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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 8, 2011

Mr. Jeff Knight Stone and Soil Depot, Inc. 4055 us Highway 281 N Spring Branch, TX 78070-6866

Re: Edwards Aquifer Protection Program, Comal County

Name of Project: Stone and Soil Depot; Located on the west side of Hwy 281, approximately 1,000 feet north of Hwy. 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

San Antonio File No. 380.01; Investigation No. 878353; Regulated Entity No. RN105809859

Dear Mr. Knight:

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 Forster Engineering on behalf of Stone and Soil Depot, Inc. on November 12, 2010. Final review of the CZP was completed after additional material was received on January 10, 2011, January 31, 2011 and February 2, 2011. 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.

#### **Project Description**

The proposed commercial project will have an area of approximately 7.1 acres. Since the site is currently in operation, this project includes moving material stockpiles to the northern half of the site, revegetating the southern two acres, paving the customer parking area, installing a trench drain across the entrance driveway and minor grading work. The impervious cover will

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

be 3.3 acres (46 percent). The license to operate a private sewage facility was dated April 13, 1995 and issued by Comal County.

#### 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, a vegetated filter strip, 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 2,962 pounds of TSS generated from the 3.3 acres of impervious cover. The approved measures meet the required 80 percent removal of the increased load in TSS caused by the project.

The individual treatment measures will consist of a 2.1 acre natural filter strip at the southern portion of the site. The filter strip extends along the entire length of the contributing area and exceeds the minimum direction of 50 feet. All areas of the site flow to the filter strip by sheet flow and the filter strip has a slope of less than 10 percent. The customer parking lot will be captured by a trench drain and directed to the natural filter strip. Sufficient distance has been provided to allow the captured storm water to achieve sheet flow. Due to the current activities at the site, the natural filter strip will first have to be revegetated. The material stockpiles will be removed from the southern 2.1 acres and then vegetation will be established. A fence will be installed to separate the filter strip from the work area.

#### **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.
- 2. Within 60 days from the date of this letter, submit a signed statement with photographs and sale receipts (or equivalent) to confirm an appropriately sized aboveground storage tank (AST) has been installed and the AST that was seen during the January 26, 2011 site assessment has been removed or taken out of service. If the larger tank will be taken out of service but left at the site, "Out of Service" should be clearly stenciled on all sides of the AST.
- 3. As discussed in the CZP application, the southern 2.1 acres must be stabilized and revegated to achieve sufficient water quality treatment. Drought and low rainfall conditions should not inhibit the stabilization and revegetation process and other means of promoting vegetation growth must be initiated to ensure the establishment of the permanent BMP. The rock berm downstream of the proposed filter strip must be left in place and properly inspected and maintained until an 80% vegetation cover has been achieved.
- 4. Since the site is currently in operation without permanent water quality treatment controls in place, provide status updates to the TCEQ regional office at three, six and nine months

from the date of this letter. The status updates should detail what activities have been accomplish to bring the site into compliance with this approval. The nine month status update should include the permanent BMP certification (see Standard Condition #14) which indicates the natural filter strip was constructed and is functioning as designed and approved.

#### 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 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 Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065. Sincerely,

Jun Mor

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

MRV/CEF/eg

Enclosures:

Deed Recordation Affidavit, Form TCEQ-0625A

Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-

10263

cc:

Mr. Charles Forster, P.E., P.G., Forster Engineering

Mr. Bill Krawietz, Mayor, City of Bulverde

Mr. Thomas Hornseth, P.E., Comal County Engineer

Mr. Karl Dreher, General Manager, Edwards Aquifer Authority

TCEO Central Records, Building F, MC212

Bryan W. Shaw, Ph.D. Charmon Buddy Garcia, Commissioner Carlos Rubinstem, Commissioner Mark R. Vickery P.G., Executive Director

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 8, 2011

Mr. Jeff Knight Stone and Soil Depot, Inc. 4055 us Highway 281 N Spring Branch, TX 78070-6866

Re: Edwards Aquifer Protection Program, Comal County

Name of Project: Stone and Soil Depot; Located on the west side of Hwy 281, approximately 1,000 feet north of Hwy 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

San Antonio File No. 380.01; Investigation No. 878353; Regulated Entity No. RN105809859

Dear Mr. Knight:

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 Forster Engineering on behalf of Stone and Soil Depot, Inc. on November 12, 2010. Final review of the CZP was completed after additional material was received on January 10, 2011, January 31. 2011 and February 2, 2011. 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.

#### **Project Description**

The proposed commercial project will have an area of approximately 7.1 acres. Since the site is currently in operation, this project includes moving material stockpiles to the northern half of the site, revegetating the southern two acres, paving the customer parking area, installing a trench drain across the entrance driveway and minor grading work. The impervious cover will

from the date of this letter. The status updates should detail what activities have been accomplish to bring the site into compliance with this approval. The nine month status update should include the permanent BMP certification (see Standard Condition #14) which indicates the natural filter strip was constructed and is functioning as designed and approved.

#### 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.

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 Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065. Sincerely,

Mark R. Vickery, P.G., Executive Director

Texas Commission on Environmental Quality

MRV/CEF/eg

Jun Mar

Enclosures: Deed Recordation Affidavit, Form TCEQ-0625A

Change in Responsibility for Maintenance of Permanent BMPs, Form TCEQ-

10263

cc: Mr. Charles Forster, P.E., P.G., Forster Engineering

Mr. Bill Krawietz, Mayor, City of Bulverde

Mr. Thomas Hornseth, P.E., Comal County Engineer

Mr. Karl Dreher, General Manager, Edwards Aquifer Authority

TCEQ Central Records, Building F, MC212



"RECEIVED TCEQ" SAN ANTONIO REGION 19915 Wittenburg San Antonio, Texas 78256 p (210) 698-5544 c (210) 771-5721 fforster@forsterengineering.com www.forsterengineering.com

## 2011 JAN 31 PM 3: 12

January 28, 2011

Ms. Charly Fritz
Texas Commission on Environmental Quality (TCEQ)
San Antonio Region 13, Edwards Aquifer Program
14250 Judson Road
San Antonio, Texas 78233
(210) 403-4065

RECEIVED

FEB 1 0 2011

**COUNTY ENGINEER** 

Subject:

Stone & Soil Depot, Inc., US Hwy 281 and Hwy 46

Contributing Zone Plan – Notice of Deficiency 2 Responses

San Antonio File No. 380.01

Dear Ms. Fritz:

As requested in your email correspondence dated January 18, 2010 (copy attached), we are providing one (1) original and three (3) copies of responses to Notice of Deficiency 2 for the Stone & Soil Depot, Inc., US Hwy 281 and Hwy 46 Contributing Zone Plan (CZP). Your comments and our responses are provided below as follows:

1. Since the site is currently under an enforcement order for construction without authorization, describe the time frames for implementing the proposed measures described in the application.

Existing stockpiles and materials will be removed from the proposed vegetated filter strip area within 3 months of permit approval. Site preparation and revegetation will performed within 6 months of permit approval. Installation of bull rock, pavement, and grate inlet will be performed within 6 months of permit approval. Any remaining measures including installation of the 490 gallon AST will be fully implemented within 9 months of permit approval.

2. Although typical construction is not occurring at the site, portions of the Temporary Stormwater Section are still relevant to the site. Provide the Temporary Stormwater Section (TCEQ-0602) or a SWPPP.

The Temporary Storm Water Section has been prepared as requested and is attached herewith.

3. Activities like installing the trench grate and pipe and grading have the potential to discharge sediment while the installation/grading activity is occurring. Describe the BMPs to prevent the discharge of sediment offsite.

Construction of the trench grate and discharge pipe will take approximately one week to accomplish before final stabilization has been achieved. BMPs will include performing this work during a time window when rainfall is not predicted to occur. In the event of rain during the grate

- 1 -

1012-10

Ms. Charly Fritz 2/1/11
Stone & Soil Depot, Inc., US Hwy 281 and Hwy 46
Contributing Zone Plan – Notice of Deficiency 2 Responses

inlet construction process, gravel filter bags will be placed down gradient of the grate inlet to control storm water runoff. Proposed grading will also be planned for times when rainfall is not predicted to occur. A rock berm will be constructed at the southern boundary of the site to control any stormwater runoff associated with the grading or re-vegetation activities.

4. How is the area under the soil/mulch piles (parallel to 281) pervious cover? Is this area not compacted like the areas adjacent to the piles?

The soil and mulch piles are located on natural ground areas. These areas were intentionally left free of compacted base to avoid co-mingling of base material with soil or mulch during the loading process.

5. Update the project description, Attachment C, to include the description from the NOD response on the process used to revegetate the southern 2.1 acres (#3) and the material handling practices and general housekeeping procedures (#5).

Attachment C has been updated as requested and is attached herewith.

6. Update the project description, Attachment C, to describe measures used to contain and abate spills from the aboveground storage tank.

Attachment C has been updated as requested and is attached herewith.

7. Update Item #41 on the CZP form.

Item #41 had been updated as requested and is attached herewith.

8. On the site plan, include the Contributing Zone Plan General Construction Notes (TCEQ-0592A) and include the design criteria for the natural filter strips from the NOD response.

The Contributing Zone Plan General Construction Notes and design criteria for the natural filter strips from the NOD 1 response have been added to the site plan (Exhibit 1) as requested.

#### Site Plan

9. Designate an area on the site plan where equipment and company vehicles will be kept when not in use and where maintenance of vehicles/equipment will occur. Describe abatement measures which can include structural measures (ex. bermed or crushed granite) and response procedures in the event of a spill. Consider including the AST within this designated area.

An equipment parking and maintenance area has been designated and identified on Exhibit 1. The AST is located within this area as suggested. Spill abatement and response measures are provided in the Temporary Storm Water Section provided herewith.

1012-10 - 2 -

Ms. Charly Fritz 2/1/11 Stone & Soil Depot, Inc., US Hwy 281 and Hwy 46 Contributing Zone Plan – Notice of Deficiency 2 Responses

10. On the site plan, label the proposed areas where material (i.e., rocks, stones, soil, etc.) will be stored.

Proposed material storage areas for mulch, soil, and stone have been labeled on the site plan (Exhibit 1) as requested.

11. Although stated there will be sheet flows at the site, the soil, mulch and compost piles are located towards the front of the lot and based upon contours and flows, will have the least amount of contact time with the natural filter strip. Describe structural practices that will be used to divert flows away from the stockpiles and limit the discharge of pollutants from the soil, mulch and compost piles.

Soil, mulch, and compost piles will be placed to create a topographic high around which the storm water will sheet flow. Creation of this structural topographic high will minimize the amount of storm water contact to rainfall which actually falls on the piles, and will limit the discharge of pollutants from the soil, mulch, and compost piles.

We appreciate your consideration of these responses in support of our permit application. If you have any questions or require additional information, please do not hesitate to contact me at your earliest convenience.

- 3 -

Sincerely, Forster Engineering (TBPE # F-12385)

Charles P. "Frosty" Forster, P.E., P.G.

Principal

1/20/11

1012-10

#### **Frosty Forster**

From: Charly Fritz [Charly Fritz@tceq.texas.gov]

Sent: Tuesday, January 18, 2011 12:23 PM

To: fforster@forsterengineering.com

Subject: Stone & Soil Depot, Inc. US281 and Hwy 46 - NOD 2

Frosty,

I've looked through the first response and noted some additional items (below) that need to be resolved. Like the first NOD, the due date is within 14 days and I'll need one original and four copies of the amended material.

I also need to conduct a site assessment for the property. Since it's a small site on the contributing zone, you or Mr. Knight don't need to be present unless you want to be. I'm planning to go out there early next week.

Let me know if you have any questions.

- Since the site is currently under an enforcement order for construction without authorization, describe the time frames for implementing the proposed measures described in the application.
- Although typical construction is not occurring at the site, portions of the Temporary Stormwater Section are still relevant to the site. Provide the Temporary Stormwater Section (TCEQ-0602) or a SWPPP.
- Activities like installing the trench grate and pipe and grading have the potential to discharge sediment while the installation/grading activity is occurring. Describe the BMPs to prevent the discharge of sediment offsite.
- 4. How is the area under the soil/mulch piles (parallel to 281) pervious cover? Is this area not compacted like the areas adjacent to the piles?
- 5. Update the project description, Attachment C, to include the description from the NOD response on the process used to revegetate the southern 2.1 acres (#3) and the material handling practices and general housekeeping procedures (#5).
- 6. Update the project description, Attachment C, to describe measures used to contain and abate spills from the aboveground storage tank.
- Update Item #41 on the CZP form.
- 8. On the site plan, include the Contributing Zone Plan General Construction Notes (TCEQ-0592A) and include the design criteria for the natural filter strips from the NOD response.

#### Site Plan

- 9. Designate an area on the site plan where equipment and company vehicles will be kept when not in use and where maintenance of vehicles/equipment will occur. Describe abatement measures which can include structural measures (ex. bermed or crushed granite) and response procedures in the event of a spill. Consider including the AST within this designated area.
- 10. On the site plan, label the proposed areas where material (i.e., rocks, stones, soil, etc.) will be stored.
- 11. Although stated there will be sheet flows at the site, the soil, mulch and compost piles are located towards the front of the lot and based upon contours and flows, will have the least amount of contact time with the natural filter strip. Describe structural practices that will be used to divert flows away from the stockpiles and limit the discharge of pollutants from the soil, much and compost piles.

