TRAFFIC SIGNAL
	NUMBER OF PARKING SPACES
	ACCESSIBLE PARKING SPACES
	HEAVY DUTY CONCRETE
	REGULAR DUTY CONCRETE
	CONCRETE SIDEWALK / PAD
	DELIVERY TRUCK WB-67 (73.5' TRUCK)

SITE RISK ASSESSMENT	
REFER TO THE DUE DILIGENCE FOR FURTHER EXPLANATION OF EACH ITEM BELOW	
1.	A SUBDIVISION PLAT WILL BE REQUIRED.
2.	SITE IS CURRENTLY ZONED C3 AND ALSO LIES WITHIN THE CITY OF BULVERDE SCENIC ENTRANCE CORRIDOR AND WILL REQUIRE A 35' LANDSCAPE BUFFER ALONG SH 46 AND US 281. A VARIANCE WILL BE REQUIRED TO ALLOW FOR PARKING TO BE INSIDE OF THIS BUFFER. OTHER SITE AND ARCHITECTURAL ENHANCEMENTS WILL ALSO BE REQUIRED.
3.	SITE WILL BE SERVICED BY A PRIVATE SANITARY SEWER SEPTIC SYSTEM.
4.	SITE WILL BE SERVICED BY EXISTING 16" WATER DISTRIBUTION MAIN THAT WOULD REQUIRE THE SERVICE TO BE BORED UNDER SH 46.
5.	AN EXISTING GVTC SWITCHING STATION EXISTS ON SITE AND CANNOT BE RELOCATED. THE CABLE DUCT BANKS AND ELECTRIC SUPPLY WILL NEED TO BE REROUTED AROUND THE NEW CVS BUILDING TO MAINTAIN SERVICE TO THIS SWITCHING STATION.
6.	AN EXISTING GAS/CONVENIENCE STORE EXISTS ON A PORTION OF THE SITE AND THE BUILDING WILL NEED TO BE DEMOLISHED AND THE UNDERGROUND STORAGE TANKS REMOVED. ADDITIONAL ENVIRONMENTAL INVESTIGATION MAY BE REQUIRED.
7.	SITE LIES OVER THE EDWARDS UNDERGROUND AQUIFER CONTRIBUTING ZONE AND WILL REQUIRE A STORMWATER WATER QUALITY SYSTEM AND CONTRIBUTING ZONE PLAN.
8.	A 5'-7" HIGH RETAINING WALL WILL BE REQUIRED AROUND THE AREA OF THE GVTC SWITCHING STATION. THIS IS REQUIRED DUE TO THE SITE NEEDING TO BE RAISED ±5' SO THAT THE WATER QUALITY SYSTEM WILL WORK EFFICIENTLY. SEE NOTE 7, ABOUT THE WATER QUALITY SYSTEM.
9.	TxDOT PLANS CALL FOR FUTURE ENHANCEMENTS WHICH INCLUDE A CONCRETE CENTER MEDIAN FOR SH 46. TxDOT HAS NO TIMETABLE FOR THIS WORK BUT IT WILL BE INFLUENCED BY ADJACENT FUTURE DEVELOPMENTS. WHEN THE MEDIAN IS INSTALLED THE SH 46 ENTRANCE WILL BECOME RIGHT IN/RIGHT OUT.



RURAL 9,064 - RIGHT CHAMFER DRIVE-THRU

STORE NUMBER: 10428

SEC STATE HIGHWAY 46 AND US HIGHWAY 281 BULVERDE, TEXAS

PROJECT TYPE: NEW STORE

DEAL TYPE: FEE FOR SERVICE

CS PROJECT NUMBER: 76936

ARCHITECT OF RECORD:

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF TODD M. SIMMANG, P.E. 91182, ON JANUARY 17, 2014. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.

CONSULTANT:

JACOBS

JACOBS ENGINEERING GROUP INC. TEXAS REGISTRATION #2966

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REVISIONS:

CHANGED PROTOTYPE 12-12-2013

ADDED PARKING 01-08-2014

REVISED HC PARKING 01-16-2014

DRAWN BY: P. WIGGINS

DATE: SEPTEMBER 20, 2013

JOB NUMBER: WJXL4400

TITLE: SP-1

SHEET NUMBER: 1

COMMENTS: NOT RELEASED FOR CONSTRUCTION

M:\WORK\4400 CVS - US 281 & SH 46 BULVERDE\700 CAD\702 MISC\SP-1\SP-1.DWG 1/17/2014 11:37 AM