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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 24, 2003

Mr. Thomas H. Hornseth, P.E.
Comal County
195 David Jonas Drive
New Braunfels, Texas, 78132

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Comal County Engineers Office; Located at 195 David Jonas Drive;
New Braunfels, Texas
TYPE OF PLAN: Request for Approval of a Water Pollution Abatement Plan (WPAP); 30
Texas Administrative Code (TAC) Chapter 213 Edwards Aquifer Protection Program File
No. -309.01, Investigation No. 148617

Dear Mr. Hornseth:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the WPAP application for the referenced project you submitted to the San Antonio Regional Office on behalf of Comal County on June 4, 2003. Final review of the WPAP submittal was completed after additional material was received on August 22, 2003, and September 12, 2003. 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, modification to a plan, or exception. A motion for reconsideration must be filed no later than 20 days after the date of this approval letter. *This approval expires two (2) years from the date of this letter unless, prior to the expiration date, more than 10% of the construction has commenced on the project or an extension of time has been requested.*

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

BACKGROUND

The subject site consists of six tracts totaling 46.503 acres summarized in the table below, and illustrated on Exhibit "A" (enclosed).

Tract	Acquired	Acres	Type of Impervious Cover	Impervious Cover (Acres)	Impervious Cover (Percent)
1 2	1978	6.531	Pavement	4.33 ¹	77.03
	1986	3.050	Office & shop Buildings		
	Total	9.581	Storage Yards	3.05 ²	
3	1995	1.383	Storage Yards	1.383 ³	100.0
4	1997	1.474	Access road to county recycling operation	0.581	39.42
5	1999	14.065	Approximately 1.5 acres of mulching operation	0	0.00
5A			Proposed JP & Road	2.189	15.56
6	2003	20.00	Road, barn, shed, house	0.925	4.63
6A			Extension Offices	0.591	-----
Tracts 1 - 5		26.503	-----	11.533	43.51
Tracts 6 & 6A		20.00	-----	1.516	7.58
Total		46.503	-----	13.049	28.06

1 Includes 0.728 acres of impervious cover approved by TNRCC letter dated 10/6/93, and treated by 1.19 acres of vegetated filters. Also includes 0.608 acres of recently paved impervious cover located north of the office and west of the main entrance driveway.

2 Storage yards for road base, crushed limestone and sand. Areas are paved and unpaved, and existed prior to regulation of impervious cover on 3/21/90.

3 Storage yards for road base, crushed limestone and sand. Areas are paved and unpaved.

One 10,000 gallon above ground storage tank (AST) and one 500 gallon AST were approved by letter dated October 12, 1993. One 15,000 gallon replacement AST was approved by letter dated March 20, 2000.

PROJECT DESCRIPTION

The proposed commercial project will have an area of approximately 46.503 acres and will have the following parameters:

- The proposed new construction will include buildings for the Comal County Justice of the Peace, with office space for a Constable, Adult Probation and Addressing/GIS staff; the Comal County Extension Service; and an access road.
- The total impervious cover for the 46.503 acre project site is summarized in the table above.
- According to a letter dated, May 28, 2003, signed by Thomas H. Hornseth, P.E., with Comal County, the site in the development is acceptable for the use of on-site sewage facilities.

PERMANENT POLLUTION ABATEMENT MEASURES

To prevent pollution of stormwater runoff originating on-site or up-gradient of the site and potentially flowing across and off the 46.503 acre site (see enclosed WPAP Site Plan) after construction, the impervious cover (0.925 acres) in Drainage Area #1 (20 acres) will use existing downgradient vegetation, a sedimentation/filtration basin will be provided for Drainage Areas #2 (16.964 acres) and #3 (9.539 acres). The individual treatment components will consist of:

Drainage Area #2: The partial sedimentation/filtration basin is designed in accordance with the 1999 edition of the TNRCC's "Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices," and is sized to capture the first 0.75 inch of stormwater run-off from 16.964 acres with 100% impervious cover, providing a total capture volume of 55,421 cubic feet. The filtration system will consist of:

1. 4,160 square feet of sand, which is 18 inches thick,
2. an underdrain piping wrapped with geotextile membrane, and
3. an impervious liner.

Drainage Area #3: The partial sedimentation/filtration basin is designed in accordance with the 1999 edition of the TNRCC's "Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices," and is sized to capture the first one inch of stormwater run-off from 9.539 with 100% impervious cover, providing a total capture volume of 41,552 cubic feet. The filtration system will consist of:

1. 3,120 square feet of sand, which is 18 inches thick,
2. an underdrain piping wrapped with geotextile membrane, and
3. an impervious liner.

GEOLOGY

According to the geologic assessment included with the submittal, there are seven geologic or manmade features located on the 46.503 acre project site. All features were assessed as having sensitivities of less than

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40. The San Antonio Regional Office site inspection of August 4, 2003, revealed that the site is as described by the geologic assessment and no additional geologic or manmade features were observed.

SPECIAL CONDITIONS

- I. Based on the August 4, 2003 on-site inspection of the project site, Commission records indicate that construction of two paved parking areas were actually initiated on or before August 4, 2003, and that other site development and construction activities have already been conducted. It was determined that approximately 2,450 square feet of pavement not included in previous WPAPs was constructed without the prior approval of the water pollution abatement plan for the project, as required by Commission rules (30 TAC Chapter 213). Therefore, the applicant is hereby advised that the after-the-fact approval of the WPAP modification, as provided by this letter, shall not absolve the applicant of any prior violations of Commission rules related to this project, and shall not necessarily preclude the Commission from pursuing appropriate enforcement actions and administrative penalties associated with such violations, as provided in 30 TAC §213.10 of Commission rules.
- II. The sedimentation/filtration basins are designed in accordance with the 1999 edition of the TCEQ's "Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices." The basins will incorporate sedimentation and filtration as described above.
- III. All sediment and or media removed from the partial sedimentation/filtration basins during maintenance activities shall be properly disposed of according to 30 TAC 330 or 30 TAC 335 as applicable.
- IV. The TCEQ does not agree with Comal County's assertion that because Watershed #1 has less than 20% impervious cover and the extension service functions as an educational facility, that it is exempt from the requirements of a WPAP. Watershed #1 is part of the 46.503 acre site and the total impervious cover of 28.06%.