## Charly Fritz

Edwards Aquifer Protection Program TCEQ - San Antonio Region Phone (Direct): (210) 403-4065

Phone (Office): (210) 490-3096

Fax: (210) 545-4329 charly.fritz@tceq.texas.gov

#### **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

	ated Ent	ity Name: STONE AND SOIL DEPOT, INC. US HWY 281 & HWY 46 AL 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.	Custor	ner (Applicant): STONE AND SOIL DEPOT, INC.
	Entity:	
	Agent/	Representative (If any):
	Entity:	one: (210) 698-1544 FAX: N/A
3.	<u>√</u>	This project is inside the city limits of <b>BULVERDE</b> , <b>TEXAS</b> . This project is outside the city limits but inside the ETJ (extra-territorial jurisdiction) of
	_	This project is not located within any city's limits or ETJ.
4.	provide	cation of the project site is described below. Sufficient detail and clarity has been ed so that the TCEQ's Regional staff can easily locate the project and site boundaries eld investigation.
		From TCEQ's Region 13 Office, go northwest on Judson Road to Loop 1604 (2.6 miles) and turn left. Continue on Loop 1604 (5.4 miles) to US-281 North and turn right. Continue on US-281 North (13.5 miles) to Stone and Soil Depot on left (west) side of US-281.
5.	√_	ATTACHMENT A - Road Map. A road map showing directions to and the location of the project site is found as at the end of this form.
6.	<u>√</u>	ATTACHMENT B - USGS Quadrangle Map. A copy of the USGS Quadrangle Map (Scale: 1" = 2000') is found at the end of this form. The map(s) clearly shows:  Very Very Very Very Very Very Very Very
7.	<u>√</u>	ATTACHMENT C - Project Narrative. A detailed narrative description of the

proposed project is found at the end of this form, provided as follows:

Stone and Soil Depot, Inc, US Hwy 281 & Hwy 46 is an existing retail operation located approximately ¼ mile north of the intersection of US 281 North and Hwy 46 on the west side of US 281. The total project site is approximately 7.1 acres. This facility sells bulk stone, soil, compost, and mulch products. The land on which the facility is located is leased from the owner Mr. David Bamgerger, and is subject to Enforcement Case No. 38658. This CZP is prepared in partial fulfillment of the requirements of the referenced enforcement case.

A meeting was held September 9, 2010 at the TCEQ Region 13 Office to discuss the current site conditions, and determine a reasonable approach to return the site to an in-compliance status. It was determined at that meeting that a combination of best management practices (BMPs) including re-grading, replanting disturbed areas, native vegetative filter strips or engineered vegetative filter strips, and implementation of material handling practices and general housekeeping procedures would return the facility to an in-compliance status. The Permanent BMPs proposed in this permit application include those agreed upon in the September 9th meeting.

Mulch piles or rock located on the southern 2.1 acres will be removed by normal sales or relocated onto the proposed 5 acre permit site. Existing undisturbed areas will not be altered. The currently existing cleared area will be smoothed to a uniform slope to promote sheet flow conditions, and prepared for planting. Permanent vegetation with a mix of erosion resistant, soil binding species will be planted. Depending on the time of year the area is planted, the area may be initially stabilized with an over-seeding of vegetation such as winter rye or oats to establish temporary cover. A barbed wire fence will be installed between the re-vegetated southern 2.1 acres and the proposed 5 acre permit site to prevent non-maintenance related vehicle traffic from entering this area.

Mulch and compost piles and stone storage will be maintained using on-site equipment to minimize their footprint. This process will be on-going as the piles are reduced by sales and material removal. Additionally, when material is brought on site, care will be exercised to ensure proper placement and stockpiling of mulch and compost in a neat and workman like manner. Bull rock placed at the entry to the parking lot from the active storage pile areas will be monitored and cleaned as necessary to maintain effectiveness. The parking lot will be maintained by hand or mechanical sweeping to remove tracked-in dirt or dust. Trash locations will be established and collected and disposed on a routine basis. The proposed grate inlet will be visually inspected after rain events, and accumulated soil or dirt will be removed. Grass mowing will be continued along the eastern site boundary and in the TxDOT right of way, and vagrant trash will be collected and disposed.

Soil, mulch, and compost piles will be placed to create a topographic high around which the storm water will sheet flow. Creation of this structural topographic high will minimize the amount of storm water contact to rainfall which actually falls on the piles, and will limit the discharge of pollutants from the soil, mulch, and compost piles.

In the event of accidental spills of hazardous materials or hydrocarbons, the sand material from on-site stockpiles will be used to construct dikes to contain large spills and to provide an absorbent material that can be disposed off the Contributing Zone during the cleanup process. The owner will contact TCEQ to notify them in the event of a spill of regulated quantities of hazardous materials. All contaminated soils caused by a spill will be required to be removed from the project and disposed in accordance with applicable regulations off the Contributing Zone.

Construction of the trench grate and discharge pipe will take approximately one week to accomplish before final stabilization has been achieved. BMPs will include performing this work during a time window when rainfall is not predicted to occur. In the event of rain during the grate inlet construction process, gravel filter bags will be placed down gradient of the grate inlet to control storm water runoff. Proposed grading will also be planned for times when rainfall is not predicted to occur. A rock berm will be constructed at the southern boundary of the site to control any storm water runoff associated with the grading or revegetation activities.

Existing stockpiles and materials will be removed from the proposed vegetated filter strip area within 3 months of permit approval. Site preparation and revegetation will performed within 6 months of permit approval. Installation of bull rock, pavement, and grate inlet will be performed within 6 months of permit approval. Any remaining measures including installation of the 490 gallon AST will be fully implemented within 9 months of permit approval.

8.	Existing project site conditions are r  Existing commercial Existing industrial sit Existing residential s  Existing paved and/o Undeveloped (Cleare Undeveloped (Undis Other:	site e ite or unpaved roads ed)	-
PROJ	ECT INFORMATION		
9.	The type of project is:  Residential: # of Lots:  Residential: # of Living Unit  Commercial Industrial Other:	Equivalents:	-
10.	Total project area (size of site): Total disturbed area:	7.1 6.9	Acres Acres
11.	Projected population:4		_

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	2,000	÷ 43,560 =	0.05
Parking	9,000	÷ 43,560 =	0.21
Other paved surfaces	132,422	÷ 43,560 =	3.04
Total Impervious Cover	143,422	÷ 43,560 =	3.3
Total Impervio	us Cover ÷ Total	Acreage x 100 =	46%

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 storm water discharges from the site include:

- Oil, grease, fuel, and hydraulic fluid contamination from vehicle drippings;
- Dirt and dust:
- Constituents from compost, mulch, and soil piles
- Miscellaneous trash and litter.
- 14.  $\sqrt{\phantom{a}}$  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.

15.	Type of project:					
	TXDOT road project.					
	County road or roads built to county spec	cifications.				
	City thoroughfare or roads to be dedicate					
	Street or road providing access to private					
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.				
	$L \times W = _{_{_{_{_{_{_{_{_{_{_{_{_{_{_{_{1}}}}}}}}$	acres.				
18.	Length of pavement area:	feet.				
	Width of pavement area:	feet.				
	$L \times W = Ft^2 \div 43,560 Ft^2/Acre =$	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 <b>not</b> 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.
STOR	MWATI	ER TO BE GENERATED BY THE PROPOSED PROJECT
21.	<u>√</u>	<b>ATTACHMENT E - Volume and Character of Stormwater.</b> 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.
		Calculations utilizing the Rational Method demonstrate storm water runoff will increase as a result of this development. For the 25-year storm event, the 9± acre drainage basin will produce a peak discharge rate of approximately 59 cfs under current conditions. A peak discharge rate of approximately 34 cfs would have been experienced under pre-developed conditions. The predevelopment runoff coefficient for the project site is based on observed conditions illustrated by the 2005 aerial photo and is estimated to be approximately 0.4. The post development runoff coefficient is based on existing site conditions and conditions illustrated by the 2010 aerial photograph and is estimated to be approximately 0.7 for the drainage basin.
WAST	EWATI	ER TO BE GENERATED BY THE PROPOSED PROJECT
22.	Waste	water will be disposed of by:
	<u>√</u>	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.
		Waste water from this site is treated by a pre-existing on-site septic system installed before this facility was placed into operation.
	***************************************	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.

TCEQ-10257 (Rev. 10/01/04) Page 5 of 12

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 500 gallons.

 $\underline{\sqrt{}}$  Items 23 – 29 are not applicable. This project does not include AST(s) containing more than 500 gallons.

#### 23. Tanks and substance stored:

AST Number	Size (Gallons)	Substance to be Stored	Tank Material
1			
2			
3			
4			
5			
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.
	****000000000	<b>ATTACHMENT G - Alternative Secondary Containment Methods.</b> 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.)	$\begin{array}{c} L \times W \times H = \\ (Ft^3) \end{array}$	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.		CHMENT H - AST Containment Structure Drawings. A scaled drawing of the nment 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.	storag	pills must be directed to a point convenient for collection and recovery. Spills from the tank facilities must be removed from the controlled drainage area for disposal within urs 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 thro	ough 41 must be included on the Site Plan.
30.		ite Plan must have a minimum scale of 1" = 400'. lan Scale: 1" = <u>50'.</u>
31.	100-ye	ear floodplain boundaries
	<u>√</u>	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.
		00-year floodplain boundaries are based on the following specific (including date of ial) sources(s):
		(Flood Insurance Rate Map for Comal County, Texas and Incorporated areas, 4854630220f, 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.	<u>√</u>	A drainage plan showing all paths of drainage from the site to surface streams.

TCEQ-10257 (Rev. 10/01/04) Page 7 of 12

34.	√	The drainage patterns and approximate slopes anticipated after major grading activities.
		Drainage flow patterns are illustrated with arrows indicating the direction of flow. Typical slopes in the project area range from 1.5 to 3 $\%$ .
35.	$\sqrt{}$	Areas of soil disturbance and areas which will not be disturbed.
		Approximately 0.2 acres on the south side of the project area has not been disturbed. The remainder of the site has been disturbed. Approximately 1.8 acres of disturbed areas on the the site will be reclaimed and vegetated with grass resulting in a 2.1 acre reclaimed and vegetated filter strip.
36.	√_	Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.
		Permanent best management practices include an interceptor grate inlet and vegetated filter area which are illustrated on Exhibit 1.
37.	<u>√</u>	Locations where soil stabilization practices are expected to occur.
		Disturbed soil areas will be stabilized over the entire site either by asphalt paving, base materials on driving surfaces, storage piles of mulch, compost, soil or stone products, and vegetated areas.
38.	<u>N/A</u>	Surface waters (including wetlands).
39.	$\overline{\sqrt{}}$	Locations where stormwater discharges to surface water. There will be no discharges to surface water.
40.	$\sqrt{}$	Temporary aboveground storage tank facilities. Temporary aboveground storage tank facilities will not be located on this site.
41.	<u>√</u>	Permanent aboveground storage tank facilities. Permanent aboveground storage tank facilities will not be located on this site.
		One 490 gallon fuel tank will be located on-site and used to supply on-site loading and hauling equipment. The fuel tank location is illustrated on Exhibit 1.
		est management practices (BMPs) and measures that will be used during and ction is completed.
42.	√_	Permanent BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction.
43.	√_	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

TCEQ-10257 (Rev. 10/01/04)

		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.
		As described in RG-348 3.4.6, the filter strips extend along the entire length of the contributing area, the slopes are 1.5 to 3%, the minimum dimension of the filter strip in the direction of flow exceeds 50 feet, and there are no adjacent drainages to consider with respect to the 2-yr, 3-hour storm.
44.	√_	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.	<u>NA</u>	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.
		<ul> <li>This site will be used for low density single-family residential development and has 20% or less impervious cover.</li> <li>This site will be used for low density single-family residential development but has more than 20% impervious cover.</li> <li>This site will not be used for low density single-family residential development.</li> </ul>
46.	√	The executive director may waive the requirement for other permanent BMPs for multifamily 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.
		NA 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.	ATTA	CHMENT J - BMPs for Upgradient Stormwater.

BMPs and measures for this site.

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 below.

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.

Approximately 1.5 acres of up gradient storm water from the Church Tract (located adjacent and north of the project site) will cross un-vegetated areas of the project site. An existing interceptor ditch along the north boundary of the Church Tract directs water eastward into the Hwy 281 drainage system, and westward into an interceptor ditch. The interceptor ditch to the west runs parallel and adjacent to, but outside the western boundary of the project site. Both the north and west interceptor ditches prevent up gradient storm water from crossing either the Church Tract or project site. Up gradient storm water from the Church Tract which enters the project site and flows across unvegetated portions of the project site will be treated by the permanent vegetated filter area BMP as illustrated on Exhibit 1.

Up gradient storm water approaching the project site from the west is redirected to the south of the project site by the existing interceptor ditch parallel to the project site's western boundary as illustrated on Exhibit 1. No up gradient storm water from the west will flow across the project site.

#### 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 below.

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.

The southern 2.1 acres of the project site will be composed of approximately 0.2 acres of undisturbed native vegetation and 1.8 acres of re-established vegetation which will serve as the permanent vegetated filter BMP for the project site as illustrated on Exhibit 1. The existing project site topography sheet-flows to this vegetated filter BMP along gentle slopes ranging from 1.5% to 3%. Well maintained and established grass filter strips along the project site's eastern boundary and in the right-of-way are in excess of 15 feet and filter minor flows heading eastward toward the US 281 drainage.

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

The southern 2.1 acres of the project site will be composed of approximately 0.2 acres of undisturbed native vegetation and 1.8 acres of re-established vegetation which will serve as the permanent vegetated

filter BMP for the project site as illustrated on Exhibit 1. The existing project site topography sheet-flows to this vegetated filter BMP along gentle slopes ranging from 1.5% to 3%. Well maintained and established grass filter strips along the project site's eastern boundary and in the right-of-way are in excess of 15 feet and filter minor flows heading eastward toward the US 281 drainage.

- 50. 

  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. 

  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.
- - 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.
  - \_\_\_ 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.

Surface runoff from the site is sheet-flow and therefore surface water discharges from the project site are not concentrated and velocities are not erosive. No significant changes to the way water enters a stream as a result of these regulated activities is anticipated.

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

54. 

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. 

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.  $\sqrt{\phantom{a}}$  One (1) original and three (3) copies of the complete application has been provided.
- 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. N/A 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.

Stone and Soil Depot, Inc, US Hwy 281 & Hwy 46 is an existing retail operation located approximately ¼ mile north of the intersection of US 281 North and Hwy 46 on the west side of US 281 and is subject to TCEQ Enforcement Case No. 38658. This CZP is prepared in partial fulfillment of the requirements of the referenced enforcement case. Since this is an existing operation, a Storm Water Pollution Prevention Plan (SWPPP) is not required as there are no construction activities. However, the information required by 30 TAC §213.24(1-5) are included within this permit application.

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:

CHARLES P. FORSTER, P. E.
Print Name of Gustomer/Agent

Signature of Gustomer/Agent

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: STONE AND SOIL DEPOT, INC. US HWY 281 & H26 46

#### POTENTIAL SOURCES OF CONTAMINATION

1.

