



May 4, 2011

Mr. Frederick Land  
Regulatory Branch, CESWF-PER-R  
U.S. Army Corps of Engineers  
P.O. Box 17300  
Fort Worth, Texas 76102-0300

Mr. John Trevino  
Texas Commission on Environmental Quality  
401 Coordinator, MSC-150  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Central Texas Airport Project - CTA, LLC Applicant  
Application: SWF-2010-00506

Dear Sirs:

As a steward of the lower Colorado River, the Lower Colorado River Authority (LCRA) routinely reviews permit applications throughout the basin to evaluate potential water quality impacts to the Colorado River and its tributaries. The proposed project is located within Segment 1428 of the Colorado River, which is one of the few river segments in the state designated by TCEQ as supporting exceptional aquatic life. Because the segment has this high level designation, LCRA carefully scrutinizes activity in this segment of the river for potential water quality impacts. LCRA has reviewed the joint public notice and backup information for application number SWF-2010-00506 and is requesting a public hearing. A public hearing appears to be the way to insure that all of the available information regarding floodplain values, water quality and other environmental information is collected to develop an accurate Environmental Assessment. We appreciate the opportunity to also provide the following comments on the proposed permit.

This joint USACE/TCEQ public notice is required in Section 404 and 401 of the Clean Water Act regulating the discharge of dredged and fill materials into all waters of the U.S. including wetlands. The notice provides for additional "Public Interest Review Factors" that can be considered, including but not limited to floodplain values, water quality, water supply and general environmental concerns. The notice also states that "all factors relevant to the project may be considered, including cumulative impacts." While these other factors can be considered there is limited information provided with the public notice that can assist the Corps and TCEQ in making a decision.

This project potentially poses significant water quality impacts to the Colorado River if stormwater runoff is not managed appropriately. The 404 certification process only indirectly addresses this factor. The TCEQ is required to ensure that the Texas Surface Water Quality Standards are protected for this segment of the river. Pollutants carried in stormwater runoff from a developed site have the potential to impact the dissolved oxygen, a key water quality parameter for this segment. Additionally, hazardous materials from fuel storage facilities, maintenance facilities, and other potentially toxic substances can also be transported in stormwater runoff if not properly contained and treated.

The background information provided at this stage is insufficient to determine whether the water quality standards will be maintained, or to adequately assess potential water quality impacts to the Colorado River and its tributaries by activities authorized by this permit. It is unclear how proposed minimization and/or mitigation activities will prevent pollutants generated by construction phases and post-construction airport activities from entering the tributaries or the Colorado River. The only other water quality protection requirement for this project will be TCEQ's Stormwater Pollution Prevention Plan (SWP3) which has no public input process. Furthermore, the SWP3 only addresses stormwater management during the construction phase of the project and does not require any post-construction, permanent stormwater best-management practices to treat runoff.

#### Stormwater Runoff Management

The public notice information does not address how construction phases or ongoing operations and proposed stormwater facility design will effectively manage the pollutant removal process for stormwater runoff. There is no mention of potential pollutants that may be present in stormwater runoff, or how pollutants will be treated and/or removed prior to discharge to the tributary or the Colorado River during construction/pre-development phases or during long-term operations of the facility.

Replacing a wet-weather stream with impervious lined channels and culverts as proposed will reduce pollutant attenuation, infiltration and base flow to local waterways and the river. Generally, engineered wetlands, water quality wet ponds or other best management practices should be required as mitigation for the loss of these important characteristics. The applicant intends to construct a stormwater detention pond to control flow, but does not discuss whether any treatment processes will filter or attenuate pollutants. Additionally, these generally acceptable best management practices may not be appropriate at this site due to the nature of the proposed business as discussed below, and it is important to understand how these mitigation measures will be met for the life of the project.

As currently proposed, the stormwater detention pond will control only the peak flow and not the volume of flow. Increased runoff volume resulting from impervious cover coupled with peak flow control will result in longer periods of high flow than found in the pre-developed condition. These extended periods of high flow typically contribute to increased streambank erosion in receiving waters. Therefore, the proposed drainage system should include retention of the channel forming discharge (typically the 1-year storm) to control streambank erosion.

In the public notice, the applicant provided information that states the proposed detention pond and culvert system would incorporate a naturalized channel design ; however the location and specific design criteria is not provided and seems to be contradictory to the background submitted by the applicant. The applicant also states that they will maintain pre-development flows, but there is no drainage study provided to address how this will be accomplished.

