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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 11, 2008

Dr. Eric Miller  
Central Texas Pain Center  
10411 Oak Forest Way  
New Braunfels, Texas 78130

Re: Edwards Aquifer, Comal County  
NAME OF PROJECT: Central Texas Pain Center; Located south of SH 46, at the southwest corner of Oakrun Parkway and Hunter Village; New Braunfels, Texas  
TYPE OF PLAN: Request for Modification of a Water Pollution Abatement Plan (WPAP); 30 Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer  
Edwards Aquifer Protection Program ID No. 1964.04; Investigation No. 614363; Regulated Entity No. RNI105390593 (A.K.A. Hunter's Creek Business Park; EAPP No. 1964.02; RNI104590567)

Dear Dr. Miller:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the request for modification of the approved WPAP for the above-referenced project submitted to the San Antonio Regional Office by S. Craig Hollmig, Inc. on behalf of Central Texas Pain Center on January 4, 2008. Final review of the WPAP was completed after additional material was received on February 22, 2008, March 5, 2008, and March 10, 2008. As presented to the TCEQ, the Temporary and Permanent Best Management Practices (BMPs) and construction plans were prepared by a Texas Licensed Professional Engineer to be in general compliance with the requirements of 30 TAC Chapter 213. These planning materials were sealed, signed and dated by a Texas Licensed Professional Engineer. Therefore, based on the engineer's concurrence of compliance, the planning materials for construction of the proposed project and pollution abatement measures are hereby approved subject to applicable state rules and the conditions in this letter. The applicant or a person affected may file with the chief clerk a motion for reconsideration of the executive director's final action on this Edwards Aquifer Protection Plan. A motion for reconsideration must be filed no later than 23 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10 percent of the construction has commenced on the project or an extension of time has been requested.*

### BACKGROUND

By letter dated July 18, 2006, approval was granted for the construction of a 1.5 acre street, drainage, and water and wastewater utilities for 14 lots within the 22.38 acre Hunter's Business Park (EAPP No. 1964.02). As a term of approval, the development of these lots would be addressed with a separate WPAP. This modification is for development of the 0.8 acre Lot 7 within the Hunter's Creek Business Park.

### PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 0.8 acres. It will include a new medical office building, associated parking and driveways. The impervious cover will be 0.40 acres

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(50%). Project wastewater will be disposed of by conveyance to the existing Gruens Wastewater Treatment Plant owned by the New Braunfels Utilities.

**PERMANENT POLLUTION ABATEMENT MEASURES**

To prevent the pollution of stormwater runoff originating on-site or upgradient of the site and potentially flowing across and off the site after construction, sedimentation/filtration basin designed using the TCEQ technical guidance document, Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices (2005) will be constructed to treat stormwater runoff. The required total suspended solids (TSS) treatment for this project is 359 pounds of TSS generated from the 0.8 acres of impervious cover. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

The following table provides a summary of the site's permanent pollution abatement measures.

Water-shed & Basin	Total Area (acres)	Imp. Cover (acres)	Calc. Run-Off Depth (in)	Calc. Min. Capture Volume (ft <sup>3</sup> )	Design Capture Volume (ft <sup>3</sup> )	Calc. Min. Filter Area (ft <sup>2</sup> )	Design Filter Area (ft <sup>2</sup> )	Target TSS Removal (lb/yr)	Designed TSS Removal (lb/yr)
A	0.79	0.39	1.60	1,949	2,024	162	295	350	359
Uncapt.B	0.0046	0.0046	----	----	----	----	----	4	----
Uncapt.C	0.0054	0.0054	----	----	----	----	----	5	----
Total	0.80	0.40	----	----	----	----	----	359	359

The filtration system for the basin will consist of:

1. 295 ft<sup>2</sup> of sand, which is 18 inches thick,
2. an underdrain piping system covered with a 2 inch gravel layer and a geotextile membrane, and
3. an impervious clay liner.

**GEOLOGY**

The original geologic assessment from the original WPAP application, approved by letter dated July 18, 2006, was included with the application. One closed depression (S-7) was reported on southeast corner of Lot 7. It was assessed as not sensitive because it was described as an uprooted tree. The San Antonio Regional Office did not conduct a site assessment.