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

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

	constr	ruction:				
	<u>√</u>	Aboveground storage tanks with a cumulative storage capacity of less that 250 gallons will 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 <b>Aboveground Storage Tank Facility Plan</b> 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.				
		One 490 gallon fuel tank will be located on-site and used to supply on-site loading and hauling equipment. The fuel tank location is illustrated on Exhibit 1.				
2.	√_	<b>ATTACHMENT A - Spill Response Actions</b> . 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 below.				
		In the event of accidental spills of hazardous materials or hydrocarbons, the sand material from on-site stockpiles will be used to construct dikes to contain large spills and to provide an absorbent material that can be disposed off the Contributing Zone during the cleanup process. The owner will contact TCEQ to notify them in the event of a spill of regulated quantities of hazardous materials. All contaminated soils caused by a spill will be required to be removed from the project and disposed in accordance with applicable regulations off the Contributing Zone.				
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.	<u>√</u>	ATTACHMENT B - Potential Sources of Contamination. Describe in an attachment at the end of this form below 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:				
		Potential Source - Asphalt products				

TCEQ-0602 (Rev. 10/01/04) Page 1 of 7

Preventative Measure - Asphalt, emulsions, or coatings will not be placed within 48 hours of a forecasted rainfall event. Personnel and equipment will be on standby during the asphalt product curing time to contain any asphalt wash-off in the event of unexpected rainfall

Potential Source – Oil, grease, fuel and hydraulic fluid contamination from equipment and vehicle dripping.

Preventative Measure – Vehicle maintenance will be performed off site when possible.

Potential Source – Miscellaneous trash and litter from workers and material wrappings.

Preventive Measure – Trash containers will be placed throughout the site to encourage proper trash disposal.

Potential Source - Construction debris.

Preventive Measure – Construction debris will be monitored daily. Debris will be collected weekly and placed in disposal bins. Situations requiring immediate attention will be addressed on a case by case basis.

Potential Source - Accidental leaks or spills of oil, petroleum products, or hazardous substances, which are used or stored temporarily on site.

Preventative Measures - Contractor shall incorporate discussions of spill prevention and response actions into regular safety meetings; proper spill prevention and control measures will be adhered to strictly; oil, petroleum products, or hazardous substances will be properly stored, and spill cleanup materials will be stored and readily accessible on site.

#### 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.

Mulch piles or rock located on the southern 2.1 acres will be removed by normal sales or relocated onto the proposed 5 acre permit site. Existing undisturbed areas will not be altered. The currently existing cleared area will be smoothed to a uniform slope to promote sheet flow conditions, and prepared for planting. Permanent vegetation with a mix of erosion resistant, soil binding species will be planted. Depending on the time of year the area is planted, the area may be initially stabilized with an over-seeding of vegetation such as winter rye or oats to establish temporary cover. A barbed wire fence will be installed between the re-vegetated southern 2.1 acres and the proposed 5 acre permit site to prevent non-maintenance related vehicle traffic from entering this area.

Construction of the trench grate and discharge pipe will take approximately one week to accomplish before final stabilization has been achieved. BMPs will include performing this work during a time window when rainfall is not predicted to occur. In the event of rain during the grate inlet construction process, gravel

TCEQ-0602 (Rev. 10/01/04) Page 2 of 7

filter bags will be placed down gradient of the grate inlet to control storm water runoff. Proposed grading will also be planned for times when rainfall is not predicted to occur. A rock berm will be constructed at the southern boundary of the site to control any storm water runoff associated with the grading or revegetation activities.

Existing stockpiles and materials will be removed from the proposed vegetated filter strip area within 3 months of permit approval. Site preparation and revegetation will performed within 6 months of permit approval. Installation of bull rock, pavement, and grate inlet will be performed within 6 months of permit approval. Any remaining measures including installation of the 490 gallon AST will be fully implemented within 9 months of permit approval.

6. <u>√</u> 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.
  - 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
  - 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.
  - 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.
  - c. A description of how BMPs and measures will prevent pollutants from entering surface streams, sensitive features, or the aquifer.
  - 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.

Mulch piles or rock located on the southern 2.1 acres will be removed by normal sales or relocated onto the proposed 5 acre permit site. Existing undisturbed areas will not be altered. The currently existing cleared area will be smoothed to a uniform slope to promote sheet flow conditions, and prepared for planting.

TCEQ-0602 (Rev. 10/01/04) Page 3 of 7

Permanent vegetation with a mix of erosion resistant, soil binding species will be planted. Depending on the time of year the area is planted, the area may be initially stabilized with an over-seeding of vegetation such as winter rye or oats to establish temporary cover. A barbed wire fence will be installed between the re-vegetated southern 2.1 acres and the proposed 5 acre permit site to prevent non-maintenance related vehicle traffic from entering this area.

Mulch and compost piles and stone storage will be maintained using on-site equipment to minimize their footprint. This process will be on-going as the piles are reduced by sales and material removal. Additionally, when material is brought on site, care will be exercised to ensure proper placement and stockpiling of mulch and compost in a neat and workman like manner. Bull rock placed at the entry to the parking lot from the active storage pile areas will be monitored and cleaned as necessary to maintain effectiveness. The parking lot will be maintained by hand or mechanical sweeping to remove tracked-in dirt or dust. Trash locations will be established and collected and disposed on a routine basis. The proposed grate inlet will be visually inspected after rain events, and accumulated soil or dirt will be removed. Grass mowing will be continued along the eastern site boundary and in the TxDOT right of way, and vagrant trash will be collected and disposed.

Soil, mulch, and compost piles will be placed to create a topographic high around which the storm water will sheet flow. Creation of this structural topographic high will minimize the amount of storm water contact to rainfall which actually falls on the piles, and will limit the discharge of pollutants from the soil, mulch, and compost piles.

In the event of accidental spills of hazardous materials or hydrocarbons, the sand material from on-site stockpiles will be used to construct dikes to contain large spills and to provide an absorbent material that can be disposed off the Contributing Zone during the cleanup process. The owner will contact TCEQ to notify them in the event of a spill of regulated quantities of hazardous materials. All contaminated soils caused by a spill will be required to be removed from the project and disposed in accordance with applicable regulations off the Contributing Zone.

Construction of the trench grate and discharge pipe will take approximately one week to accomplish before final stabilization has been achieved. BMPs will include performing this work during a time window when rainfall is not predicted to occur. In the event of rain during the grate inlet construction process, gravel filter bags will be placed down gradient of the grate inlet to control storm water runoff. Proposed grading will also be planned for times when rainfall is not predicted to occur. A rock berm will be constructed at the southern boundary of the site to control any storm water runoff associated with the grading or revegetation activities.

Existing stockpiles and materials will be removed from the proposed vegetated filter strip area within 3 months of permit approval. Site preparation and revegetation will performed within 6 months of permit approval. Installation of bull rock, pavement, and grate inlet will be performed within 6 months of permit

TCEQ-0602 (Rev. 10/01/04) Page 4 of 7

approval. Any remaining measures including installation of the 490 gallon AST will be fully implemented within 9 months of permit approval.

8.	Edwar	temporary sealing of a naturally-occurring sensitive feature which accepts recharge to the ards Aquifer as a temporary pollution abatement measure during active constructionally be avoided.				
	<u>√</u>	<b>ATTACHMENT E - Request to Temporarily Seal a Feature.</b> 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.	√_	<b>ATTACHMENT F - Structural Practices.</b> 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.				
		Soil, mulch, and compost piles will be placed to create a topographic high around which the storm water will sheet flow. Creation of this structural topographic high will minimize the amount of storm water contact to rainfall which actually falls on the piles, and will limit the discharge of pollutants from the soil, mulch, and compost piles.				
10.	√_	ATTACHMENT G - Drainage Area Map. A drainage area map is provided at the end of this form to support the following requirements. (EXHIBIT 1)				
		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.	<u>NA</u>	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, repairs, 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. <a href="#">√</a>
  All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections by the applicant or the executive director, or other information indicate a control has been used inappropriately, or incorrectly, the applicant must replace or modify the control for site situations.
- 14.  $\frac{\sqrt{\phantom{a}}}{\phantom{a}}$  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. <u>√</u> 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. <u>\lambda</u> 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 **below**. at the end of this form.

Mulch piles or rock located on the southern 2.1 acres will be removed by normal sales or relocated onto the proposed 5 acre permit site. Existing undisturbed areas will not be altered. The currently existing cleared area will be smoothed to a uniform slope to promote sheet flow conditions, and prepared for planting. Permanent vegetation with a mix of erosion resistant, soil binding species will be planted. Depending on the time of year the area is planted, the area may be initially stabilized with an over-seeding of vegetation such as winter rye or oats to establish temporary cover. A barbed wire fence will be installed between the re-vegetated southern 2.1 acres and the proposed 5 acre permit site to prevent non-maintenance related vehicle traffic from entering this area.

Existing stockpiles and materials will be removed from the proposed vegetated filter strip area within 3 months of permit approval. Site preparation and revegetation will performed within 6 months of permit approval. Installation of bull rock, pavement, and grate inlet will be performed within 6 months of permit approval. Any remaining measures including installation of the 490 gallon AST will be fully implemented within 9 months of permit approval.

- 18. 

  Necords 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.  $\frac{\sqrt{}}{}$  Stabilization practices must be initiated as soon as practicable where construction activities have temporarily or permanently ceased.

TCEQ-0602 (Rev. 10/01/04) Page 6 of 7

#### **ADMINISTRATIVE INFORMATION**

- 20.  $\underline{\checkmark}$  All structural controls will be inspected and maintained according to the submitted and approved operation and maintenance plan for the project.
- 21. NA

  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:

CHARLES P. FORSTER, P.E. Print Name of Gustomer/Agent

Signature of Customer/Agent

TCEQ-0602 (Rev. 10/01/04)

## STONE & SOIL DEPOT, INC., US HWY 281 AND HWY 46 CONTRIBUTING ZONE PLAN

#### **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 the Contributing Zone Plan. A copy of an Inspection Report Form is provided.

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.

## STONE & SOIL DEPOT, INC., US HWY 281 AND HWY 46 CONTRIBUTING ZONE PLAN

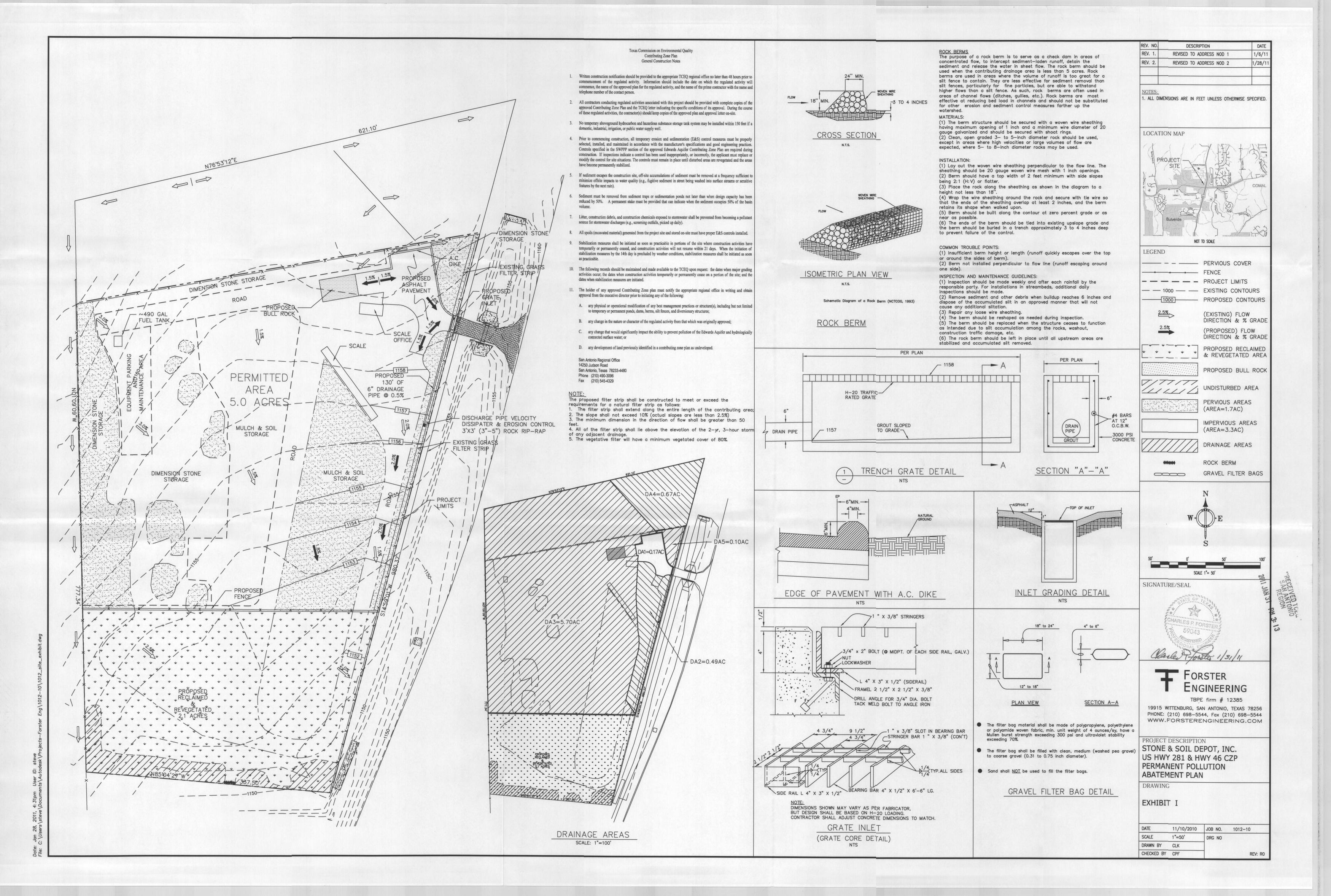
Pollution	.⊑ g	Corrective Action Required						
Prevention		Date						
Measure	Inspected in Compliance	Description	Completed					
BEST MANAGEMENT PRACT	ICES							
Natural vegetation buffer strips								
Temporary vegetation								
Permanent vegetation								
Sediment control basin								
Silt fences								
Rock berms								
Gravel filter bags								
Drain inlet protection								
Other structural controls								
Vehicle exits (off-site tracking)								
Material storage areas (leakage)								
Equipment areas (leaks, spills)								
Concrete washout pit (leaks, failure)								
General site cleanliness								
Trash receptacles								
EROSION EVIDENCE								
Site preparation								
Roadway or parking lot construction		_						
Utility construction								
Drainage construction								
Building construction								
MAJOR OBSERVATIONS								
Sediment discharges from site								
BMPs requiring maintenance								
BMPs requiring modification								
Additional BMPs required								
A brief statement describing th	e qua	alifications of the inspector	is included in this SWP3.					
"I certify under penalty of law that this document and all designed to assure that qualified personnel properly gather manage the system, or those persons directly responsible belief, true, accurate, and complete. I am aware there a imprisonment for knowing violations."	and eva	luate the information submitted. Based or ering the information, the information subm	n my inquiry of the person or persons who nitted is, to the best of my knowledge and					
"I further certify I am an authorized signatory in accordance	with the	provisions of 30 TAC §305.128."						
Inspector's Name	nspec	tor's Signature	Date					

