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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 6, 2002

Mr. Robert L. Worth, Jr.
R.L. Worth and Associates
4040 Broadway, Suite 552
San Antonio, TX, 78216

Re: Edwards Aquifer, Comal County
NAME OF PROJECT: Heritage Business Park, 1650 and 1672 Independence Drive; 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 File No. 1814.00, Regulated Entity Reference Number RN102750627 and Edwards Aquifer Protection Program File No. 1605.00, Regulated Entity Reference Number RN102751252

Dear Mr. Worth:

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the request for modification of the approved WPAP for the referenced project submitted to the San Antonio Regional Office by Cara C. Tackett, P.E. on behalf of R.L. Worth & Associates on August 21, 2002. 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 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 percent of the construction has commenced on the project or an extension of time has been requested.*

PROJECT DESCRIPTION

The sites were previously approved by letters dated May 8, 2002 (Heritage Business Park 1814.00 WPAP), and February 2, 2001 (Oak Run Commercial Unit 9 1605.00 WPAP). As presented, the proposed modifications to the referenced Water Pollution Abatement Plans will consist of revisions to sedimentation/filtration Basin A of the Heritage Business Park WPAP and Basin A of the Oak Run Commercial Unit 9 WPAP (now referred to as Basin B-1). The revisions are reported to be necessary due to design changes required for the stormwater detention basin adjacent to both water quality basins.

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

The modifications to both sites are summarized in the plan as follows:

- Runoff from Watershed B-2 (2.68 acres) within the Heritage site is redirected to Basin B-1 within the Oak Run site. This requires the storage volume to Basin B-1 to be increased because the watershed draining to the basin has increased by 2.68 acres. This also results in the storage volume of Basin A to decrease because of the reduction in watershed size.
- Overflow from Basin B-1 is discharged to the creek instead of being sent to the detention basin.
- Upgradient runoff is directed around the Heritage Business Park site and directly into the detention basin. This upgradient runoff is detained in lieu of detaining the on-site runoff.

According to the plan, there is no change in population, water usage, or generation of wastewater as a result of this modification. No additional naturally occurring geologic features are reported to be impacted by this modification.

PERMANENT POLLUTION ABATEMENT MEASURES

Two previously approved sedimentation/filtration basins designed using the TNRCC technical guidance document, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (June 1999) will be modified and constructed to treat storm water runoff. Modified Basin A is designed to provide treatment for 5.03 acres of the site with a capture volume of 27,480 cubic feet and a sand filter area of 2,720 square feet. Basin B-1, as modified, is designed to provide treatment for 12.33 acres of the site with a capture volume of 62,398 cubic feet and a sand filter area of 7,264 square feet. The approved measures have been presented to meet the required 80 percent removal of the increased load in total suspended solids caused by the project.

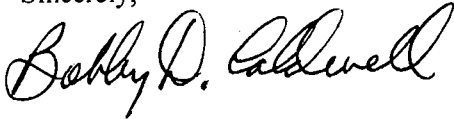
SPECIAL CONDITIONS

- I. This modification is also subject to all applicable Special and Standard Conditions listed in the WPAP approval letters of May 8, 2002 (Heritage Business Park WPAP), and February 2, 2001 (Oak Run Commercial Unit 9 WPAP).
- II. All existing permanent pollution abatement measures shall remain operational during modification construction activities and all proposed permanent measures must be operational prior to commencement of commercial activities on the respective site.
- III. The sedimentation/filtration basins are designed in accordance with the TNRCC technical guidance document, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices* (June 1999). The basins will incorporate sedimentation and filtration as described above.
- IV. 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.

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If you have any questions or require additional information, please contact Lynn M. Bumgardner of the Edwards Aquifer Protection Program of the San Antonio Regional Office at 210/403-4023.

Sincerely,



for Margaret Hoffman
Executive Director
Texas Commission on Environmental Quality

MH/LMB/eg

Enclosure: Deed Recordation Affidavit, Form TCEQ-0625
Change in Responsibility for Maintenance or Permanent BMPs-Form TCEQ-10263

cc: Ms. Cara C. Tackett, Pape-Dawson Engineers, Inc.
Mr. Michael Short, P.E., City of New Braunfels
Mr. Tom Hornseth, Comal County
Mr. Greg Ellis, Edwards Aquifer Authority
TCEQ Central Records, Building F, MC 212