**SPECIAL CONDITIONS**

- I. The holder of the approved Edwards Aquifer WPAP must comply with all provisions of 30 TAC Chapter 213 and all best management practices and measures contained in the application.
- II. This modification is subject to all Special and Standard Conditions listed in the WPAP approval letter dated July 18, 2006. (DATE)
- III. All permanent pollution abatement measures shall be operational prior to occupancy of the facility.
- IV. Intentional discharges of sediment laden storm water are not allowed. If dewatering becomes necessary, the discharge will be filtered through appropriately selected best management

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- practices. These may include vegetated filter strips, sediment traps, rock berms, silt fence rings, etc.
- V. All sediment and/or media removed from the water quality basin during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335, as applicable.
- VI. 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.
- VII. For any future modification to this WPAP, including lot development, the owner/developer must submit a revised and updated overall site plan of the entire Hunter's Business Park to the San Antonio Regional Office of the TCEQ which includes the boundaries of each lot, and Edwards Aquifer Protection Program file number. The following information should be clearly labeled or drawn on the overall site plan: existing and proposed lot names and boundaries, Edwards Aquifer Protection Program file number, and existing and proposed permanent BMPs.

#### STANDARD CONDITIONS

1. Pursuant to Chapter 7 Subchapter C of the Texas Water Code, any violations of the requirements in 30 TAC Chapter 213 may result in administrative penalties.

#### Prior to Commencement of Construction:

2. Within 60 days of receiving written approval of an Edwards Aquifer Protection Plan, the applicant must submit to the 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 form (Deed Recordation Affidavit, TCEQ-0625) that you may use to deed record the approved WPAP is enclosed.
3. All contractors conducting regulated activities at the referenced project location shall be provided a copy of this notice of approval. At least one complete copy of the approved WPAP and this notice of approval shall be maintained at the project location until all regulated activities are completed.
4. Modification to the activities described in the referenced WPAP application following the date of approval may require the submittal of a plan to modify this approval, including the payment of appropriate fees and all information necessary for its review and approval prior to initiating construction of the modifications.
5. The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation of the referenced project. Notification must be submitted to the San Antonio Regional Office no later than 48 hours prior to commencement of the regulated activity. Written notification must include the date on which the regulated activity will commence, the name of the approved plan and program ID number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed

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

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

During Construction:

8. During the course of regulated activities related to this project, the applicant or agent shall comply with all applicable provisions of 30 TAC Chapter 213, Edwards Aquifer. The applicant shall remain responsible for the provisions and conditions of this approval until such responsibility is legally transferred to another person or entity.
9. If any sensitive feature (caves, solution cavities, sink holes, etc.) is discovered during construction, all regulated activities near the feature must be suspended immediately. The applicant or his agent must immediately notify the San Antonio Regional Office of the discovery of the feature. Regulated activities near the feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the feature and the aquifer from potentially adverse impacts to water quality. The plan must be sealed, signed, and dated by a Texas Licensed Professional Engineer.
10. Zero wells exist on site. All water wells, including injection, dewatering, and monitoring wells must be in compliance with the requirements of the Texas Department of Licensing and Regulation under Title 16 TAC Chapter 76 (relating to Water Well Drillers and Pump Installers) and all other locally applicable rules, as appropriate.
11. If sediment escapes the construction site, the sediment must be removed at a frequency sufficient to minimize offsite impacts to water quality (e.g., fugitive sediment in street being washed into surface streams or sensitive features by the next rain). Sediment must be removed from sediment traps or sedimentation ponds not later than when design capacity has been reduced by 50 percent. Litter, construction debris, and construction chemicals shall be prevented from becoming stormwater discharge pollutants.
12. The following records shall be maintained and made available to the executive director upon request: the dates when major grading activities occur, the dates when construction activities temporarily or permanently cease on a portion of the site, and the dates when stabilization measures are initiated.
13. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and construction activities will not resume within 21 days. When the initiation of stabilization measures by the 14th day is precluded by weather conditions, stabilization measures shall be initiated as soon as practicable.