# STONE & SOIL DEPOT, INC., US HWY 281 AND HWY 46 CONTRIBUTING ZONE PLAN

### PROJECT MILESTONE DATES

Date when major site grading activities begin:

Construction Activity	<u>Date</u>
Installation of BMPs	
Dates when construction activities temporarily or p portion of the project:	ermanently cease on all or a
Construction Activity	Date
Datas when stabilization measures are initiated:	
Dates when stabilization measures are initiated:	Date
Stabilization Activity	<u>Date</u>
Removal of BMPs	



19915 Wittenburg San Antonio, Texas 78256 p (210) 698-5544 c (210) 771-5721 fforster@forsterengineering.com www.forsterengineering.com

2011 JAN 10 PM 2: 13

January 8, 2011

Ms. Charly Fritz
Texas Commission on Environmental Quality (TCEQ)
San Antonio Region 13, Edwards Aquifer Program
14250 Judson Road
San Antonio, Texas 78233
(210) 403-4065

Subject:

Stone & Soil Depot, Inc., US Hwy 281 and Hwy 46

Contributing Zone Plan - Notice of Deficiency 1 Responses

San Antonio File No. 380.01

Dear Ms. Fritz:

As requested in your letter dated December 28, 2010 (copy attached), we are providing one (1) original and three (3) copies of responses to Notice of Deficiency 1 for the Stone & Soil Depot, Inc., US Hwy 281 and Hwy 46 Contributing Zone Plan (CZP). Your comments and our responses are provided below as follows:

1. As stated in §213.24(10), the CZP must describe the location and construction of any aboveground storage tank, storing static hydrocarbons, with a capacity of 500 gallons or greater. The AST must be constructed using the standards described in §213.5(e)(1). If the AST is still proposed, revise Items 23 through 29 of the CZP application and provide construction drawings of the proposed storage tank, in accordance with §213.5(e)(1)

The existing aboveground storage tank (AST) will be replaced with a tank having a storage capacity of approximately 490 gallons.

2. In addition to the buildings and driveway/parking area, revise the site plan (Exhibit 1) to show the layout of any stockpiles (soil, mulch, compost, stones, bricks, etc.), driving lanes (paved or unpaved) and any additional items that contributed to the 3.3 acres of impervious cover.

The site plan (Exhibit 1) has been revised to illustrate areas of pervious and impervious cover.

3. Explain the process, methods and/or procedures that will be used to reclaim and revegetate the southern 2.1 acres.

-1-

Mulch piles or rock located on the southern 2.1 acres will be removed by normal sales or relocated onto the proposed 5 acre permit site. Existing undisturbed areas will not be altered. The currently existing cleared area will be smoothed to a uniform slope to promote sheet flow conditions, and prepared for planting. Permanent vegetation with a mix of erosion resistant, soil binding species

will be planted. Depending on the time of year the area is planted, the area may be initially stabilized with an over-seeding of vegetation such as winter rye or oats to establish temporarycover. A barbed wire fence will be installed between the re-vegetated southern 2.1 acres and the proposed 5 acre permit site to prevent non-maintenance related vehicle traffic from entering this area.

## 4. For the installed OSSF system, provide a copy of the approval notice or the licenses to operate from Comal County to show the OSSF was installed properly.

The OSSF was permitted and installed prior to the applicant's occupation of the site in 2006. Based on communication with Comal County, the OSSF currently utilized by the applicant was originally permitted and approved for use by the mobile home sales business, which previously occupied the site. Stone and Soil Depot, Inc. connected to the existing OSSF, but made no modifications. A copy of the original OSSF permit has been requested from Comal County and will be forwarded upon receipt. As illustrated on the 2005 and 2006 aerial photographs obtained from the Comal County website, the applicant first occupied the site in 2006.

# 5. The project description states that a combination of BMPs, including material handling practices and general housekeeping procedures, will be implemented. Please describe and elaborate on the material handling and housekeeping procedures and practices that will be implemented.

Mulch and compost piles and stone storage will be maintained using on-site equipment to minimize their footprint. This process will be on-going as the piles are reduced by sales and material removal. Additionally, when material is brought on site, care will be exercised to ensure proper placement and stockpiling of mulch and compost in a neat and workman like manner. Bull rock placed at the entry to the parking lot from the active storage pile areas will be monitored and cleaned as necessary to maintain effectiveness. The parking lot will be maintained by hand or mechanical sweeping to remove tracked-in dirt or dust. Trash locations will be established and collected and disposed on a routine basis. The proposed grate inlet will be visually inspected after rain events, and accumulated soil or dirt will be removed. Grass mowing will be continued along the eastern site boundary and in the TxDOT right of way, and vagrant trash will be collected and disposed.

## 6. The driveway leading to Hwy. 281 is considered part of the project. Please explain the permanent BMPs that will treat storm water from the driveway.

The driveway leading to Hwy. 281 was constructed prior to the applicant's occupancy of this site. A copy of a 2005 aerial photo obtained from the Comal County website is provided to illustrate the presence of the driveway prior to any disturbance associated with this permit application. A copy of the 2006 aerial photo obtained from the Comal County website is also provided to illustrate the first occupancy of the project site by the applicant. For this reason, no BMPs are proposed to treat storm water from the previously existing driveway. Potential storm water run-off toward the existing driveway from approximately 8,000 square feet of proposed asphalt parking will be

1012-10 - 2 -

intercepted by a grate inlet, and maintained on the project site. Water exiting the grate inlet discharge pipe returns to sheet flow as it flows down gradient across 2% or flatter slopes for a distance greater than 250 feet before it reaches and is treated by the reclaimed 2.1 acre vegetated filter strip.

7. Since there will be activities related to reclaiming and re-vegetating the southern area, along with moving stockpiles, provide either a completed SWPPP or a completed Temporary Storm Water Form (TCEQ-0602).

The majority of the southern 2.1 acre portion of the site which is to be reclaimed is currently disturbed. An undisturbed strip along the southern site boundary is approximately 30 feet wide and currently acts as a native filter strip. No areas of additional soil disturbance are planned as part of the reclamation process. Reclamation will include removal of mulch piles or rock, smoothing existing cleared areas to promote sheet flow conditions, and planting erosion resistant, soil binding, permanent vegetation species. Since this is a reclamation project and no new construction activities or disturbed area will be created which would require a SWPPP, we respectfully request no SWPPP or Temporary Storm Water Form be required.

#### Vegetative Filter Strips

8. If the filter strip along Hwy. 281 is to be considered a permanent BMP, then specifically label the filter strip on the site plan.

The filter strip along Hwy 281 is an existing grass vegetative filter strip, which is currently mowed and maintained by Stone and Soil for aesthetic purposes. Approximately 5 to 8 feet of grass filter is on the Stone and Soil site, and the entire TxDOT right-of-way between the site and the roadway is heavily grassed. Based on site topography and field observations, less than 72 feet of surface drainage flows to this area of vegetation. Since the business on the project site is temporary in nature, TxDOT has no immediate plans for construction in this area, and all surface flows are being effectively treated, it was assumed this vegetative filter strip could be utilized as a "temporary" best management measure. To create a full 15 feet of permanent vegetative filter strip on the site would require part of the current site access road system to be reclaimed, and installation of a fence or other barricade to prevent vehicles from encroaching on the filter. Creating a full 15 feet of vegetative filter strip on site seems illogical and an unnecessary economic burden to the applicant given the abundant and effective existing vegetative filter and the temporary status of their operations. As a special provision, could the applicant be allowed to continue to maintain the vegetative filter both on their property, and in the TxDOT right-of-way with the special provision they will construct a full 15 foot filter on site if any of the TxDOT right-of-way is to be disturbed? The current property utilization is temporary. When sold and developed permanently, a completely new set of permanent BMPs will be required.

If the existing grass filter strip cannot be utilized, Exhibit 1 has been modified to illustrate minor grading which will direct all on-site water flows to the 2.1 acre vegetative filter strip.

1012-10 - 3 -

# 9. Unless authorization has been provided from TxDOT, the engineered filter strip along Hwy. 281 should be located completely on the project site and should not extend into the right of way.

Authorization has not been provided from TxDOT. Based on prior experience, it is virtually certain TxDOT will not allow any legal encumbrance on their right-of way. For this reason, TxDOT authorization will not be pursued. The filter strip along Hwy 281 is an existing grass vegetative filter strip, which is currently mowed and maintained by Stone and Soil for aesthetic purposes. Approximately 5 to 8 feet of grass filter is on the Stone and Soil site, and the entire TxDOT right-of-way between the site and the roadway is heavily vegetated. Based on field observations of the site topography, less than 72 feet of surface drainage will potentially flow to this area of vegetation. Additionally, since the business on the project site is temporary in nature, TxDOT has no immediate plans for construction in this area, and all surface flows are being effectively treated, it was assumed this vegetative filter strip could be utilized as a "temporary" best management measure. To create a full 15 feet of permanent vegetative filter strip on the site would require part of the current site access road system to be reclaimed, and installation of a fence or other barricade to prevent vehicles from encroaching on the filter. Creating a full 15 feet of vegetative filter strip on site seems illogical and an unnecessary economic burden to the applicant given the abundant and effective existing vegetative filter and the temporary status of their operations. As a special provision, could the applicant be allowed to continue to maintain the vegetative filter both on their property, and in the TxDOT right-of-way with the special provision they will construct a full 15 foot filter on site if any of the TxDOT right-of-way is to be disturbed? The current property utilization is temporary. When sold and developed permanently, a completely new set of permanent BMPs will be required.

If the existing grass filter strip cannot be utilized, Exhibit 1 has been modified to illustrate minor grading which will redirect storm water to the 2.1 acre vegetative filter strip under sheet-flow conditions.

## 10. To ensure the required TSS reduction amount is achieved, please delineate the drainage areas for the natural and the engineered filter strips.

The site plan (Exhibit 1) has been revised to illustrate the delineated drainage areas for the natural and engineered filter strips.

11. As stated in the Edwards Aquifer Technical Guidance Manual (TGM), the primary application for natural filter strips is undisturbed land adjacent to perimeter lots in subdivisions that will not drain to other BMPs. Explain how a natural filter strip is appropriate for this site since the proposed filter strip is not receiving storm water from a perimeter lot, the area where the filter strip is proposed is already disturbed and the area draining to the filter strip is larger than a typical perimeter lot.

Because of the existing topography and sheet-flow conditions on the site, storm water will not drain to any other BMP without significant grading or alteration of the existing topography. Although this site has been disturbed, it is being fully reclaimed and revegetated. The current operation is

1012-10 - 4 -

temporary and the TGM does allow use of vegetative filter strips as interim BMP measures on a phased development under certain conditions. Although the area draining to the filter strip is larger than a typical perimeter lot, the proposed 2.1 acre filter strip is also significantly larger than the typical natural filter strip and significantly exceeds the recommended 50% (1.65 acres) of the 3.3 acres of impervious cover on the contributing area.

#### 12. Provide design details and specifications for the natural and the engineered filter strips.

The proposed filter strip will be constructed to meet or exceed the requirements for a natural filter strip as follows:

- 1. The filter strip will extend along the entire length of the contributing area;
- 2. The slope does not exceed 10% (actual slopes are less than 2.5%)
- 3. The minimum dimension in the direction of flow is greater than 50 feet (actual dimensions range from a minimum of 75 feet to over 300 feet)
- 4. All of the filter strip lies above the elevation of the 2-yr, 3-hour storm of any adjacent drainage.
- 5. While there is no requirement for vegetation density or type, this vegetative filter will have a minimum vegetated cover of 80%.

# 13. Explain how the proposed filter strips, which cannot treat high velocity flows and do not provide enough storage or infiltration to reduce peak discharges, will prevent the discharge of pollutants related to stockpiling dirt, soil, compost or mulch.

Storm water across the site is sheet flow as illustrated by the contour lines on Exhibit 1. There are no high velocity or concentrated flows with the exception of one area on the southern boundary of the property. This area will be repaired and reclaimed as part of the native vegetated filter. The compost and mulch piles actually serve to attenuate the adverse erosive effects of rainfall on exposed native soil and reduce runoff. The proposed native vegetative filter is a minimum of 220 feet wide with gentle grades of 2.5% or less. Additionally, the entire site flowing to the proposed revegetated area has existing grades of 3% or less. With the exception of the aforementioned area on the southern boundary of the property, there have been no discharges of pollutants related to stockpiled dirt, soil, compost, or mulch discharging from the site. Once the southern 2.1 acres is revegetated, any contaminates will be trapped and held by the vegetation.

# 14. Please explain the purpose of the grate inlet and discharge pipe. How will storm water, captured by the grate, receive treatment?

The grate inlet is designed to intercept approximately 8,000 square feet (0.2 acres) of drainage from the proposed parking area, which would otherwise flow out the entry gate untreated into the TxDOT right of way. The grate inlet will intercept this potential discharge and redirect it on-site. Water intercepted by the grate inlet will exit a discharge pipe, and be treated by the 2.1 acre native vegetative filter strip on the down-gradient side of the site. The water discharging from the grate

1012-10 - 5 -

inlet discharge pipe will travel a linear distance of approximately 260 feet over 1.5 to 2% slopes, returning to sheet flow before entering the vegetative filter strip.

a. Filter strips should not receive concentrated storm water flows. If the purpose of the grate and pipe is to direct storm water to a filter strip, please revise the design of the system to prevent the concentration of flows over the filter strip.