#### Floodplain Considerations

The application states that the series of three in-line ponds and ephemeral streams that are to be filled in are within the 100-year floodplain of the Colorado River. We understand that Bastrop County is the floodplain coordinator for this project; however, the proposed stormwater pond is also within the 100-year floodplain of the Colorado River. LCRA is concerned that during a flood event, any hazardous materials or other pollutants that are within the pond will be released into the Colorado River.

#### Dredge and Fill

The TCEQ Tier II Questionnaire Section III Water quality impacts, A. requests a description of materials that will be dredged or used for fill. The applicant states that the soils within and around the jurisdictional waters that will be filled consist of clay and sand; however the applicant does not specify what materials will be used to fill the proposed fill sites. This should be clarified to explain what material will be used to fill the proposed fill sites.

#### Wetland and Waters of the U.S. Impacts and Mitigation

The information provided in the Permit Application Notice and Section 401 Tier II Water Quality Certification report does not sufficiently address wetland impacts and mitigation. Wetlands are present on the tract on the region of the river oxbow and are not mapped in the report. It is not possible to determine the potential impacts to the wetlands without being able to also review the environmental assessment that is currently being prepared. LCRA will be requesting a copy of the Environmental Assessment through the Freedom of Information Act in a separate request.

The TCEQ Tier II Water Quality Certification Appendix A: Compensatory Mitigation Plan discusses impacts to an ephemeral tributary and open water stock tank, but makes no

mention of identified wetlands. Before a determination can be made on potential impacts, the environmental assessment should be completed to determine the quality of the waters and wetlands present in terms of water quality benefits and habitat and to identify areas of potential restoration and guide the level of mitigation for loss of waters/wetlands. The applicant proposes to create a “stormwater detention pond” and riparian habitat to mitigate for the loss of waters of the U.S. They suggest that the 26 acre pond would be vegetated and kept full in order to provide wildlife habitat, however there is no demonstration of how this proposed design will effectively function as a flood control structure.

#### Federal Aviation Administration (FAA) Wildlife Hazard Assessment and Potential Conflict with FAA Guidelines That May Impact Water Quality

From the information provided in the public notice, it is not clear what class of airport will be constructed and what FAA guidance or regulations will apply to the proposed facility. LCRA has reviewed FAA guidance on new airports and questions whether FAA guidelines and requirements will be in conflict with proposed mitigation plans.

For example, a potential conflict is the FAA recommendation that new stormwater management facilities for airports be constructed to drain within 48 hours and not hold standing water that may result in a hazardous wildlife attractant. Where water remains, the FAA recommends construction of wildlife barriers, such as a bird wall, wire grids or netting between the attractant and the area of operation.

LCRA is concerned that FAA requirements may result in removal or alteration of the proposed stormwater facility design, thus potentially impacting the flow regime and water quality of the receiving stream. While LCRA appreciates the potential water quality benefits that riparian corridor enhancement of the Colorado River and the constructed wildlife habitat that the applicant is proposing for the new stormwater detention pond may provide, LCRA recommends a Wildlife Hazard Assessment be performed.

#### Future Phases

Future phases of the project are briefly mentioned in the permit application, but are not addressed in the supporting material. The applicant also states a contingency plan will be submitted at a later date if this permit is approved. The conceptual plans indicate future commercial development and an industrial park and these impacts are not addressed in the application. We believe that future phases and contingency plans of the project could also have impacts on waters of the U.S. and should be addressed at this time as a part of the full and complete project. We believe there may also be water and wastewater utility project impacts that should also be addressed as a part of the full and complete project.

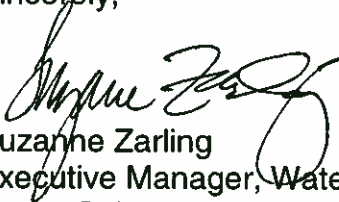
May 4, 2011  
Page 5

Summary

LCRA appreciates the opportunity to comment on this proposal. We respectfully request consideration of the issues outlined in this letter, and also request a public hearing be held to ensure all available information is provided for development of a thorough Environmental Assessment. Through a separate letter and the Freedom of Information Act, LCRA will be requesting the USACE Environmental Assessment to review.

If you have any questions, please contact Lisa Hatzenbuehler, Water Quality Protection Manager at (512) 473-4082.

Sincerely,



Suzanne Zarling  
Executive Manager, Water Services  
Lower Colorado River Authority