The existing downgradient vegetation within Watershed #1 will be accepted as treatment of stormwater runoff from the associated impervious cover. Prior to any construction within Watershed #1 not approved by this letter, a modification to the WPAP must be submitted with appropriate application fees.
- V. Because stormwater treatment was proposed within Watershed #3, prior to any construction not approved by this letter within Watershed #3, appropriate construction plans must be submitted to the TCEQ to determine that no other sources of pollution are associated with the project.

STANDARD CONDITIONS

1. Pursuant to §26.136 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

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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 file number for the regulated activity, and the name of the prime contractor with the name and telephone number of the contact person. The executive director will use the notification to determine if the approved plan is eligible for an extension.
6. Temporary erosion and sedimentation (E&S) controls, i.e., silt fences, rock berms, stabilized construction entrances, or other controls described in the approved WPAP, must be installed prior to construction and maintained during construction. Temporary E&S controls may be removed when vegetation is established and the construction area is stabilized. 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 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. One well exists on the 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.

After Completion of Construction:

14. A Texas Licensed Professional Engineer must certify in writing that the permanent BMPs or measures were constructed as designed. The certification letter must be submitted to the San Antonio Regional Office within 30 days of site completion.
15. The applicant shall be responsible for maintaining the permanent BMPs after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. The regulated entity shall then be responsible for maintenance until another entity assumes such obligations in writing or ownership is transferred. A copy of the transfer of responsibility must be filed with the executive director through San Antonio Regional Office within 30 days of the transfer. A copy of the transfer form (TCEQ-10263) is enclosed.
16. Upon legal transfer of this property, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, a new Edwards Aquifer protection plan that specifically addresses the new activity must be submitted to the executive director. Approval of the plan for the new regulated activity by the executive director is required prior to commencement of the new regulated activity.
17. An Edwards Aquifer protection plan approval or extension will expire and no extension will be granted if more than 50 percent of the total construction has not been completed within ten years from the initial approval of a plan. A new Edwards Aquifer protection plan must be submitted to the San Antonio Regional Office with the appropriate fees for review and approval by the executive director prior to commencing any additional regulated activities.

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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 John Mauser of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4024.

Sincerely,



Margaret Hoffman

for Executive Director

Texas Commission on Environmental Quality

MH/jkm/eg

- Enclosure:
1. Exhibit "A" (Site acreage map, Document# 9706003685)
 2. WPAP Site Plan
 3. Deed Recordation Affidavit, Form TCEQ-0625
 4. Change in Responsibility for Maintenance or Permanent BMPs-Form TCEQ-10263

cc w/enclosures 1& 2:

Mr. John Bohuslav, TXDOT San Antonio District

Mr. Greg Ellis, Edwards Aquifer Authority

TCEQ Central Records MC 212

EXHIBIT "A"

LEGEND

- B.L. • BUILDING SETBACK LINE
- U.E. • UTILITY EASEMENT
- D.E. • DRAINAGE EASEMENT
- I.P.S. • IRON PIN SET
- I.P.F. • IRON PIN FOUND
- - - • FENCE
- E- • OVERHEAD ELECTRIC LINE
- ⊗ • POWERPOLE

NORTH
SCALE: 1" = 200'

20 AC
~~2003~~
3/2003

46.503 ✓

6.531 AC.
(274/383-384)
(645/292)

(11/1976)

3.050 AC.
(645/295)

(19867)

1.383 AC. DOC. # 950688748
(12/1995)

(14.065)

APPROX. 14 AC. -
REMAINDER OF
CALLED FIRST TRACT
CALLED 123.79 AC.
(156/18-20)

9-19-99

17.009 AC.
(131/185-187)

5.659 AC.
(658/79)

2.0 AC.

RECEIVED ICEC
SAN ANTONIO
REGION

2003 AUG -4 PM 2: 51

STATE HWY. No. 46

DOC# 9706003685

Reference field notes dated February 10, 1997,
of this 1.474 acre tract.

This plat may not conform to the subdivision
regulations of various governmental entities.

STATE OF TEXAS
COUNTY OF COMAL
This is to certify that this document was
FILED and RECORDED in the Official
Public Records of Comal County, Texas on the
date and time stamped thereon.

Doc# 9706003685
Pages: 5
Date : 02-21-1997
Time : 11:01:59 A.M.
Filed & Recorded in
Official Records
of COMAL County, TX.
JOY STREATER
COUNTY CLERK
Rec. .00



Joy Streater
COUNTY CLERK
COMAL COUNTY, TEXAS



S. CRAIG HOLLMIG, INC.
410 N. SEGUIN
NEW BRAUNFELS, TX 78130
(210) 625-8555

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF
THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL
SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE
ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON
ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED
ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

Being a 1.474 acre tract of land out of the
A. M. Holbrook Survey No. 423; Abstract No.
271, Comal County, Texas, and being out of
a tract called 123.79 acres conveyed out of
Heidrich by Deed recorded in Volume 156,
Pages 18-20 of the Deed Records of Comal
County, Texas.

This 10th day of February, 1997 A. D.

RA Goodwin