The proposed 2.1 acre natural vegetated filter strip will no receive concentrated storm water flows. Water intercepted by the grate inlet will exit a discharge pipe, and be treated by the 2.1 acre native vegetative filter strip on the down-gradient side of the site. The water discharging from the grate inlet discharge pipe will travel a linear distance of approximately 260 feet over 1.5 to 2% slopes, returning to sheet flow before entering the vegetative filter strip.

b. To prevent erosion at the outfall of the pipe, provide velocity and/or erosion controls at the discharge point.

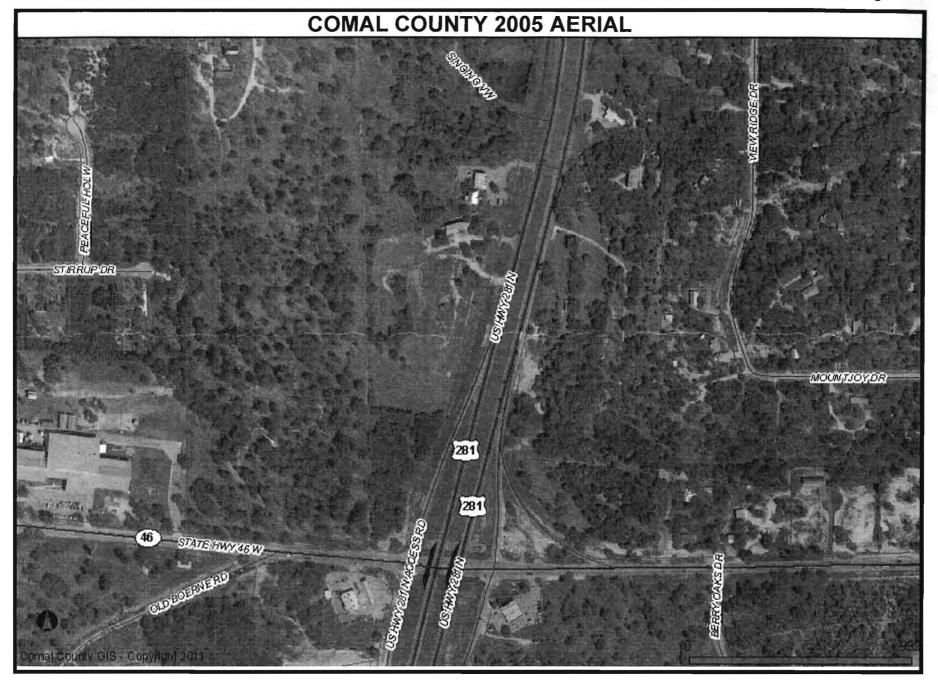
The grate inlet discharge pipe is designed with a nominal 0.5% slope and is discharging in an existing grassy area. The discharge is not flowing across a vegetative filter, but rather parallel to and along the existing vegetative filter. Based on the low flow volumes, small drainage area, and discharge pipe slope of 0.5%, erosion at the grate inlet discharge pipe exit is not anticipated. However, to ameliorate this concern, a 3 foot by 3 foot wide area in front of the pipe discharge will be covered with 3 to 5 inch rock to act as a velocity dissipater and erosion control mechanism as illustrated on Exhibit 1.

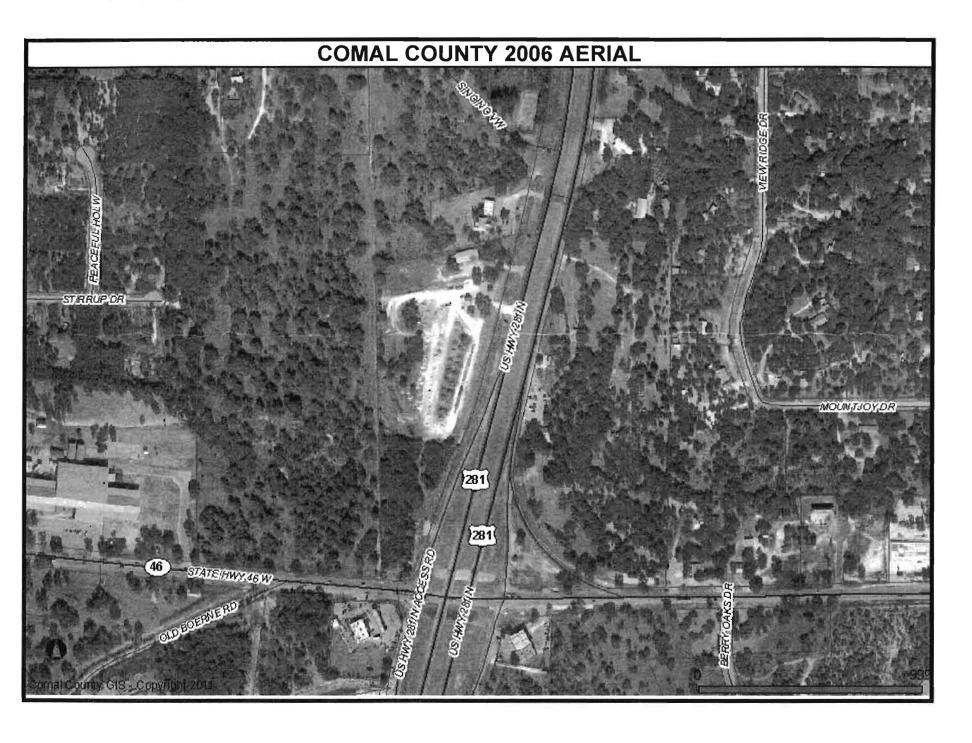
Sincerely, Forster Engineering (TBPE # F-12385)

Charles P. "Frosty" Forster, P.E., P.G.

Principal

1012-10







# FAX TRANSMITTAL

Date: December 28, 2010 Number of Pages (including cover sheet): 3

To: Name Charles Forster, P.E., P.G.
Organization Forster Engineering

FAX Number -emailed-

To: Name Jeff Knight

Organization Stone and Soil Depot, Inc.

FAX Number (830) 980-7909

From: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Charly Fritz

Division/Region San Antonio – Edwards Aquifer Program

Telephone Number (210) 403-4065

FAX Number (210) 545-4329

Re: Edwards Aquifer, Comal County

NAME OF PROJECT: Stone and Soil Depot, Inc. US Hwy 281 & Hwy 46; Located on the west side of Hwy 281 approximately 0.25 miles north of

Hwy 46, Bulverde, Texas

PLAN TYPE: Request for the Approval of a Contributing Zone Plan (CZP;

30 Texas Administrative Code (TAC) Chapter 213

San Antonio File No. 380.01

Dear Mr. Forster:

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

- 1. As stated in §213.24(10), the CZP must describe the location and construction of any aboveground storage tank, storing static hydrocarbons, with a capacity of 500 gallons or greater. The AST must be constructed using the standards described in §213.5(e)(1). If the AST is still proposed, revise Items 23 through 29 of the CZP application and provide construction drawings of the proposed storage tank, in accordance with §213.5(e)(1).
- 2. In addition to the buildings and driveway/parking area, revise the site plan (Exhibit 1) to show the layout of any stockpiles (soil, mulch, compost, stones, bricks, etc.), driving lanes (paved or unpaved) and any additional items that contributed to the 3.3 acres of impervious cover.
- 3. Explain the process, methods and/or procedures that will be used to reclaim and re-vegetate the southern 2.1 acres.
- 4. For the installed OSSF system, provide a copy of the approval notice or the licenses to operate from Comal County to show the OSSF was installed properly.

Mr. Frosty Forster, P.E., P.G. December 28, 2010 Page 2

- 5. The project description states that a combination of BMPs, including material handling practices and general housekeeping procedures, will be implemented. Please describe and elaborate on the material handling and housekeeping procedures and practices that will be implemented.
- 6. The driveway leading to Hwy. 281 is considered part of the project. Please explain the permanent BMPs that will treat storm water from the driveway.
- 7. Since there will be activities related to reclaiming and re-vegetating the southern area, along with moving stockpiles, provide either a completed SWPPP or a completed Temporary Storm Water Form (TCEQ-0602).

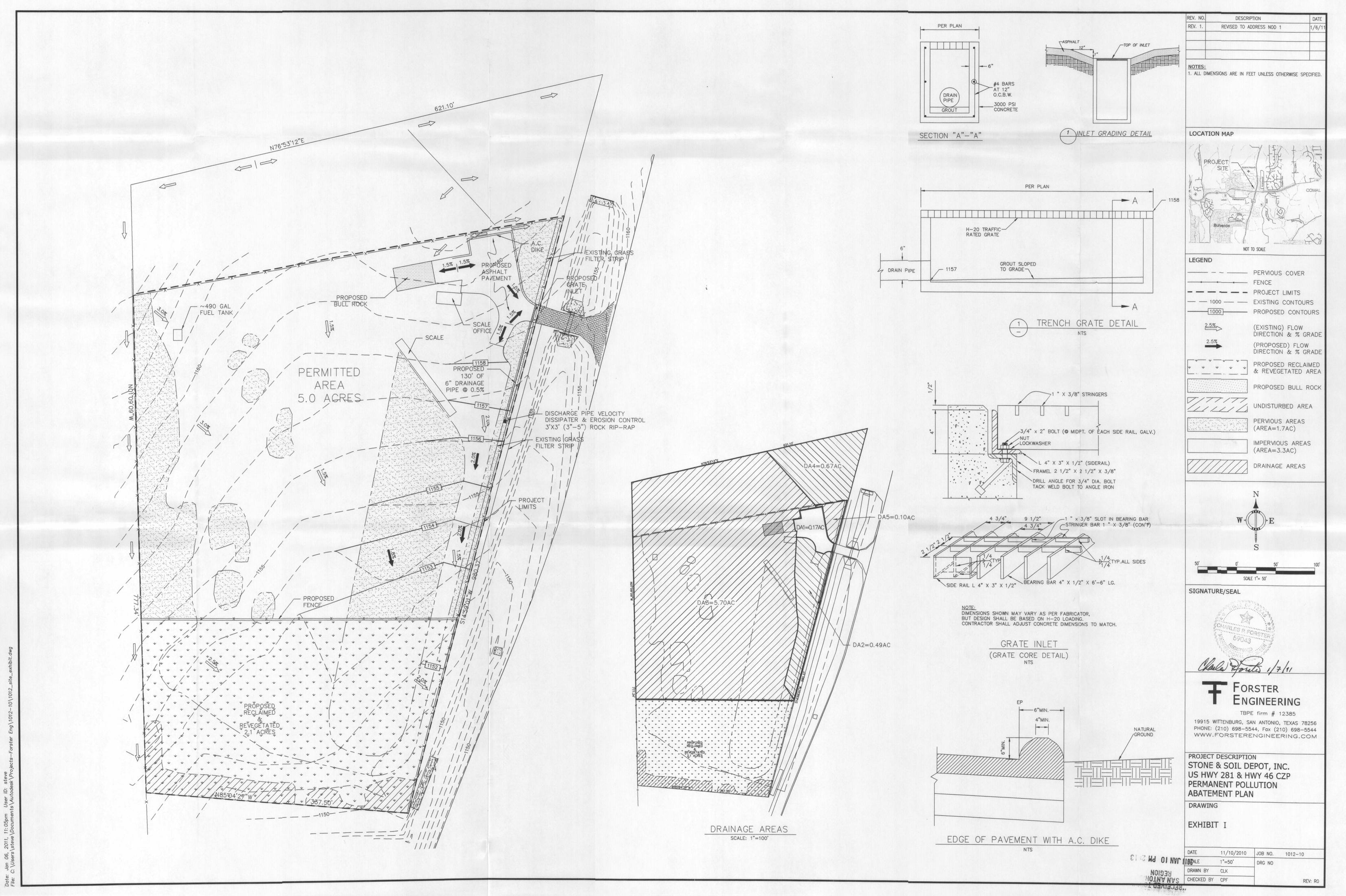
#### Vegetative Filter Strips

- 8. If the filter strip along Hwy. 281 is to be considered a permanent BMP, then specifically label the filter strip on the site plan.
- Unless authorization has been provided from TxDOT, the engineered filter strip along Hwy. 281 should be located completely on the project site and should not extend into the right of way.
- 10. To ensure the required TSS reduction amount is achieved, please delineate the drainage areas for the natural and the engineered filter strips.
- 11. As stated in the Edwards Aquifer Technical Guidance Manual (TGM), the primary application for natural filter strips is undisturbed land adjacent to perimeter lots in subdivisions that will not drain to other BMPs. Explain how a natural filter strip is appropriate for this site since the proposed filter strip is not receiving storm water from a perimeter lot, the area where the filter strip is proposed is already disturbed and the area draining to the filter strip is larger than a typical perimeter lot.
- 12. Provide design details and specifications for the natural and the engineered filter strips.
- 13. Explain how the proposed filter strips, which cannot treat high velocity flows and do not provide enough storage or infiltration to reduce peak discharges, will prevent the discharge of pollutants related to stockpiling dirt, soil, compost or mulch.
- 14. Please explain the purpose of the grate inlet and discharge pipe. How will storm water, captured by the grate, receive treatment?
  - a. Filter strips should not receive concentrated storm water flows. If the purpose of the grate and pipe is to direct storm water to a filter strip, please revise the design of the system to prevent the concentration of flows over the filter strip.
  - b. To prevent erosion at the outfall of the pipe, provide velocity and/or erosion controls at the discharge point.

We ask that you submit one original and three copies of the amended materials to supplement the CZP to this office by no later than 14 days from the date of this fax 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 notice is not received,

Mr. Frosty Forster, P.E., P.G. December 28, 2010 Page 3

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 Charly Fritz of the Edwards Aquifer Protection Program of the San Antonio Regional Office at (210) 403-4065.



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



#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

RECEIVED

NOV 1 9 2010

COUNTY ENGINEER

November 16, 2010

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: Stone and Soil Depot, located on the west side of US 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.: 380.01

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 December 15, 2010.

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

Todd Jones

Water Section Work Leader San Antonio Regional Office

TJ/eg



# STONE & SOIL DEPOT, INC. US HWY 281 AND HWY 46 COUNTY ENGINEER

## **CONTRIBUTING ZONE PLAN**

**NOVEMBER 2010** 

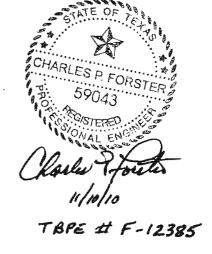




# STONE & SOIL DEPOT, INC. US HWY 281 AND HWY 46

### **CONTRIBUTING ZONE PLAN**

**NOVEMBER 2010** 







19915 Wittenburg San Antonio, Texas 78256 p (210) 698-5544 c (210) 771-5721 fforster@forsterengineering.com www.forsterengineering.com

RECEIVED

NOV 1 9 2010

COUNTY ENGINEER

November 10, 2010

Mr. Todd Jones Texas Commission on Environmental Quality (TCEQ) San Antonio Region 13 14250 Judson Road San Antonio, Texas 78233

Subject:

Stone & Soil Depot, Inc., US Hwy 281 and Hwy 46

Contributing Zone Plan

Dear Mr. Jones:

Please find attached one (1) original and four (4) copies of the Stone & Soil Depot, Inc., US Hwy 281 and Hwy 46 Contributing Zone Plan (CZP). This CZP has been prepared in accordance with Texas Administrative Code (30 TAC §213) for development over the Edwards Aquifer Recharge Zone.

The project site is subject to Enforcement Case No. 38658. This CZP is provided in partial fulfillment of the requirements of this enforcement case.

We are requesting your review and approval of this permit application. The required review fee of \$5,000 is included herewith. If you have any questions or require additional information, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Forster Engineering

(TBPE # F-12385)

Charles P. "Frosty" Forster, P.E., P.G.

Principal



711 1001

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



#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 3, 2009

#### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

91 7108 2133 3934 5801 4518

Mr. David K. Bamberger Post Office Box 781175 San Antonio, Texas 78278

Re:

Notice of Enforcement Action David K. Bamberger; RN105809859

Docket No. 2009-1804-EAQ-E; Enforcement Case No. 38658

FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Bamberger:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against you for violations of the Texas Water Code and/or Commission Rules. These violations were discovered during an investigation conducted on July 30, 2009, and documented in a letter dated October 9, 2009, from the TCEQ San Antonio Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of Seven Thousand Five Hundred Dollars (\$7,500). We are proposing a one time offer to defer One Thousand Five Hundred Dollars (\$1,500) of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is Six Thousand Dollars (\$6,000). The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the Texas Register, and scheduling the matter for the Commission's agenda. We believe that handling this matter expeditiously could save you and the TCEQ a significant amount of time, as well as the expense associated with litigation.

A copy of the order is provided for your files. Also enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order and the penalty payment (check payable to "TCEQ" and referencing David K. Bamberger, Docket No. 2009-1804-EAQ-E) to:

Internet address: www.tceg.state.tx.us

Mr. David K. Bamberger Page 2

Financial Administration Division, Revenues Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin. Texas 78711-3088

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. In order to qualify for financial inability to pay, the penalty must exceed \$3,600 and be greater than 1% of annual gross revenues. If this is the case, please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount. The Commission will make the final decision on the staff recommendation.

You may be able to perform or pay for a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. If you are interested in performing a SEP, you must agree to the penalty amount and submit a SEP proposal within 30 days of receipt of this proposed order. For additional information about SEPs, please go to the TCEQ's web site link at http://www.tceq.state.tx.us/legal/sep/index.html or contact the Enforcement Coordinator listed below.

Please note that any agreements we reach are subject to final approval by the Commission.

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 Tex. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. If you would like to obtain a copy of 30 Tex. ADMIN. CODE ch. 70 or any other TCEQ rules, you may contact any of the sources listed in the enclosed brochure entitled Obtaining TCEQ Rules. The enforcement process described in 30 Tex. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission.

Mr. David K. Bamberger Page 3

For any questions or comments about this matter or to arrange a meeting, please contact Ms. Lauren Smitherman of my staff at 512-239-5223.

Sincerely,

Susan Johnson, Manager Enforcement Division

Texas Commission on Environmental Quality

SJ/LS

Enclosures: Proposed Agreed Order, File Copy, Return Envelope, Obtaining TCEQ Rules, Penalty

Calculation Worksheet, Site Compliance History

cc: Ms. Lynn Burnguarder, Acting Water Section Manager, San Antonio Regional Office, TCEQ

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING DAVID K. BAMBERGER RN105809859 BEFORE THE

§ TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2008-1804-EAQ-E

§

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding David K. Bamberger ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns property leased to a retail construction material supplier located on United States Highway 281, north of State Highway 46 West in Comal County, Texas (the "Site").
- The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the
  performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order
  of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 14, 2009.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Seven Thousand Five Hundred Dollars (\$7,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Dollars (\$6,000) of the administrative penalty and One Thousand Five Hundred Dollars (\$1,500) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner of the Site, the Respondent is alleged to have failed to obtain approval of an Edwards Aquifer Contributing Zone Plan ("CZP") prior to beginning construction of a regulated activity over the Edwards Aquifer Contributing Zone, in violation of 30 TEX. ADMIN. CODE § 213.23(a)(1), as documented during an investigation conducted on July 30, 2009. Specifically, the investigator observed grading of the Site, installed base material, constructed roads, a temporary building, a concrete weigh scale, and a concrete and stone patio area. The total area disturbed was approximately seven acres.

#### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: David K. Bamberger, Docket No. 2008-1804-EAQ-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease all regulated activity until a CZP has been approved by the TCEQ San Antonio Regional Office;
  - b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.g below;
  - c. Within 30 days after the effective date of this Agreed Order, submit an administratively complete application for approval of a CZP, in accordance with 30 Tex. ADMIN. CODE § 213.23;
  - d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c, in accordance with Ordering Provision No. 2.g below;
  - e. Respond completely and adequately to all TCEQ requests for additional information within 30 days of such requests or by any other deadline specified in writing;
  - f. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance that approval for a CZP has been obtained, in accordance with Ordering Provision No. 2.g below; and
  - g. The certifications shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a, 2.c, and 2.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

David K. Bamberger

#### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONM	ENTAL QUALITY
For the Commission	
For the Executive Director	Date
attached Agreed Order on behalf of the en	nd the attached Agreed Order. I am authorized to agree to the tity indicated below my signature, and I do agree to the terms or acknowledge that the TCEQ, in accepting payment for the ch representation.
<ul> <li>timely pay the penalty amount, may result to a negative impact on compliance here.</li> <li>Greater scrutiny of any permit apple.</li> <li>Referral of this case to the Attorn penalties, and/or attorney fees, or to a linereased penalties in any future en Automatic referral to the Attorney.</li> <li>TCEQ seeking other relief as authorized.</li> </ul>	istory; ications submitted; ey General's Office for contempt, injunctive relief, additional of a collection agency; forcement actions; General's Office of any future enforcement actions; and
FILE COPY	
Signature	Date
Name (Printed or typed) Authorized Representative of	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Policy Revision 2 (Sep	Penalty Calculatio	n Worksheet (P	(5)	October 30, 2008
TOTO	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
DATES Assigned	12-Oct-2009 20-Nov-2009 Screening 14-Oct-2009			
DECDONDENSEACHITY	INFORMATION	a mar light of the last sections a	AND THE RESIDENCE OF THE PARTY	Transaction (NO)
KESKOUNEKNEKCITIE	David K. Bamberger	And the second s		1 2 3 20 2
Reg. Ent. Ref. No.	RN105809859			<del>-  </del>
Facility/Site Region	13-San Antonio	Major/Minor Source	Major	
to be a facility of the second	STATE OF THE PARTY			1127
EnfJCase ID No.			1 4000	
	2009-1804-EAQ-E		1660	
Media Program(s)		Government/Non-Profit	Lauren Smitherman	
Multi-Media			Enforcement Team:1	
Admin. Penalty \$	Limit Minimum \$0 Maximum	\$10,000	Entropement can	
	Penalty Calcula			
TOTAL BASE PENA	TY (Sum of violation base penaltic		Subtotal	\$7,500
ADJUSTMENTS (#/5)	VIO SUERIONALES CAR			
Subtotals 2-7 are obta	ined by multiplying the Total Base Penalty (Subtotal 1) by	y the indicated percentage.		
TWO Compliance Hist	0.7	METHATOMETICAL SUDI	totals ZNJ & //s	\$0
Notes	No enhancement due to com	diance history		
Notes		pharice filatory.		
			J	
Culpability 12	No 345 10.07	E Contamination of the Contamination	Subtotalia	\$0
Notes	The Respondent does not meet th			,
TO CHARLES	eto Complystotal Adjustments (2.25.00)		Subtotal	\$0
1	and the second section of the second section of the second section of the second section of the second section			
Economic Benef	0.0%	Ethancament in the	Subtotal 6	\$0
Арргох.	Total EB Amounts \$319 Capped Cost of Compliance \$7,500	d at the Total EB \$ Amount		
			CONTROL PRODUCTION CONTROL PRODU	
SUMFORESUBJUOTIAL	S. Life of the second second second		Final Subtotal	\$7,500
OTHER FACTORS A	SZUSHOEMAVAREGURES ZAS	0.0%	Adjustment	\$0
Reduces or enhances the Final S	Subtotal by the indicated percentage.		7	-
Natas		Fig. 1 April 104 1 1 1		
Notes				
i		Final Bo	nalty Amount	67.500
ĺ		rmarre	many Amount	\$7,500
STATUTORY LIMIT	DILISTMENT	to the few parts and the	essed Penalty.	\$7.500
Z BYN Z WYN PININE		Grand ASS	osey Fendity	\$7,500
DEFERRAL	POR SERVICE STREET, SERVICE STREET	20.09/ 7/2 6/3/2	CLARE SECTION	£4 E00
	helty by the indicted percentage. (Enternumber only, e.g.	20.0% [4.3 Reduction	Adjustment	-\$1,500
	1,000	,	7	Ì
Notes	Deferral offered for expedite	d settlement.	1	1
!		AS .		G
			<b>_</b>	I
PAYABLE PENALTY			4位,并称与	\$6,000

#### **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



_			IE AND SOIL DEPOT, INC.		SANAI
County	y:		:Stream Basın ities on this site will disturb a	Lewis Creek	
1.	<u>~</u>	_		less than 5 acres and are p	part of a larger
				the potential to disturb cumu	
		more acres.	or development of date with	the potential to distant same	and trong through
2.	Custo	mer (Applicant):	STONE AND SOIL DEPOT	<u>, INC.</u>	
	Conta	ct Person:	JEFF KNIGHT		
	Entity:	_		INC. US HWY 281 & HWY 4	6
		_	4055 HWY 281 NORTH	1110.0011111 201 4 11111 1	<u> </u>
	City, S		SPRING BRANCH TEXAS	Zip: <b>78070</b>	
	Teleph		830) 980-7901	FAX: (830) 980-790	9
	•	-		<u></u>	_
	Agent	Representative (	(If any):		
	Conta	ct Person: (	CHARLES P. "FROSTY" FO	DRSTER, P.E., P.G.	
	Entity:		FORSTER ENGINEERING		
	Mailing	g Address:	19915 WITTENBURG	_	
	City, S	State:	SAN ANTONIO	Zip: <b>78256</b>	
	Teleph		(210) 698-1544	FAX: <b>N/A</b>	
	E-Mai	l <u>f</u>	fforster@forsterengineerin	g.com	
3.	<u>√</u>	This project is in	nside the city limits of <b>BULV</b>	FRDE TEXAS	
•	<u> </u>			side the ETJ (extra-territorial	jurisdiction) of
	_			·	
		This project is r	not located within any city's li	mits or ETJ.	
4.	The lo	ocation of the p	roject site is described bel	ow. Sufficient detail and cla	arity has been
				asily locate the project and s	
		eld investigation.			
		From TCFO's	Region 13 Office, go north	nwest on Judson Road to L	oon 1604 (2.6
				604 (5.4 miles) to US-281 N	
			-	miles) to Stone and Soil	
		(west) side of	•		
5.	$\sqrt{}$	ATTACHMENT	A Poad Man A road me	ap showing directions to and	the location of
J.	<u>v</u>		is found as at the end of this		the location of
	ī				
6.	$\frac{\sqrt{}}{}$			ap. A copy of the USGS Qu	
				s form. The map(s) clearly sh	iows:
			site boundaries. Quadrangle Name(s).		
		<u>·</u> 0303 (	Ruadiangie Manie(5).		
7.	√_	ATTACHMENT	C - Project Narrative.	A detailed narrative desc	cription of the

TCEQ-10257 (Rev. 10/01/04) Page 1 of 11

proposed project is found at the end of this form. provided as follows:

Stone and Soil Depot, Inc. US Hwy 281 & Hwy 46 is an existing retail operation located approximately 1/4 mile north of the intersection of US 281 North and Hwy 46 on the west side of US 281. The total project site is approximately 7.1 acres. This facility sells bulk stone, soil, compost, and mulch products. The land on which the facility is located is leased from the owner Mr. David Bamgerger, and is subject to Enforcement Case No. 38658. This CZP is prepared in partial fulfillment of the requirements of the referenced enforcement case.

A meeting was held September 9, 2010 at the TCEQ Region 13 Office to discuss the current site conditions, and determine a reasonable approach to return the site to an in-compliance status. It was determined at that meeting that a combination of best management practices (BMPs) including re-grading, replanting disturbed areas, native vegetative filter strips or engineered vegetative filter strips, and implementation of material handling practices and general housekeeping procedures would return the facility to an in-compliance status. The Permanent BMPs proposed in this permit application include those agreed upon in the September 9th meeting.

8.	Existing project	ct site conditions are noted below:
	$\sqrt{}$	Existing commercial site
	_	Existing industrial site
	_	Existing residential site
	<u>√</u>	Existing paved and/or unpaved roads
	$\sqrt{}$	Undeveloped (Cleared)
	$\overline{\sqrt{}}$	Undeveloped (Undisturbed/Uncleared)
		Other:
DDO	IECT INICODMA	TION

#### PROJECT INFORMATION

9.	The type of project is:  Residential: # of Lots:  Residential: # of Living Unit E  Commercial Industrial Other:	quivalents:	<del>-</del> -
10.	Total project area (size of site): Total disturbed area:	7.1 6.9	_ Acres _ Acres
11.	Projected population:	4	

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	2,000	÷ 43,560 =	0.05
Parking	9,000	÷ 43,560 =	0.21
Other paved surfaces	132,422	÷ 43,560 =	3.04

Total Impervious Cover	143,422	÷ 43,560 =	3.3
Total Imper	vious Cover ÷ Total Ac	reage x 100 =	46%

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 storm water discharges from the site include:

- Oil, grease, fuel, and hydraulic fluid contamination from vehicle drippings;
- Dirt and dust;
- Constituents from compost, mulch, and soil piles
- Miscellaneous trash and litter.
- 14.  $\sqrt{\phantom{a}}$  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.

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 $\div$ 43,560 Ft²/Acre = acres . Pavement area acres $\div$ R.O.W. area acres x 100 =% impervious cover.
19.	<ul><li>A rest stop will be included in this project.</li><li>A rest stop will <b>not</b> be included in this project.</li></ul>
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.

Calculations utilizing the Rational Method demonstrate storm water runoff will increase as a result of this development. For the 25-year storm event, the 9± acre drainage basin will produce a peak discharge rate of approximately 59 cfs under current conditions. A peak discharge rate of approximately 34 cfs would have been experienced under pre-developed conditions. The predevelopment runoff coefficient for the project site is based on observed conditions illustrated by the 2005 aerial photo and is estimated to be approximately 0.4. The post development runoff coefficient is based on existing site conditions and conditions illustrated by the 2010 aerial photograph and is estimated to be approximately 0.7 for the drainage basin.

#### WASTEWATER TO BE GENERATED BY THE PROPOSED PROJECT

- 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.

Waste water from this site is treated by a pre-existing on-site septic system installed before this facility was placed into operation.

обобоборалара	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.
<del></del>	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 500 gallons.

 $\underline{\checkmark}$  Items 23 – 29 are not applicable. This project does not include AST(s) containing more than 500 gallons.

#### 23. Tanks and substance stored:

AST Number	Size (Gallons)	Substance to be Stored	Tank Material
1			
2			
3			
4			
5			
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):

ns
_

- 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.	storag	pills must be directed to a point convenient for collection and recovery. Spills from e tank facilities must be removed from the controlled drainage area for disposal within urs 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 thro	ough 41 must be included on the Site Plan.
	30.		ite Plan must have a minimum scale of 1" = 400'. lan Scale: 1" = <u>50'.</u>
	31.	100-ye	ear 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.
•			00-year floodplain boundaries are based on the following specific (including date of al) sources(s):
			(Flood Insurance Rate Map for Comal County, Texas and Incorporated areas, 4854630220f, September 2, 2009)
	32.	<u>√</u>	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.	<u>√</u>	A drainage plan showing all paths of drainage from the site to surface streams.
	34.	<u> </u>	The drainage patterns and approximate slopes anticipated after major grading activities.
			Drainage flow patterns are illustrated with arrows indicating the direction of flow. Typical slopes in the project area range from 1.5 to 3 $\%$ .
	35.	<u>√</u>	Areas of soil disturbance and areas which will not be disturbed.
W.			Approximately 0.2 acres on the south side of the project area has not been

TCEQ-10257 (Rev. 10/01/04) Page 6 of 11

			grass resulting in a 2.1 acre reclaimed and vegetated with	
	36.	√_	Locations of major structural and nonstructural controls. These are the temporary and permanent best management practices.	
			Permanent best management practices include an interceptor grate inlet and vegetated filter area which are illustrated on Exhibit 1.	
	37.	<u>√</u>	Locations where soil stabilization practices are expected to occur.	
			Disturbed soil areas will be stabilized over the entire site either by asphalt paving, base materials on driving surfaces, storage piles of mulch, compost, soil or stone products, and vegetated areas.	
	38.	N/A	Surface waters (including wetlands).	
	39.	$\sqrt{}$	Locations where stormwater discharges to surface water. There will be no discharges to surface water.	
	40.	$\overline{\downarrow}$	Temporary aboveground storage tank facilities. Temporary aboveground storage tank facilities will not be located on this site.	
	41.	<u>√</u>	Permanent aboveground storage tank facilities. Permanent aboveground storage tank facilities will not be located on this site.	
			One 500 gallon fuel tank will be located on-site and used to supply on-site loading and hauling equipment. The fuel tank location is illustrated on Exhibit 1.	
Permanent best management practices (BMPs) and measures that will be used during and after construction is completed.				
	42.	<u>√</u>	Permanent BMPs and measures must be implemented to control the discharge of pollution from regulated activities after the completion of construction.	
	43.	√_	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.	
			<ul> <li>✓ The TCEQ Technical Guidance Manual (TGM) was used to design permanent BMPs and measures for this site.</li> <li>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.</li> </ul>	

As described in RG-348 3.4.6, the filter strips extend along the entire length of the contributing area, the slopes are 1.5 to 3%, the minimum dimension of the filter strip in the direction of flow exceeds 50 feet, and there are no adjacent

disturbed. The remainder of the site has been disturbed. Approximately 1.8

TCEQ-10257 (Rev. 10/01/04)

drainages to consider with respect to the 2-yr, 3-hour storm.

44.	<u>√</u>	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.	<u>NA</u>	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.
		<ul> <li>This site will be used for low density single-family residential development and has 20% or less impervious cover.</li> <li>This site will be used for low density single-family residential development but has more than 20% impervious cover.</li> <li>This site will not be used for low density single-family residential development.</li> </ul>
46.	<u>√</u>	The executive director may waive the requirement for other permanent BMPs for multifamily 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.
		NA 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.

<u>√</u>	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 <b>ATTACHMENT J</b> at the end of this form below.
Attendance	If no surface water, groundwater or stormwater originates upgradient from the site and flows across the site, an explanation is provided as <b>ATTACHMENT J</b> at the end of this form.
- majoring application	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 <b>ATTACHMENT J</b> at the end of this form.

Approximately 1.5 acres of up gradient storm water from the Church Tract (located adjacent and north of the project site) will cross un-vegetated areas of

the project site. An existing interceptor ditch along the north boundary of the Church Tract directs water eastward into the Hwy 281 drainage system, and westward into an interceptor ditch. The interceptor ditch to the west runs parallel and adjacent to, but outside the western boundary of the project site. Both the north and west interceptor ditches prevent up gradient storm water from crossing either the Church Tract or project site. Up gradient storm water from the Church Tract which enters the project site and flows across unvegetated portions of the project site will be treated by the permanent vegetated filter area BMP as illustrated on Exhibit 1.

Up gradient storm water approaching the project site from the west is redirected to the south of the project site by the existing interceptor ditch parallel to the project site's western boundary as illustrated on Exhibit 1. No up gradient storm water from the west will flow across the project site.

#### 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 below.
  - 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.

The southern 2.1 acres of the project site will be composed of approximately 0.2 acres of undisturbed native vegetation and 1.8 acres of re-established vegetation which will serve as the permanent vegetated filter BMP for the project site as illustrated on Exhibit 1. The existing project site topography sheet-flows to this vegetated filter BMP along gentle slopes ranging from 1.5% to 3%. Well maintained and established grass filter strips along the project site's eastern boundary and in the right-of-way are in excess of 15 feet and filter minor flows heading eastward toward the US 281 drainage.

49. <u>√</u> 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.

The southern 2.1 acres of the project site will be composed of approximately 0.2 acres of undisturbed native vegetation and 1.8 acres of re-established vegetation which will serve as the permanent vegetated filter BMP for the project site as illustrated on Exhibit 1. The existing project site topography sheet-flows to this vegetated filter BMP along gentle slopes ranging from 1.5% to 3%. Well maintained and established grass filter strips along the project site's eastern boundary and in the right-of-way are in excess of 15 feet and filter minor flows heading eastward toward the US 281 drainage.

50.  $\underline{\checkmark}$  ATTACHMENT M - Construction Plans. Construction plans and design calculations for the proposed permanent BMPs and measures have been prepared by or under the

TCEQ-10257 (Rev. 10/01/04) Page 9 of 11

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.

- X51. 

  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. <u>√</u> 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.
  - \_\_ ATTACHMENT O Pilot-Scale Field Testing Plan. A plan for pilot-scale field testing is provided at the end of this form.
- 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.

Surface runoff from the site is sheet-flow and therefore surface water discharges from the project site are not concentrated and velocities are not erosive. No significant changes to the way water enters a stream as a result of these regulated activities is anticipated.

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

- 54. 

  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.
- 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.

TCEQ-10257 (Rev. 10/01/04) Page 10 of 11

#### **ADMINISTRATIVE INFORMATION**

- 56.  $\sqrt{\phantom{a}}$  One (1) original and three (3) copies of the complete application has been provided.
- 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.

Stone and Soil Depot, Inc, US Hwy 281 & Hwy 46 is an existing retail operation located approximately ¼ mile north of the intersection of US 281 North and Hwy 46 on the west side of US 281 and is subject to TCEQ Enforcement Case No. 38658. This CZP is prepared in partial fulfillment of the requirements of the referenced enforcement case. Since this is an existing operation, a Storm Water Pollution Prevention Plan (SWPPP) is not required as there are no construction activities. However, the information required by 30 TAC §213.24(1-5) are included within this permit application.

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:

<u>CHARLES P. FORSTER, P. E.</u> Print Name of Gustomer/Agent

Signature of Customer/Agent

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.

TCEQ-10257 (Rev. 10/01/04)

#### Agent Authorization Form

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

<b></b>	Jeff Knight
	Print Name
	Vice President
	Title - Owner/President/Other
of	Stone & Soil Depot, Inc.
	Corporation/Partnership/Entity Name
have authorized _	Charles P. "Frosty" Forster, P.E., P.G.
	Print Name of Agent/Engineer
of	Forster Engineering
	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:

- Alla 195	10.5.10
Applicant's Signature	Date

THE STATE OF TOXAS §
County of BOXAV §

BEFORE ME, the undersigned authority, on this day personally appeared <u>ktfvw www.</u> 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 5 th day of 110.

CARRIE E. DREIER
Notary Public
STATE OF TEXAS
My Comm. Exp. 06-24-2014

NOTARY PUBLIC

CAPPLE & DREIBR

Typed or Printed Name of Notary

MY COMMISSION EXPIRES: W. W. 7014

#### **Agent Authorization Form**

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

l	David Bamberger	
	Print Name	
	Owner	
	Title - Owner/President/Other	
of		
	Corporation/Partnership/Entity Name	
have authorized	Jeff Knight	
	Print Name of Agent/Engineer	
of	Stone & Soil Depot, 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:

David	K	Pambu	-dy	<b>/</b>
Applicant's	Sig	nature	7	)

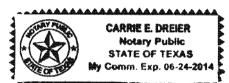
30 Sept 2010 Date

THE STATE OF TCXAS §

County of Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared Dand Bawlxwood 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 20th day of 2010 . 1010.



Varie & Durie NOTARY PUBLIC

CARPIE E DREIER
Typed or Printed Name of Notary

MY COMMISSION EXPIRES: W. 2014

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

NAME OF PROPOSED REGULATED ENTITY: Stone and Soil Depot, Inc. US Hwy 281 & Hwy 46

	REGULATED ENTITY LOCATION: On west side of US 281 approximately 1/4 mile north of Hwy 46				
	intersection  NAME OF CUSTOMER: Stone & Soil Depot, Inc.  CONTACT PERSON: Jeff Knight (Please Print)				
	Customer Reference Number (if issued): CN 603507	7393 (nine digits)			
	Regulated Entity Reference Number (if issued): RN 105809	9859 (nine digits)			
	Austin Regional Office (3373)				
	Application fees must be paid by check, certified check, or money order, payable to the <b>Texas Commission on Environmental Quality</b> . Your canceled check will serve as your receipt. <b>This form must be submitted with your fee payment</b> . This payment is being submitted to (Check One):				
	☐ Austin Regional Office ☐ San Antonio Regional Office				
)	Mailed to TCEQ:Overnight Delivery to TCEQ:TCEQ - CashierTCEQ - CashierRevenues Section12100 Park 35 CircleMail Code 214Building A, 3rd FloorP.O. Box 13088Austin, TX 78753Austin, TX 78711-3088512/239-0347 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	\$		

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	7 Acres	\$ 5,000
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	\$

11/10/10

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 5 < 10 10 < 40 40 < 100 100 < 500 ≥ 500	\$1,500 \$3,000 \$4,000 \$6,500 \$8,000 \$10,000	
Non-residential (Commercial, industrial, institutional, multi-family residential, schools, and other sites where regulated activities will occur)	< 1 1 < 5 <u>5 &lt; 10</u> 10 < 40 40 < 100 ≥ 100	\$3,000 \$4,000 <u>\$5,000</u> \$6,500 \$8,000 \$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	HARLES AND FEE YOUR
Exception Request	\$500

**Extension of Time Requests** 

PROJECT	FEE
Extension of Time Request	\$150



Texas Commission on Environmental Quality

Frost National Bank San Antonio, Texas 78296

30-9-1140

California Series

11/4/2010

\$ \*

\*\*5,000,00

\*\*\*\*\*

TCEQ - Cashier 12100 Park 35 Circle Building A, 3rd Floor Austin, TX 78753

MEMO

TO THE

#030278# #114000093# 3.

310111198

STONE AND SOIL DEPOT, INC.

Texas Commission on Environmental Quality

11/4/2010

30278

5,000.00

Stone & Soil Frost Ch

5,000.00



TCEQ	Use	Only
------	-----	------

## **TCEQ Core Data Form**

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

S	E	C	1	ľ	O	J	V	Ŀ	:	G	e	n	eı	2	ıl	1	n	ıÍ	o	ľ	m	12	ıĺ	jį	0	n

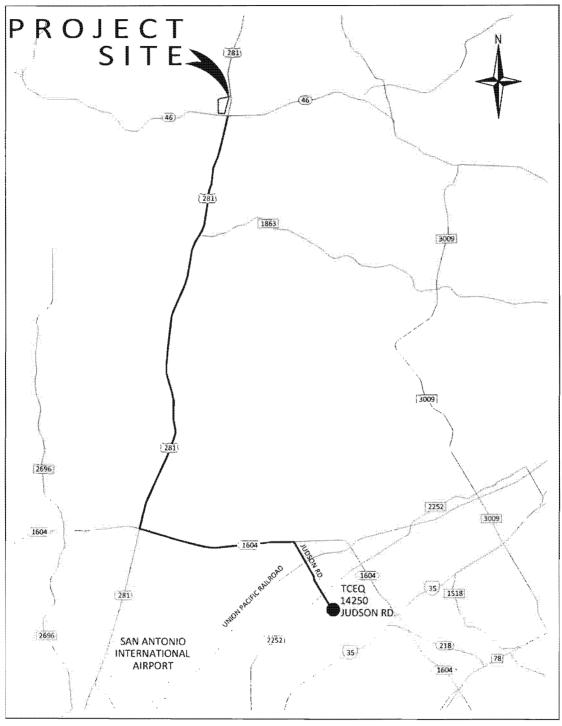
Reason for Submission (If other is checked please describe in space provided)											
		ation or Authorization (Core Dat					1	olicatio	on)		
		a Form should be submitted wit					ner				
2. Attachme		Describe Any Attachments: (e			*******************			tc.)	ogge opening of the second control of	i para di salah	
⊠Yes		Form 10257 Contributin									
3. Customer	Reference	Number (if issued)	Follow this for CN or R			4. Re	gulated Entity F	Refere	nce Numbe	r (if issued)	
CN 6035	07393		Central			RN	105809859	-			
SECTIO	VII: Cus	stomer Information									
		stomer Information Updates (r		,	10/22						
6. Customer	Role (Propo	sed or Actual) - as it relates to the	Requiated E	<u>ntity</u> list	ed on ti	is form.	Please check only	one of	the following:		
Owner				wner &	Opera	tor					
☐ Occupation	onal Licensee	Responsible Party	□ Vo	oluntary	/ Clear	up Appl	icant	ther:			
7. General C	ustomer Inf	ormation									
New Cus	tomer	☐ Up	date to Cus	lomer	Informa	ation	☐ Cha	nge in	Regulated E	Entity Ownership	
_	-	e (Verifiable with the Texas Sec	•					Chang	<u>e**</u>		
**If "No Cha	nge" and Se	ection I is complete, skip to Se	ection III –	Regula	ated E	ntity Inf	ormation.				
8 Type of C	■ Type of Customer:										
City Gov	City Government										
Other Go	vernment	General Partnership	Li	mited F	Partner	ship	Other:				
9. Customer Legal Name (If an individual, print last name first: ex: Doe, John)  If new Customer, enter previous Customer below  End Date:											
Stone & S	Soil Depo	t, Inc.									
	4055 Hv	wy 281 North			<b>I</b>						
10. Mailing									,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
Address:	Cit.	O	04-4-	TX/		710	70070		710 . 4	(9//	
	L	Spring Branch	State	TX			78070		ZIP + 4	6866	
11. Country	Mailing Info	ermation (if outside USA)					dress (if applicable				
13. Telepho	na Numbar	4	4. Extension	n or C		SOIL	@yahoo.com		er (if applicat	No.	
( 830 ) 98		"	4. EXIGIISIC	/II OI G	oue		1		ii (ii appiicat '-1006	ne)	
16. Federal		17. TX State Franchise Ta	Y ID /11 diail	cì '	IR DII	NS Nun	nber(if applicable)			Number (if applicable)	
74299630		32003377473	A TO (17 digit	,					2619500	g realition (in applicable)	
20. Number of Employees 21. Independently Owned and Operated?											
⊠ 0-20 [	<u>]</u> 21-100	☐ 101-250 ☐ 251-500	☐ 501 ar	nd high	er			⊠`	-	□No	
SECTION III: Regulated Entity Information											
22. General	Regulated E	Intity Information (If 'New Reg	ulated Entit	y" is se	elected	below ti	his form should b	e acco	ompanied by	a permit application)	
New Reg	ulated Entity	Update to Regulated En	tity Name		Jpdate	to Regu	ulated Entity Infor	matio	n 🗌 No	Change** (See below)	
**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.											
		II NO CITATOL TO Effected	23. Regulated Entity Name (name of the site where the regulated action is taking place)								
23. Regulate	ed Entity Na	······································					non re, r reparer mi				

24. Street Address	405	4055 Hwy 281 North										
of the Regulated Entity:												
(No P.O. Boxes)	City	Spring Bran	ıch	State	TX	ZI	P 78	070	1	ZIP + 4	6866	
	405	5 Hwy 281 N	orth				137.					
25. Mailing				-	-							
Address:	City	Spring Bran	nch	State	TX	ZI	P 78	070		ZIP + 4	6866	
26. E-Mail Address	s: s	one soil@yal	noo.com	_					•			
27. Telephone Number 28. Extension or Code 29. Fax Number (if applicable)												
<b>(</b> 830 <b>)</b> 980-7901 <b>(</b> 210 <b>)</b> 687-1006												
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)												
5032					44419							
34. What is the Pri			ty? (Plea	se do not rep	peat the SIC	or NAIC	S descript	ion.)				
The sale of sto	ne and	soil in bulk.										
	Questio	ons 34 – 37 addres	s geograp	hic location	on. Please	refer to	the ins	tructions for	<u>appl</u> ica	bility.		
35. Description to Physical Location	On	west side of U	JS 281 a	pproxim	ately 1/4	mile	north (	of Hwy 46	inters	ection		
36. Nearest City			С	ounty	2		State	)		Nearest	ZIP Code	
Spring Branch			C	Comal			TX			78070		
37. Latitude (N)	n Decima	1: 29.80000			38. Lc	ngitud	e (W)	n Decimal:	98.41	944		
Degrees	legrees Minutes Second			ds Degrees			Minutes			Seconds		
29	48		0.0		98			25		9.9	)	
TCEQ Programs	and ID	lumbers Check all P gram is not listed, chec	rograms and	write in the per	mits/registrati	on numbe	ers that will	be affected by the	updates	submitted or	this form or the	
Dam Safety	. II your Pit	Districts	K Other and w	Edwards		FOITI INS		rial Hazardous		Munic	cipal Solid Waste	
	-			CZP EAP				, at the Editorio	114010		spar cona rracio	
☐ New Source Revi	ew – Air	OSSF		Petroleu		ank	PWS		-	Sludg	je	
				-					-			
Stormwater		☐ Title V – Air		Tires	☐ Used	Oil		Utili	ties			
☐ Voluntary Clear	nup	☐ Waste Water		☐ Waste	water Agricu	iture	☐ Wate	r Rights		☐ Other	T:	
		<del></del>					_					
SECTION IV	: Prep	arer Inform	ation_									
40. Name: Cha	arles P.	"Frosty" Fors	er, P.E.,	P.G.		41. Ti	tle:	Principal				
42. Telephone Nur	nber	43. Ext./Code	44.	Fax Numb	er	45. 1	E-Mail A	ddress				
(210) 698-5544 ( ) - fforster@forsterengineering.com												
<b>SECTION V:</b>	Auth	orized Signa	ture									
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 Date			ore infor	mation on			<del></del>			_		
Company:		Engineering				Title:	Prin	cipal				
ne(In Print):	Charle	s P. "Frosty" F	orster, I	r.E., P.G		<del>.</del>		Phone	: (2	210)69	8-5544	
Signature:	Che	uly From	ita		_			Date:		11/10/	10	

TCEQ-10400 (09/07) Page 2 of 2

## STONE AND SOIL DEPOT, INC. CONTRIBUTING ZONE PLAN

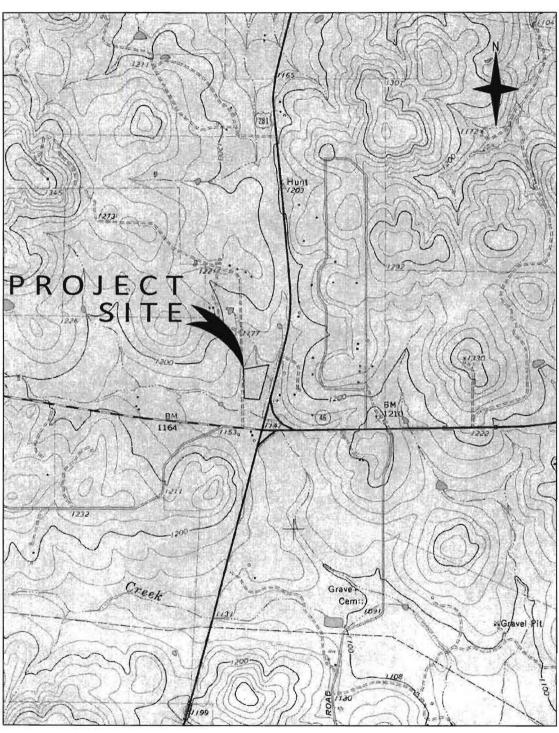




ROAD MAP NOT TO SCALE

## STONE AND SOIL DEPOT, INC. CONTRIBUTING ZONE PLAN





USGS QUADRANGLE MAP ANHALT, TEXAS 2010

SCALE: 1" = 2000'

## PERMANENT POLLUTION ABATEMENT MEASURES MAINTENANCE SCHEDULE AND MAINTENANCE PROCEDURES

This document includes a schedule and description of maintenance procedures for the project's permanent pollution abatement measures. The maintenance schedule and procedures are general guidelines and may require periodic adjustments to accommodate site specific or weather related conditions.

Since this project site is leased and occupied by a tenant, the owner shall by lease agreement or addendum require tenant to provide for maintenance with their own skilled forces, or by contracting for such maintenance services.

I understand I am responsible for maintenance of the Permanent Pollution Abatement Measures included in this project until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property or ownership is transferred.

I, the owner, have read and understand the requirements of the attached Maintenance Plan and Schedule.

Signature: David Bamburgen Date: 3 NOV. 2010

Name: David Bamberger, Owner

## PERMANENT POLLUTION ABATEMENT MEASURES MAINTENANCE SCHEDULE

-	Task No. & Description	After Rainfall	Biannually	Quarterly
1.	Grate Inlets	$\checkmark$	$\checkmark$	
2.	Discharge Pipe	$\checkmark$	$\checkmark$	
3.	Vegetative Filter Strips		$\checkmark$	
4.	Debris and Litter Removal			$\checkmark$

A written record of inspection and performed maintenance must be kept.

# PERMANENT POLLUTION ABATEMENT MEASURES MAINTENANCE PROCEDURES

- Check Depth of Silt Deposits in Grate Inlet. The grate inlet should be visually inspected after
  each rain to ensure accumulated silt is not blocking or impairing the discharge. Silt which is
  blocking or impairing the discharge pipe must be removed as soon as practicable. Visual
  inspections and silt removal should be documented by written record.
- 2. <u>Discharge Pipe</u>. The grate inlet discharge pipe shall be checked after each rain event for accumulation of silt, debris or other obstructions which could block flow. Soil accumulations, vegetative overgrowth and other blockages should be cleared from the pipe discharge point. Erosion at the point of discharge shall be monitored. If erosion occurs, eroded areas shall be repaired with soil and sod or rip-rap rock as soon as practicable. Visual inspections and repairs should be documented by written record.
- 3. <u>Vegetative Filter Strips</u>. Once a vegetated area is well established, little additional maintenance is generally necessary. The key to establishing a viable vegetated feature is the care and maintenance it receives in the first few months after it is planted. Once established, all vegetated BMPs require some basic maintenance to ensure the health of the plants including:
  - <u>Pest Management</u>. An Integrated Pest Management (IPM) Plan should be developed for vegetated areas. This plan should specify how problem insects and weeds will be controlled with minimal or no use of insecticides and herbicides.
  - Seasonal Mowing and Lawn Care. If the filter strip is made up of turf grass, it should be mowed as needed to limit vegetation height to 18 inches, using a mulching mower (or removal of clippings). If native grasses are used, the filter may require less frequent mowing, but a minimum of twice annually. Grass clippings and brush debris should not be deposited on vegetated filter strip areas. Regular mowing should also include weed



ATTACHMENT N 3

- control practices, however herbicide use should be kept to a minimum. Healthy grass can be maintained without using fertilizers because runoff usually contains sufficient nutrients. Irrigation of the site can help assure a dense and healthy vegetative cover.
- Inspection. Inspect filter strips at least twice annually for erosion or damage to vegetation; however; additional inspection after periods of heavy runoff is most desirable. The strip should be checked for uniformity of grass cover, debris and litter, and areas of sediment accumulation. More frequent inspections of the grass cover during the first few years after establishment will help to determine if any problems are developing, and to plan for long-term restorative maintenance needs. Bare spots and areas of erosion identified during semi-annual inspections must be replanted and restored to meet specifications. Construction of a level spreader device may be necessary to reestablish shallow overland flow.
- <u>Debris and Litter Removal</u>. Trash tends to accumulate in vegetated areas, particularly along highways. Any filter strip structures (i.e. level spreaders) should be kept free of obstructions to reduce floatables being flushed downstream, and for aesthetic reasons. The need for this practice is determined through periodic inspection, but should be performed no less than 4 times per year.
- Sediment Removal. Sediment removal is not normally required in filter strips, since the
  vegetation normally grows through it and binds it to the soil. However, sediment may
  accumulate along the upstream boundary of the strip preventing uniform overland flow.
  Excess sediment should be removed by hand or with flat-bottomed shovels.
- Grass Reseeding and Mulching. A healthy dense grass should be maintained on the filter strip. If areas are eroded, they should be filled, compacted, and reseeded so that the final grade is level. Grass damaged during the sediment removal process should be promptly replaced using the same seed mix used during filter strip establishment. If possible, flow should be diverted from the damaged areas until the grass is firmly established. Bare spots and areas of erosion identified during semi-annual inspections must be replanted

and restored to meet specifications. Corrective maintenance, such as weeding or replanting should he done more frequently in the first two to three years after installation to ensure stabilization. Dense vegetation may require irrigation immediately after planting, and during particularly dry periods, particularly as the vegetation is initially established.

A written record of inspection and performed maintenance must be kept.

## CONTRIBUTING ZONE PLAN INSPECTION FORM

Project Name: STONE & SO	OIL DEPOT INC. US HWY 281 & H	WY 46 CZ	<u>P</u>		
Location: 1/4 MILE NORTH	OF US HWY 281 AND HWY 46 ON	WEST SII	<u>DE</u>		
Inspector:		*** **-			
Date:					
		CON			
		Yes	No	N/A	Corrective Action No.
Is the Contributing Zone Plan a	vailable on site?	(m. 15-m) = 2, m-2	DOMESTIC NAMES		
Grate Inlet Condition					
Discharge Pipe Inlet Condition					
Dischare Pipe Outlet Condition	1				
Vegetative Filter Strips Conditi	ion				
Debris and Litter Removal					
Inspector's Name	Inspector's Signature			– Da	te

#### **CORRECTIVE ACTION ITEMS**

Corrective Action Item #	Corrective Action	Date Noted	Date of Corrective Action	Initials
				100

